

# Parental Leaves, Social Inequalities and Child Well-being

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## Executive summary

Even though Portugal has an advanced legislation on parental leave, profound social inequalities persist in access and use of the right to parental protection. Precarious work, low wages, and the resulting inadequacy of parental benefits for low-income families; insufficient and ineffective enforcement; and a shortage of public daycare solutions negatively affect children's well-being and development, particularly in the first year of life. Therefore, it is important to find ways that recognise both the right of children to be cared for and the right of mothers and fathers to take time off to care for their children.

## Recommendations

- ⇒ Combat social inequalities in accessing and using the initial parental benefits by encouraging permanent employment contracts. Universalise the right to parental benefits. Ensure equity in the allocation of parental benefit amounts;
- ⇒ Strengthen labour inspection in the context of private employment relationships to improve workers' parental rights. Introduce dissuasive penalties for non-compliant companies and entities. Simplify reporting mechanisms and act swiftly in the event of a complaint;
- ⇒ Promote the right of children to be cared for during their first year of life as a social value and a collective responsibility. Protect the right of mothers and fathers to take time off to care for their children. Universalise access to the «Creche Feliz» programme (free nursery care);
- ⇒ Improve the quality of data on parental leave benefits and their beneficiaries. Monitor evidence-based parental leave policy.

## Recipients of the Policy Brief

This Policy Brief is addressed to the agencies of Ministério do Trabalho, Solidariedade e Segurança Social, (Ministry of Labour, Solidarity, and Social Security) with responsibilities in the areas of social protection, labour law inspection, and parental leave policy: Instituto da Segurança Social (Social Security Institute - ISS); Direção-Geral da Segurança Social (Directorate-General for Social Security - DGSS); Gabinete de Estratégia e Planeamento do Ministério do Trabalho, Solidariedade e Segurança Social (Office of Strategy and Planning of the Ministry of Labour, Solidarity, and Social Security - GEP-MTSSS); and Autoridade para as Condições de Trabalho (Authority for Working Conditions - ACT).

## Introduction and Background

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Over the last two decades, the implementation and strengthening of the right to paternity leave, later fathers-only parental leave, and the option for mothers and fathers to share initial parental leave have helped to mitigate gender inequality in the sharing of family responsibilities, particularly in caring for newborn children. At the same time, the growth in female participation in the labour market has reduced disparities between men and women, with women now accounting for half of the active and employed population in Portugal. However, this period has also seen an increase in precarious work, with direct implications for access to existing social protection measures.

As a right based on social security contributions, the use of well-paid parental leave is not compatible with the current trend towards labour market deregulation in terms of atypical forms of work (fixed-term, uncertain, and temporary contracts, part-time work, economically dependent self-employment, informal work), pushing many mothers and fathers to the «margins» of parental protection, where access to well-paid parental leave is limited or even non-existent.

The problem is twofold. On the one hand, the right to parental leave, based on social contributions arising from the employment status, is limited by eligibility criteria for parental benefits, creating inequalities between workers. On the other hand, this inequality between workers necessarily translates into another one that has not received due attention: the inequality between the children of protected and unprotected workers, jeopardizing their well-being.

Parental care, especially during the child's first year, requires time, dedication, and a profound reorganization of family life. It should, therefore, be approached with tranquillity, with the assurance that returning to work will be accompanied by the child entering quality formal care, if the parents so desire. In a context marked by strong economic survival needs and job insecurity, the child's right to be cared for is being challenged.

The project **CareChild – Parental Leaves, Inequalities and Child Well-being** adopted a quantitative and qualitative research design.

**In a first phase**, labour legislation on parental leaves (Labour Code), official data on employment and job quality (INE, Eurostat, GEP-MTSSS Staff Establishment Plan), along with data on beneficiaries of parental benefits (ISS), was collected and analysed. **In a second phase**, fieldwork was carried out through focus groups and interviews with experts, representatives of interest groups, and professionals in the areas of labour, social protection, and childhood (23 participants), as well as interviews with mothers and fathers «on the margins» of the parental leave system (18 participants).

**CareChild** took place between November 2024 and December 2025, at the Instituto de Ciências Sociais da Universidade de Lisboa (Institute of Social Sciences of the University of Lisbon), and was coordinated by Susana Atalaia (PI) and Vanessa Cunha (co-PI). It benefited from the scientific advice of Professor Karin Wall and the institutional partnership of the Comissão para a Igualdade no Trabalho e no Emprego (Commission for Equality in Labour and Employment - CITE).

## Analysis / Main Results

Even though the legal framework for parental leave in Portugal [13; 16] promotes gender equality and social inclusion, it does not guarantee the right to parental leave and corresponding benefits under conditions of equality and non-discrimination to all workers.

In the contributory scheme (general Social Security system), linked to the participation in the labour market [11], the differentiation between workers is based on the record of social contributions and penalises mothers and fathers with atypical forms of work, who do not fully or partially meet the eligibility criteria for parental benefits.

Under the non-contributory scheme (solidarity system), introduced by Decree-Law No. 105/2008 of 25 June, the granting of social parental benefits is subject to conditions of eligibility and only applies to very disadvantaged families, i.e., those whose *per capita* household income is below 80% of the Index of Social Support (IAS). In 2023, the value of the IAS was €480.43 (Ministerial Order No. 298/2022, of 16 December). Moreover, the social parental benefit amount is reduced, reaching a maximum of 80% of the IAS.

In an era marked by greater flexibility and labour deregulation [2; 5; 9; 18], there is a mismatch between the conditions offered by the labour market and the eligibility criteria for parental leave [10; 15; 7; 8]. This causes inequalities between workers in terms of social protection [18], benefiting those who are more qualified and have higher socioeconomic status [15; 7; 8; 12; 17; 1], who, in general, have stable professional situations and permanent employment contracts.

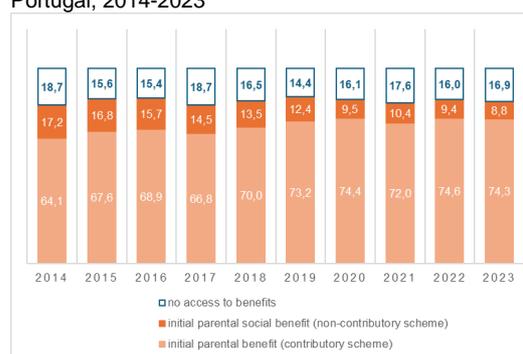
The analysis presented herein seeks to identify how many and who are the workers «on the margins» of the parental leave system in Portugal, and to understand its impact on the well-being of children, especially in the first year of life, a particularly important stage of child development and very demanding in terms of the organisation of family life. **The aim is to produce a set of recommendations for a more inclusive and socially equitable parental leave policy that considers the child's right to be cared for.**

### 1) More than 25% of the families do not have access to the initial parental benefit under the contributory scheme

Data on parental benefits provided by the Social Security Institute (Instituto da Segurança Social - ISS) show that, in 2023, the number of beneficiaries of the initial parental benefit under the contributory scheme accounted for 74% (63,703) of the total number of live births (Figure 1). This is higher than in 2014, when it accounted for 64% (52,803). This growth follows the increase in the Portuguese employment rate, after several years of economic crisis and austerity, resulting in a decrease in the number of beneficiaries of the non-contributory scheme. In fact, between 2014 and 2023, the number of beneficiaries of the social parental benefit fell from 17% to 9% of total live births, corresponding to a reduction of 47%.

Nevertheless, the number of live births whose parents had no access to the initial parental benefit (contributory and non-contributory schemes) remained unchanged throughout the period under review (2014-2023), ranging from 15% to 19% of total live births.

**Figure 1** - Situation regarding initial parental benefits (contributory scheme, non-contributory scheme, and no access to benefits) as a percentage of total live births - Portugal, 2014-2023



Source: Instituto da Segurança Social (Social Security Institute - ISS). Situation in March 2025 (prepared by the authors)

In summary, in 2023, 26% of parents did not have access to initial parental benefits under the contributory scheme (1 in 4 live births). Of these, 9% received social parental benefits (non-contributory scheme), and 17% had no access to any initial parental benefit.

The data provided by the ISS does not allow for an accurate identification of the type of employment relationship among parental leave beneficiaries. However, both the poor quality of employment relationships and the low wages paid in Portugal seem to be at the root of the persistence of a significant number of workers who do not use, or use only to a limited extent, the social protection measures available for parents. These measures, as attested by Law No. 90/2019 of 4 September, have gradually come to include exceptional cases, such as workers in the arts and entertainment industries with short-term contracts, or domestic workers.

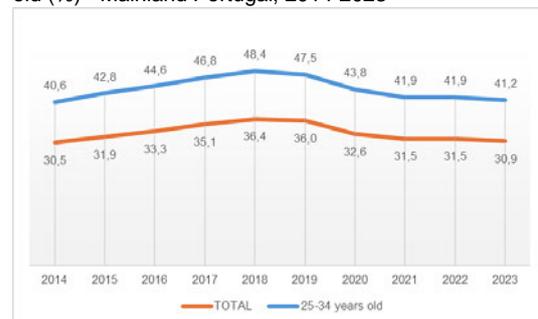
At this level, it is important to understand the influence of the employment status on the use of parental leave. From 2016 onwards, the increase in the employment rate meant that more workers had access to parental leave benefits under the contributory scheme. However, this increase says nothing about the quality of the jobs created and, consequently, about the type, duration, and compensation amount of parental benefits granted.

## 2) Almost half of young adults of reproductive age have precarious jobs

Portuguese workers are highly exposed to job insecurity and precarious employment relationships, especially young people and immigrants. Administrative data provided by the Staff Establishment Plan (Quadros de Pessoal, GEP-MTSSS) show that, in 2023, 31% of employees in the private sector (profit and non-profit), and civil servants with individual employment contracts, had a non-permanent contract (fixed-term, indefinite-term, and temporary contracts), which accounted for about 1/5 of the total employed population in Portugal (1,017,789). However, in the 25-34 age group, the figure reached 41% (Figure 2).

Job insecurity in the private sector mainly affects workers in economic activity sectors characterized by low wages, low qualifications, and high job turnover: (A) Agriculture, animal production, hunting, forestry, and fishing; (F) Construction; (I) Accommodation, catering, and similar services; and (N) Administrative and support service activities. The latter two are in fact activity sectors with strong links to tourism, which has been the engine of national economic growth since 2016 [4].

**Figure 2** - Proportion of employees without a permanent employment contract, total and age group 25-34 years old (%) - Mainland Portugal, 2014-2023



Source: GEP-MTSSS, Staff Establishment Plan (prepared by the authors)

In recent years, the increase in the national minimum wage (SMN) has driven the average gross monthly earnings up, contributing to a reduction in wage inequality. Nevertheless, the increase in other wages has not kept pace with the increase in the SMN, resulting in a wage compression in the lower half of the distribution (median monthly earnings) [3]. In 2023, half of the private sector employees earned €1,100 gross per month (median earnings); the SMN was €760.

However, job insecurity is not a uniform reality. Its intensity varies with the distance from permanent employment. Thus, while fixed-term and indefinite-term contracts offer some form of social protection, in other situations (self-employment, part-time work, temporary work, etc.), social protection is minimal or non-existent.

This is a particularly dramatic trap for women, who remain the main recipients of parental protection measures and are most likely to be employed in short-term jobs, shift work, and the informal economy, namely as caregivers and domestic workers without formal work contracts. As a result, they are also the most vulnerable in situations of illness, unemployment, and parenthood. This occurs at a time when the number of single-parent families in Portugal is increasing, and these are mainly composed of women with children [14].

In this sense, job insecurity adds new layers of vulnerability to others that are already well known and still unresolved in the Portuguese society, such as discrimination against pregnant, postpartum, and breastfeeding working women. Although protected by law,

these situations are often disregarded by employers.

### 3) Enforcing the law is a difficult challenge

Parental rights are often disrespected because companies, especially small and medium-sized companies, which dominate the Portuguese economic fabric, have difficulty replacing workers who take parental leave. But also, because the dominant organisational culture still views family responsibilities as an obstacle to good professional performance.

Although Portugal has adopted progressive policies regarding parental protection, their implementation remains challenging. Mothers and fathers feel that parenthood is not socially valued and that employers do not respect parental rights to care time. Different situations have been reported: the experience, or anticipation, of retaliation by employers when mothers and fathers seek to exercise their rights; the pressure on women to resign when they are pregnant; the pressure on mothers and fathers not to take the full parental leave to which they are entitled beyond the mandatory days; the non-recognition of the right to two hours off work per day for breastfeeding or bottle-feeding during the first year of a child's life; or the non-recognition of the right to take time off work when children are ill.

Furthermore, there is a lack of trust in the institutions responsible for enforcing the law. In this sense, situations of moral harassment at the workplace, related to the exercise of parental rights, are not always reported to the competent authorities, such as the Autoridade para as Condições de Trabalho (Authority for Working Conditions - ACT) and the Comissão para a Igualdade no Trabalho e no Emprego (Commission for Equality in Labour and Employment - CITE). The «ineffectiveness of legislation», as perceived by mothers and fathers and corroborated by the experts consulted, is due to several factors, notably the slowness of the justice system, the insufficient enforcement, and the overly lenient penalties for offenders.

### 4) The calculation formula of parental benefits penalises low-wage earners and reinforces inequalities

Although cash benefits are intended to compensate for or replace the loss of income, the calculation of parental benefits raises complex issues. Under the contributory scheme, the current calculation formula ends up favouring high-wage workers and penalising low-wage workers [6]. This is because, during the leave period, income tax and its progression are not considered. In this sense, low-wage workers, who are generally exempt from paying income tax or pay a reduced amount, end up losing net monthly income when the amount of parental benefit compensation is less than 100% of the reference remuneration (RR). Similarly, when supplements are added to the worker's base remuneration, such as a company car and paid kilometres, or when the hours of work declared by employers to Social Security are less than those actually worked, as it is the case with domestic workers, the loss of income at the time of leave can be significant, since the amount declared for social security contribution purposes does not always correspond to the amount actually earned.

Regarding the non-contributory scheme, which is a citizenship right, the reduced amount of the social parental benefit (between 64% and 80% of the IAS value) does not ensure beneficiaries a minimum level of survival and dignity.

### 5) The length of the initial parental leave is considered insufficient

Early childhood is a unique stage in which a child's survival and development depend entirely on the adults around her. In addition to adequate food and protection, children need emotional attachment, stimulation, affection, attention, and a safe environment that helps them grow up healthy, curious, and prepared for the future. Genetics influence their development, but the experiences and environment in which children are born and grow up are just as decisive, if not more so, as the childhood experts and professionals consulted emphasised.

Therefore, early childhood care is of utmost importance. It not only ensures the survival and well-being of children but also structures family relationships, strengthens emotional bonds,

and influences the collective organisation of life in society. Since motherhood and fatherhood are eminent social values enshrined in the Constitution of the Portuguese Republic (CRP), the exercise of parental care must be especially safeguarded.

However, inequalities in access to parental leave reveal that current legal mechanisms are far from ensuring the necessary equity, excluding a portion of the population for whom caregiving is a daily requirement but not a fully protected right. In fact, interviewees and childcare professionals mentioned the objective impossibility for some mothers to take more than four months of initial parental leave due to loss of income. In practice, this means that in cases where mothers, due to the nature of their work, choose to take one month of leave before the birth, children enter daycare or are placed with a childminder at three months of age. Thus, making the most of the current initial parental leave (in terms of duration and remuneration) seems to be a privilege reserved for mothers and fathers with greater job stability and who are in a more advantageous economic and social situation.

#### **6) The absence of support networks and the unfulfilled promise of the «Creche Feliz» programme**

The absence or reduction of social protection for precarious workers calls for informal support networks, usually composed of family members, to play a role in supporting work-life balance. However, not all workers have support networks close by or objectively available. Among those who do, the ones who need it the least, from an economic point of view, are usually the ones receiving the most support, reinforcing the logic of social reproduction of inequalities [19].

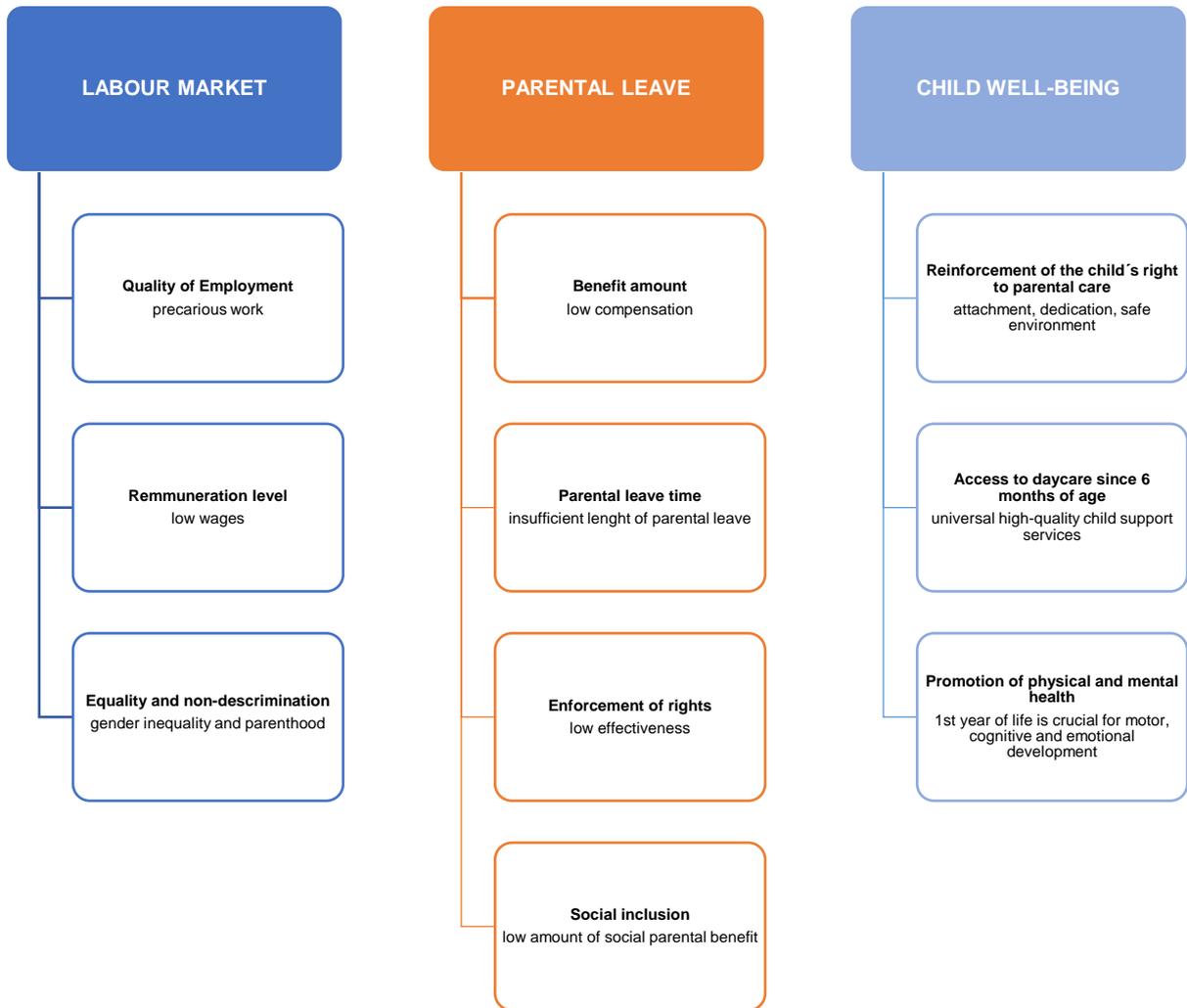
On the other hand, formal support networks, such as daycare facilities and licensed

childminders, provide insufficient coverage, and their work hours often do not meet the needs of workers, particularly those who work shifts, at night, and on weekends. The lack of public responses pushes families towards solutions that are sometimes unsafe, such as illegal daycare facilities and childminders and/or lacking adequate training, compromising the quality of care provided in the first year of a child's life.

Enrolling a child in daycare at 3, 4, or even 5 months of age and leaving them there for long periods of 8 hours or more per day is contrary to the child's best interests and well-being and increases parents' anxiety levels. The notion that quality time is essential to children's well-being and development makes many parents feel guilty for not having the time and the physical and emotional availability to devote to their children every day, reflecting in the quality of family well-being.

Currently, work-life balance depends more on mothers' and fathers' relationships with the labour market than on their individual choices. In this sense, labour inequalities tend to perpetuate social inequalities in accessing parental leave and quality childcare. Workers with young children who don't have a daily family support network find it more difficult to balance the demands of professional and family life. Mothers and fathers, therefore, have high expectations regarding the «Creche Feliz» programme (free nursery care). However, uncertainty about being allocated a free place in a daycare facility is a source of distress and anxiety, undermining the peace of mind and predictability needed to enjoy parental leave and return to work safely. The added value for the well-being of family life and the child was widely emphasized by the interviewees who had access to the programme.

Figure 3 - Analytical framework for parental leave from a social inequality perspective



Source: Prepared by the authors

## Policy Options and Recommendations

⇒ **Combat social inequalities in accessing and using the initial parental benefits by encouraging permanent employment. Universalise the right to parental benefits. Ensure equity in the allocation of parental benefits amounts.**

**Ensure** universal access to parental benefits both in contributory and non-contributory schemes, thereby promoting the dignified inclusion of all precarious workers. In this regard, in addition to encouraging permanent employment, it is necessary to change the eligibility criteria for accessing social parental benefits (for working mothers and fathers who are not entitled to the contributory scheme but

pay social contributions). The *per capita* household income to be considered must be less than or equal to 1.5 times the value of the Index of Social Support (IAS) (currently corresponds to 0.8 times the IAS).

**Promote** equity in the allocation of parental benefit amounts. Establish a minimum and maximum amount for initial parental benefits (SPI) in the contributory scheme. We propose that the minimum amount be equivalent to the national minimum wage (SMN) and that the maximum amount be 2.5 times the SMN. In the non-contributory scheme, the value of the social parental benefit should be at least 1.5 times the IAS, regardless of the type of benefit

chosen by the parents, thus approaching the poverty threshold in Portugal.

The intention is twofold. On the one hand, to promote distributive justice and reduce regressivity in the allocation of the initial parental benefit, i.e., mothers and fathers with fewer resources cannot lose net income when they are on leave. On the other hand, to establish minimum standards of dignity and subsistence for beneficiaries of the social parental benefit. At this level, we recommend assessing the economic viability of the proposals submitted, as this was beyond the scope of the project.

**Correct** minor inequalities in the current parental leave system, such as the fact that single mothers do not have access to the initial 5-month parental leave paid at 100% of their reference income and cannot take advantage of the 6 months of leave, as there is no sharing bonus, unlike families with two parents who share the initial parental leave. Similarly, it is important to consider that the mother's compulsory leave period (mothers-only initial parental leave) should always be paid at 100%, regardless of the total length of parental leave requested. Currently, the amount paid for the mother's 42 compulsory days depends on the type of initial parental leave chosen.

It is also important to consider social protection schemes that are not integrated into Social Security, such as the Lawyers and Solicitors Welfare Fund (CPAS). To tackle inequalities in access to and use of parental leave benefits, it is important to work with the lawyers' and solicitors' representatives to ensure convergence of parental protection measures, particularly regarding parental leave time and compensation amounts.

⇒ **Promote the right of children to be cared for during their first year of life as a social value and a collective responsibility. Protect the right of mothers and fathers to take time off work to care for their children. Universalise access to the «Creche Feliz» programme (free nursery care).**

**Increase** inspection of employers' compliance with workers' parental rights, particularly in private sector companies and entities with more than 40% of non-permanent contracts: (A) Agriculture, animal production, hunting, forestry, and fishing; (F) Construction; (I)

Accommodation, catering, and similar services; and (N) Administrative and support services activities.

**Introduce** heavier and progressive fines and penalties for non-compliant companies and repeated offenders to deter infringers.

**Strengthen**, with human and technical resources, the supervisory bodies in the areas of labour and labour law - Autoridade para as Condições de Trabalho (Authority for Working Conditions - ACT), Comissão para a Igualdade no Trabalho e no Emprego (Commission for Equality in Labour and Employment - CITE), etc. - to ensure scrupulous and effective compliance with the law.

**Simplify** the mechanisms for workers to report explicit and implicit forms of inhibition and dissuasion of exercising their parental rights, and make them more effective, namely through a shorter maximum response time and swifter inspection action (ACT).

⇒ **Promote the right of children to be cared for during their first year of life as a social value and a collective responsibility. Protect the right of mothers and fathers to take time off work to care for their children. Universalise access to the «Creche Feliz» programme (free nursery care).**

There is an urgent need for a profound transformation in the way Portuguese society views parenthood, early childhood care, and children's rights. It is necessary to promote the right of children to be cared for as a social value and a collective responsibility. Early childhood care should be understood as a social investment, and the promotion of stable and safe family environments is essential for preventing future problems that often arise when children reach school age. In this regard, we propose to:

**Recognise** children as the benchmark in the formulation of public policies on parenthood. Leave policies should consider children's right to be cared for. Children, as subjects of rights, must be placed at the centre of political decision-making on parenthood rights.

**Extend** the duration of initial parental leave (contributory and non-contributory schemes) and increase the compensation amount, establishing initial parental leave of 6 months (180 days) paid at 100% of the reference

remuneration (RR), maintaining the current mandatory periods of leave for mothers and fathers, to ensure that all children benefit from parental care in the first 6 months of life, including children born into single-parent families.

**Continue** to promote gender equality and non-discrimination in family and professional life [20], already recognised in the Labour Code, encouraging both parents to share initial parental leave. If parents share at least 1 month of leave, the initial parental leave (6 months) may be extended by up to 2 months (60 days), also paid at 100% of the reference remuneration (RR), provided that 1 month is taken exclusively by the parent who has taken less time.

**Ensure** that, after 6 months of age, all children have access to quality formal care that promotes their well-being and development, universalising and strengthening, in human and financial terms, the «Creche Feliz» programme (free nursery care).

**Disseminate** the parental protection measures in force, ensuring that the information is

conveyed clearly and objectively. Promote awareness-raising actions among the public, and adults of reproductive age, namely by investing in a major media campaign.

⇒ **Improve the quality of data on parental leave benefits and their beneficiaries. Monitor evidence-based parental leave policy.**

**Refine** the quality of administrative data characterising beneficiaries of parental leave (Social Security Institute) to monitor and evaluate the parental leave policy. It is important to know how many and who, in sociodemographic and professional terms, are the beneficiaries of parental leave.

To this end, it is necessary to improve the parental benefits application form to collect more detailed data on beneficiaries' professional situation, employment relationship, and level of education. These are essential indicators for monitoring social and gender inequalities in access to and use of parental benefits.

## Conclusion

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The data analysed confirm the existence of a mismatch between labour market conditions and parental leave policy. The persistence of a significant number of workers who do not use social protection measures for parenthood in force, or use them only in a limited way, is associated with poor employment relationships, job instability, and low wages, especially among the population of reproductive age.

Job insecurity affects women, exacerbating discrimination and pressure in the workplace against pregnant, postpartum, and breastfeeding workers, and those on parental leave. But it also affects men who exercise or would like to exercise their parental rights. Family responsibilities, when they involve the absence of workers, continue to be seen as an obstacle to good professional performance and/or the company's activity. And the means of inspection and compliance with labour legislation standards are far from sufficient and effective.

Thus, since this is a condition that affects young adults of working and reproductive age, precarious work is not only an obstacle to parenthood for those who are already parents, but also to the birth rate itself. In fact, precariousness is a reality that cuts across diverse spheres of life, preventing access to the objective and subjective conditions essential for autonomy and family life, namely housing.

As a mechanism to protect parenthood in the early stages of a child's life, the Portuguese parental leave policy has been consolidated over decades, transposing European directives, international conventions, and recommendations into national law. However, the inequalities arising from the mismatch between parental leave policy and the national labour market affect young adults of working and reproductive age and compromise what should be a collective goal in favour of early childhood quality, work-life balance, and birth rates.

There is social and scientific consensus on the importance of early childhood care for children's well-being and comprehensive and harmonious development. This care requires time, dedication, and the emotionally involved presence of mothers and fathers to ensure the quality of the parental attachment, which is the basis of a child's security. And it does not end with parental leave. It is necessary to ensure that all children have equal access to quality formal care when leaves end, with well-trained professionals who offer security and predictability to families. Assuming that families have informal support networks and that the market will respond to those who do not have them is a failure of the State to safeguard children's rights.

For all these reasons, it is important to find ways to change the situation, recognising, on the one hand, the child's right to be cared for and, on the other, the right of every mother and

father to care for their child, particularly during the first year of life. To this end, it is necessary to establish mechanisms that, first and foremost, improve the quality of employment and wages, allowing for the full exercise of parental rights. The deregulation of the labour market and the link between the type of employment relationship, social security contribution record, and parental leave policy mean that many workers are unable to access these rights on equal terms.

It is also of the utmost importance to bring children, their development, and well-being to the centre of the political discussion around parental leaves, without disregarding the progress made so far in terms of gender equality, i.e., the equal right and duty of men and women to fulfil themselves in their professional and family lives and the right of children to be cared for by both parents.

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## Legislation

- Decree-Law no. 105/2008, of 25 June – establishes social benefits for maternity, paternity, and adoption
- Ministerial Order No. 298/2022, of 16 December – updates the annual value of the social support index
- Law No. 90/2019, of 4 September – strengthens protection in parenthood

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