

Paternity Leave and Work-Life Sustainability: A Comparative Legal Analysis of Sri Lankan Paternity Leave Laws with Japan and the Philippines

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1. Introduction

The evolving landscape of family structures and gender roles has sparked increased discussions on parental leave policies, particularly paternity leave. As society progresses towards gender equality and shared caregiving responsibilities, the significance of paternity leave in facilitating work-life balance has gained greater acknowledgment. Paternity leave allows fathers to play a more active role in early childcare and challenges traditional workplace norms that typically endorse gender-specific caregiving roles.

Sri Lanka's paternity leave framework is constrained and inadequate, as it is only accessible to government employees. This leaves fathers in the private sector without legal entitlements, impeding advancements toward equitable caregiving responsibilities. Japan and the Philippines provide paternity leave to employees across public and private sectors, showcasing a broader commitment to supporting working fathers. Japan offers substantial leave benefits for fathers, while the Philippines ensures paternity leave across all industries, fostering work-life balance and more balanced caregiving dynamics within families.

Therefore, this research compares paternity leave regulations in Sri Lanka, Japan, and the Philippines, examining legal frameworks, eligibility criteria, and leave policies. The objective is to explore the influence of paternity leave policies on the sustainability of work-life balance and gender equality. The analysis will pinpoint obstacles and suggest enhancements to fortify Sri Lanka's paternity leave regulations, ensuring better support for employed fathers and promoting equitable caregiving practices.

2. Methodology and Methods

The study adopts both doctrinal and comparative research methodologies. Using the doctrinal approach, the research examines the existing paternity leave regulations in Sri Lanka, Japan, and the Philippines, drawing from primary sources like laws and statutes and secondary sources such as academic papers, legal literature, and online resources. Through the comparative research approach, the study investigates the distinctions and similarities in the legal systems of these nations, to offer well-informed suggestions for enhancing paternity leave laws in Sri Lanka. The research employs a qualitative method, analyzing legal documents, policies, and scholarly interpretations to present a comprehensive legal assessment of paternity leave and its impact on work-life balance.

3. Results and Discussion

Paternity Leave Laws in Sri Lanka:

In Sri Lanka, the regulations for paternity leave mostly apply to public sector workers as outlined in Chapter XII of the Establishments Code. All public officers, whether permanent, temporary, casual, or trainee employees, have the right to take three days of paid paternity leave when their child is born. This leave should be availed within three months of the child's birth. To qualify for this leave, employees need to present a marriage certificate, a medical certificate confirming the birth, or the child's birth certificate (Ministry of Public Administration and Home Affairs, 2006). Notably, there are no specific paternity leave provisions for employees in the private sector, indicating a gap in Sri Lanka's labor laws.

Paternity Leave Laws in Japan:

Japan has implemented paternity leave laws to combat its declining birth rate and promote gender equality. The government encourages fathers to take paternity leave to ensure a fairer distribution of childcare responsibilities between men and women, which could also enhance women's involvement in the workforce. The paternity leave system, known as papa kyūka, permits male employees to take up to eight weeks off after the birth of their child (Yani, 2023). Following this initial period, they can also take childcare leave until the child reaches one year old. This leave can be taken continuously or in several blocks (Yani, 2023).

To be eligible for paternity leave, the employee must have been working for the same company for at least one year and provide a birth certificate. The system primarily targets employees, excluding directors and sole proprietors. Limited-term contract workers are eligible, provided their contracts extend beyond the child's 8th month for Childcare at Birth Leave or 18th month for Childcare Leave (Kimoto, 2024).

Paternity benefits include receiving 67% of the father's salary during Childcare at Birth Leave and the first 180 days of Childcare Leave. This payment reduces to 50% after 180 days but remains non-taxable. Additionally, if both parents are employed, the Dad and Mom Childcare Leave Plus system allows for extended leave until the child reaches 14 months old, thereby supporting shared parenting (Kimoto, 2024). These initiatives are crucial in helping Japanese families manage work and childcare more effectively.

Comparative Analysis of Sri Lankan Paternity Leave Laws and Japan Paternity Leave Laws:

When comparing the paternity leave regulations in Sri Lanka and Japan, notable differences emerge regarding the extent, duration, and perks offered. In Sri Lanka, paternity leave is primarily available to public sector workers under the Establishments Code, providing a mere three days of paid leave upon the birth of a child. This leave must be taken within three months after the birth, and employees must present documents like a marriage certificate or the child's birth certificate to qualify. In contrast, Japan has established a more extensive paternity leave system to promote gender equality and support families. Fathers in Japan can take up to eight weeks of leave immediately after the birth of their child, with the option to extend this through childcare leave until the child reaches one year of age. Eligibility for this leave includes a minimum employment duration of one year, and it covers various types of employees, including limited-term contract workers. Financially, Japanese fathers benefit significantly from the system, receiving 67% of their salary during the initial childcare leave period, which later adjusts to 50% but remains tax-free (Kimoto, 2024). Furthermore, Japan's Dad and Mom Childcare Leave Plus initiative promotes shared parenting by allowing both parents to take extended leave together, thereby fostering a more balanced division of childcare responsibilities. This striking difference underscores a significant gap in Sri Lanka's labor laws, where private sector employees do not have any statutory paternity leave provisions, emphasizing the need for reform to align with modern family needs and support a balanced work-life dynamic. Overall, Japan's proactive approach demonstrates a commitment to integrating paternity leave as a crucial component of family and workforce policy, while Sri Lanka's limitations highlight significant challenges in supporting fathers during a critical transition.

Paternity Leave Laws in the Philippines:

In the Philippines, Republic Act 8187, passed in 1996, regulates paternity leave, providing seven days of paid leave for married male employees for the first four deliveries of their legitimate spouse. The purpose of this leave is to assist fathers in supporting their partners during recovery and caring for their newborns. Furthermore, the Expanded Maternity Leave Act (Republic Act 1120) permits mothers to transfer up to seven days of their maternity leave to fathers, potentially extending paternity leave to a total of 14 days. To be eligible for paternity leave, the employee must be legally married, living with their spouse, and employed at the time

of the child's birth. Applications for paternity leave should be submitted within a reasonable timeframe surrounding the delivery, generally two days before the expected date, and must be filed within 60 days after the birth (Baird, 2019). Employers are not allowed to deny this leave; failure to comply may result in fines or imprisonment for company officers. Despite the progress, many advocates argue that two weeks are inadequate for fathers to bond with their children and effectively support their partners (Paris, 2019). Various organizations, including local online communities, are advocating for longer paternity leave to promote more involved parenting and challenge traditional gender stereotypes. They stress that parenting is a joint effort and that extended leave would enable fathers to fully participate in childcare, thereby improving family dynamics and enhancing the overall well-being of children (Azzarra, 2022). As conversations about parental leave persist, the call for more comprehensive paternity policies mirrors a growing recognition of the significance of fathers in early child development.

Comparative Analysis of Sri Lankan Paternity Leave Laws and Philippines Paternity Leave Laws:

The laws concerning paternity leave in Sri Lanka and the Philippines differ significantly in terms of their provisions and application. In Sri Lanka, the provision for paternity leave is mainly for public sector workers under the Establishments Code. It allows for three days of paid leave following the birth of a child. This leave must be taken within three months and is subject to the submission of specific documents, such as a marriage certificate or the child's birth certificate. Notably, there are no legally mandated paternity leave benefits for private-sector employees, highlighting a substantial gap in employee rights and support for fathers in the workplace. In contrast, the Philippines has implemented more extensive paternity leave regulations through Republic Act 8187, which grants married male employees seven days of paid leave for the first four deliveries of their legitimate spouse. This leave aims to support fathers in their roles during recovery and early bonding with their newborns. Additionally, the Expanded Maternity Leave Act allows mothers to transfer up to seven days of their maternity leave to fathers, potentially extending paternity leave to a total of 14 days. Eligibility requires legal marriage and cohabitation, with strict timelines for applications. Importantly, non-compliance by employers can lead to legal consequences. Despite these advancements, advocates in the Philippines argue that the duration of leave remains insufficient for meaningful father involvement and support, prompting calls for longer paternity leave to foster collaborative parenting and challenge traditional gender roles. Overall, while Sri Lanka's paternity leave framework is limited and exclusive, the Philippines demonstrates a more progressive approach, albeit with room for further enhancement to promote father engagement in early child development.

4. Conclusion and Recommendations

The comparison of paternity leave laws in Sri Lanka, Japan, and the Philippines highlights significant differences, indicating broader implications for gender equality and work-life sustainability. Sri Lanka's limited provisions, which only apply to public sector employees and provide three days of leave, starkly contrast with Japan's comprehensive system that allows for up to eight weeks of paid leave and supports shared parenting. The Philippines, while more advanced than Sri Lanka, still falls short with only seven days of paid leave, although it does allow for possible extensions. These disparities emphasize the urgent need for Sri Lanka to reform its paternity leave laws to encourage greater father involvement in early childcare, promote equitable caregiving responsibilities, and align with international standards. The inadequacy of current provisions not only hampers family dynamics but also perpetuates traditional gender roles that restrict fathers' participation in caregiving.

To improve Sri Lanka's paternity leave framework, the following recommendations are suggested: Firstly, the government should enact statutory paternity leave for all employees, regardless of sector, to ensure equal rights for private sector fathers. It is recommended to

provide a minimum of two weeks of paid leave to allow sufficient time for bonding and support. Secondly, eligibility criteria should be expanded to include cohabiting partners, recognizing diverse family structures. Thirdly, awareness campaigns should be launched to educate employers and employees about the benefits of paternity leave, thereby encouraging cultural shifts towards shared parenting responsibilities. Fourthly, the government could consider a gradual increase in paid leave benefits, possibly linking them to the father's length of service, to incentivize long-term employment while supporting family well-being. Lastly, regular assessments of paternity leave policies should be conducted to adapt to changing societal norms and ensure that they effectively promote work-life balance and gender equality in Sri Lanka.

5. Keywords

Comparative Legal Analysis, Paternity Leave, Sri Lanka, Work-Life Sustainability

6. References

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