

# PAID PATERNAL LEAVE: FEASIBLE OPTIONS FOR NIGERIA

## PAID PATERNAL LEAVE FOR FATHERS

### NIGERIA IN CONTEXT

- **Nigeria does not have legislation guaranteeing fathers leave** to care for new infants
- As of 2019<sup>1</sup>, **107 countries globally** had paid leave policies in place to guarantee new fathers time off with infants. This includes policies reserved for fathers, and policies that guarantee leave that can be shared between mothers and fathers.
- Guarantees to paternal leave to care for new infants are found in all regions, **including 25 African countries.**
- **14 low-income** and **50 middle-income countries** guarantee paid paternal leave in national law.

### KEY ELEMENTS OF LAW WITH REGIONAL COMPARATORS

#### ENSURING LEAVE AVAILABILITY FOR BOTH MOTHERS AND FATHERS

- Ensuring both mothers and fathers have equal access to paid leave to care for infants is a critical way to advance gender equality at work and home.
- Nigeria currently guarantees 12 weeks of paid maternity leave to new mothers and no leave for new fathers. Globally, 107 countries have a paternal leave policy in place and **44 countries guarantee at least 12 weeks of paid leave for dads.**
- Although none of the 25 African countries that guarantee paternal leave currently offer 12 weeks, **14 middle-income countries around the world guarantee fathers at least 12 weeks of paid leave** for infant caregiving—making this an area where reforms are both feasible and one where Nigeria could become a regional leader by passing 12 weeks of paternal leave and expanding gender equality in infant caregiving.
- Currently, four African countries provide two weeks of paid leave to new fathers:
  - In **Kenya**, the Employment Act (2007; 2019) asserts: “A male employer shall be entitled to two weeks paternity leave with full pay”
  - In **South Sudan**, the Labour Act (2017) outlines “An employee is entitled, on each occasion that his wife is pregnant, to two weeks of paternity leave on full pay”
  - The **Gambia Women’s Act** (2010) asserts “In order to reinforce the common responsibility of men and women in the upbringing and development of their children, every father is entitled to a reasonable period of time not exceeding ten working days as paternity leave with pay, for every child delivered for him.”

<sup>1</sup> Findings presented in this brief reflect national laws in force as of March 2019, with the addition of South Africa’s paternal leave amendment—which was introduced in 2018 and came into force in January 2020.

- **South Africa's** Labor Laws Amendment Act (2018) guarantees “An employee, who is a parent of a child, is entitled to at least ten consecutive days parental leave.”

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### ADEQUATE PAYMENT LEVELS

- Well-designed paternal leave policy ensures that leave is remunerated at levels high enough to ensure working parents can afford to take leave and still maintain the costs of daily living—including low-wage workers.
- Among the 107 countries that guarantee fathers some length of paternal leave globally, **66 countries guarantee minimum remuneration<sup>2</sup> at 80% of fathers' wages or higher—this includes 14 low-income and 34 middle-income countries.**
- Among the 25 African countries that guarantee paternal leave, 24 do so at 100% of the fathers' wages, while South Africa guarantees leave at 66% of fathers' wages through unemployment insurance.
- Maternity leave in Nigeria is only remunerated at 50% of the mothers' wages—making Nigeria a global and regional outlier in this dimension. 113 countries globally and 44 of 54 African countries guarantee new mothers a minimum wage replacement rate of at least 80% during leave. At the same time as enacting reforms that guarantee paid leave for fathers in Nigeria, enacting new legislation could serve as an opportunity to ensure that both maternity and paternal leave are remunerated at a minimum of 80% of each working parent's wages.

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### JOB PROTECTION FOR PATERNAL LEAVE

- A prohibition of discriminatory dismissal during paternal leave-taking is important support for new fathers—one that enables them to bond with their new infant, maintain stability in employment, and avoid loss of income.
- 38 countries globally guarantee job protection through all of paternal leave, **including 3 low-income and 11 middle-income countries.**
- **5 countries in Africa** guarantee job protection through all of paternal leave: Angola, Kenya, South Sudan, Togo, and Uganda.
- In **Uganda**, the Employment Act (2006) goes beyond protection from discriminatory dismissal during leave-taking and guarantees a return to the same post: “A male employee shall, after the paternity leave, have the right to return to the job he held immediately before his paternity leave.”

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<sup>2</sup> In cases where wage replacement rates vary during paternal leave, these findings focus on the minimum rate—or the lowest level of wage replacement available over the course of the leave. In African countries that guarantee paternal leave, wage replacement rate does not vary over leave duration.