

## **THE NECESSITY OF PATERNITY LEAVE TO SRI LANKAN PRIVATE SECTOR EMPLOYEES**

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Provision of leave to working staff is identified more as a benefit than a cost to the employer today. Leave, which legally allows an employee to be away from work for a defined period of time, helps stress reduction, work-family balance, improved performance, and to become more creative. This article focuses on a special kind of leave applicable to male workers, paternity leave.

Paternity leave is usually a short period of leave for the father to take immediately following childbirth to help care for the child and assist the mother<sup>1</sup>. Fathers who take leave, especially those taking two weeks or more immediately after childbirth, are more likely to be involved with their young children<sup>2</sup>. This can have positive effects for gender equality in the home and at work and may indicate shifts in relationships and perceptions of parenting roles and prevailing stereotypes. No ILO standard exists concerning paternity leave. However, the Resolution concerning gender equality at the heart of decent work adopted by the International Labour Conference in 2009 recognizes that work-family reconciliation measures concern both men and women. The Resolution calls for governments to develop adequate policies for a better balance of work and family responsibilities, to include paternity and/or parental leave, with incentives for men to use them<sup>3</sup>.

in Sri Lanka both the husband and wife prefer to work mostly for financial constraints<sup>4</sup>. Based on the family and work balance shift resulting from child birth, it is important to look into work related, family, and social influences that a family meets at child birth. The Labor Survey Annual Report 2014 records female labor force participation as 34.7%. Thus, the percentage of males in the workforce is 65.3%. The age range of female workers is such that 37.7% of women are aged between 20-24 years, 41.5% belonging to the age group 25-29 years and 43.6 % of the age group from 30-34 years were employed in 2014. This indicates that a large portion of the working women were within the child-bearing age<sup>5</sup>. In light of these data it could be assumed that many women will enter motherhood while in employment. It is therefore mandatory that there be sufficient legislation to protect a woman's job during her maternity and to provide her with maternity benefits, primarily maternity leave to help her cope with her dual role as care giver

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<sup>1</sup> <https://www.ilo.org>

<sup>2</sup> <https://www.ilo.org>

<sup>3</sup> <https://www.ilo.org>

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and employee<sup>6</sup>. Since the employed male population is much larger, the practical significance of paternity leave become obvious.

### **Social Justice and leave**

Leave from work also encompasses social and human rights aspects. Notions of fairness and justice are fundamental concepts in the organizational sciences, and provide logical theoretical foundations for examination of HRM issues. Theory and research on organizational justice has been around for quite some time, and have been applied to HRM systems over the past decade and a half by Greenberg, Folger, Cropanzano, and their associates<sup>7</sup>. Indeed, research has been conducted on the implications of justice for personnel selection, performance evaluation, and compensation systems in recent years<sup>8</sup>. Therefore, the integration of justice and HRM is not a new area of research by any means, but it is well along in its development. What is less well developed is the integration of organizational justice and HRM systems that incorporates a political perspective, but some initial efforts have been made in this area.

### **Physiological dimension of human perception**

Dr. Brown observes that occurrence studies have centered on an extended listing of capacity contributing factors to maternal melancholy together with obstetric occasions<sup>9</sup>. Currently, the researchers' attention had been interested in submit- worrying despair and stress which may additionally occur in the course of the primary month after childbirth. Some capabilities comprising diminished interest unimportant activities, feelings of detachment from others were diagnosed as reasons inside the research of Post-Traumatic Stress and depression after childbirth<sup>10</sup>. In this work, it has been identified that low perceived social aid as a variable which companion with depression after childbirth. Approximately 1- 7% of women giving birth, develop post- traumatic stress reactions in western international locations in which in non-western nations, there may be an incidence of 5.9%<sup>11</sup>. One reasoning may be identified as lack of sleeping for during of the first actual month after the confinement<sup>12</sup>

Post-delivery despair might be divided into contexts, because the “clinical version” which identifies the mother as being ill and the “social science model” which identifies as a female's unique vulnerability to additional social stress<sup>13</sup>. Low discernments of partner help have

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<sup>6</sup> Goonetilleke, S. (2016). Maternity Legislation in Sri Lanka: Are Women Equal, Special or Different?. OUSL Journal, 11, 53-78.

<sup>7</sup> Kim, K., Eisenberger, R. & Baik, K. (2016). Perceived Organizational Support and Affective Organizational Commitment: Moderating Influence of Perceived Organizational Competence. Journal of Organizational Behavior, 37(4), 558-583. <http://dx.doi.org/10.1002/job.2081>

<sup>8</sup> Kim, K., Eisenberger, R. & Baik, K. (2016). Perceived Organizational Support and Affective Organizational Commitment: Moderating Influence of Perceived Organizational Competence. Journal of Organizational Behavior, 37(4), 558-583. <http://dx.doi.org/10.1002/job.2081>

<sup>9</sup> Brown, R. (2013). Explanation in Social Science. Hoboken: Taylor and Francis

<sup>10</sup> Spreitzer, G. (2018). Psychological, Empowerment in the Workplace: Dimensions, Measurement and Validation. Retrieved 13 January 2018

<sup>11</sup> Spreitzer, G. (2018). Psychological, Empowerment in the Workplace: Dimensions, Measurement and Validation. Retrieved 13 January 2018

<sup>12</sup> Spreitzer, G. (2018). Psychological, Empowerment in the Workplace: Dimensions, Measurement and Validation. Retrieved 13 January 2018

<sup>13</sup> Spreitzer, G. (2018). Psychological, Empowerment in the Workplace: Dimensions, Measurement and Validation. Retrieved 13 January 2018

reasoned to postnatal traumatic stress. Less secure attachment and dissatisfaction with associate support were related to higher degrees of postpartum depression and stress<sup>14</sup>. Women who mentioned low levels of social guide has shown strong courting with stress and signs than who reported high stages of social aid<sup>15</sup>. It is vibrant that partner help and social support are recognized as variables to mom's postpartum mental health<sup>16</sup>. Numerous instructional discussions were lead in the direction of the opposite most essential factor of the need of paternity go away, that's the biological notion<sup>17</sup>. This most significant region is positively felt and skilled over each mother accordingly, continuous researches were led everywhere in the global discussing how paternity go away connects with the biological perception of women's post pregnancy.

### **Biological perceptions on paternity leave**

The tendencies of fitness care coverage and clinical suggestions need to define and operationalize social help to beautify maternal parental self-efficiency<sup>18</sup>. After having a baby, most women will experience a few blood losses from their uterus (womb) till the lining is renewed. Vaginal bleeding after birth, or lochia to give it its medical name, usually lasts among two to six weeks. This term seems to be more inconvenient for a female both physically and psychologically <sup>19</sup>.

Returning to the same old lifestyles might also take time in line with the man or woman occasions of every lady<sup>20</sup>. Now, many women get pressurized in which huge modifications are made to the lady's lifestyles inclusive of tuning into the toddler's desires in addition to being apart both bodily and spiritually from her companion. Being exhaustive due to broken sleep and slow hormone adjustments might also without a doubt demand the companion's interest and time in the direction of the female<sup>21</sup>. The researches have demonstrated that partner's attention has a terrific impact on lady's mood in post-natal being pregnant.

If the woman had herbal beginning, she may also sense worn-out and uncomfortable for at least two weeks. If it turned into a caesarean, the scar needs to be nicely healed to undertake the

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<sup>14</sup> Timms, C., Brough, P., O'Driscoll, M., Kalliath, T., Siu, O., Sit, C. & Lo, D. (2014). Flexible Work Arrangements, Work Engagement, Turnover Intentions and Psychological Health. *Asia Pacific Journal of Human Resources*, 53(1), 83-103. <http://dx.doi.org/10.1111/1744-7941.12030>

<sup>15</sup> Spreitzer, G. (2018). Psychological, Empowerment in the Workplace: Dimensions, Measurement and Validation. Retrieved 13 January 2018

<sup>16</sup> Meyer, J., Stanley, D., Herscovitch, L. & Topolnytsky, L. (2002). Affective, Continuance, and Normative Commitment to the Organization: A Meta-analysis of Antecedents, Correlates, and Consequences. *Journal of Vocational Behavior*, 61(1), 20-52. <http://dx.doi.org/10.1006/jvbe.2001.1842>

<sup>17</sup> MacShane, M., & Mountain, H. (2011). When Work, Family And Friendship Collide. *Journal of Genetic Counseling*, 21(2), 215-219. <http://dx.doi.org/10.1007/s10897-011-9445-y>

<sup>18</sup> Babuc, Z. (2015). Exploring Parental Perceptions and Preferences about Play: A Case Study in Erzurum. *Procedia - Social and Behavioral Sciences*, 197, 2417-2424. <http://dx.doi.org/10.1016/j.sbspro.2015.07.304>

<sup>19</sup> Ferris et.al (2000) Human Resources Management: Some New Directions – *Journal of Management* (2000). Vol 23 No 5

<sup>20</sup> Babuc, Z. (2015). Exploring Parental Perceptions and Preferences about Play: A Case Study in Erzurum. *Procedia - Social and Behavioral Sciences*, 197, 2417-2424. <http://dx.doi.org/10.1016/j.sbspro.2015.07.304>

<sup>21</sup> Faircloth, C. & Murray, M. (2014). Parenting. *Journal of Family Issues*, 36(9), 1115-1129. <http://dx.doi.org/10.1177/0192513x14533546>

responsibilities of the new child in addition to residence maintain <sup>22</sup>. The clinical researchers have shown that to maintain a loving relationship alive, conversation and mutual knowledge of each different desires are very essential facts <sup>23</sup>. It is essential to permit the accomplice know the woman is coping with the new child. Eventually the partner may also participate within the obligations of the newborn and he can also feel that adopting an infant is a mutual process and father too is an important individual in a child's lifestyle <sup>24</sup>. If the man should live with his newly created circle of relatives for some time, he will also be an element in this ongoing technique of adopting a newborn and he is going to generally tend to examine the girl extra sympathetically, because the harshness of the post-natal being pregnant is vibrant before his eyes<sup>25</sup>.

### **The Best Practices of Paternity Leave in the world**

In 1974, Sweden became the first country within the world to provide fathers the statutory proper of taking paid depart from work to be with their households after childbirth and adoption. These days, Swedish fathers have get entry to some of the maximum generous and flexible rights to parental leave inside the international, where the goal is to actively promote fathers taking go away from work to take care of young children to broaden strong relationships with children and parenting with moms<sup>26</sup>. Fathers' go away use has slowly accelerated; by means of 2013 - 75% took paid paternity go away (10 days), 88% took paid parental leave average - 91 days <sup>27</sup>. In 1996, European Union Directive on paternity go away came into force<sup>28</sup>. In Sweden, paternity leave campaigns took place in 1976 to 2006. Images of the "new father" are analyzed in terms of Swedish same popularity policy, emphasizing man's and lady's mutual duty for baby care in addition to monetary provisions<sup>29</sup>.

In 1996, the European Union Directive on paternity leave came into force<sup>30</sup>. In enacting this directive, the European Union gave their major consideration to advantages in reconciling work

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<sup>22</sup> Theven and Beauvais. L. (2013). When Work-Family Benefits are Not Enough: The Influence of Work-Family Culture on Benefit Utilization, Organizational Attachment, and Work-Family Conflict. *Journal of Vocational Behavior*, 54(3), 392-415. <http://dx.doi.org/10.1006/jvbe.1998.1681>

<sup>23</sup> Faircloth, C. & Murray, M. (2014). Parenting. *Journal of Family Issues*, 36(9), 1115-1129. <http://dx.doi.org/10.1177/0192513x14533546>

<sup>24</sup> Knaak, S. (2010). Contextualising Risk, Constructing Choice: Breastfeeding and Good Mothering in Risk Society. *Health, Risk & Society*, 12(4), 345-355. <http://dx.doi.org/10.1080/13698571003789666>

<sup>25</sup> Knaak, S. (2010). Contextualising Risk, Constructing Choice: Breastfeeding and Good Mothering in Risk Society. *Health, Risk & Society*, 12(4), 345-355. <http://dx.doi.org/10.1080/13698571003789666>

<sup>26</sup> De Saram, F. (2018). General Labor Laws in Sri Lanka. Desaram.com. Retrieved 13 January 2018, from <http://www.desaram.com/general-labour-laws-in-sri-lanka>

<sup>27</sup> Institute of Policy Studies Sri Lanka, (1999). Labour Legislation and Female Employment in Sri Lanka's Manufacturing Sector. Institute of Policy Studies Sri Lanka. Retrieved 13 January 2018, from <http://www.ips.lk/labour-legislation-and-female-employment-in-sri-lankas-manufacturing-sector>

<sup>28</sup> Blanpain, R., Bamber, G. & Pochet, P. (2010). *Regulating Employment Relations, Work and Labor Laws*. Alphen aan den Rijn: Kluwer Law International

<sup>29</sup> Blanpain, R., Bamber, G. & Pochet, P. (2010). *Regulating Employment Relations, Work and Labor Laws*. Alphen aan den Rijn: Kluwer Law International

<sup>30</sup> Rege, M., & Solli, I. (2010). *The Impact of Paternity Leave on Long-Term Father Involvement*. Munich [Germany]: Center for Economic Studies & IFO Institute for Economic Research

and family life. In Sweden, paternity leave campaigns took place in 1976 to 2006. Images of the “new father” are analyzed in relation to Swedish equal status policy, emphasizing man’s and woman’s mutual responsibility for child care as well as the emergence of parental leave schemes have been the most important area of expansion for the Norwegian welfare state in the 1990s<sup>31</sup>. These special schemes have arranged special rights to fathers with respect to their paternity leave requirements. The main intention in regulating such schemes is to bolster the fathers’ contacts with their children. Another purpose is to share the advantages and disadvantages of working life and family life between man and woman. It has been evident in reviewing this article that fathers have been capable of constructing diverse fatherhood practices through negotiations in relation to the leave schemes and different employed circumstances.

### **Paternity leave practice in Asia**

Paternity leave in China depends on a number of factors, including where the father is registered for social security and the age of the mother. In general, leave is usually no more than 14 days. Working dads in Hong Kong are only entitled to three days’ parental leave at 80% of their usual pay rate. Fathers can take the leave at any time from four weeks before the expected birth date to 10 weeks after the baby’s arrival. In Japan, parental leave is applicable to either the working father or mother<sup>32</sup>. Either parent is entitled to a full year off, generally earning 60% of their salary throughout. Despite this, only 2% of dads in Japan chose to take paternity leave in 2015. In Singapore, younger generations of fathers are increasingly living with spouses who work, with 75.9% of fathers under the age of 35 and 69.1% of fathers aged 35-49 in dual-career households. As of 1 January 2017, working fathers in Singapore have been entitled to two weeks of paternity leave funded by the Singaporean Government. Workers must have been doing the same job for at least three months prior to the birth of the child to be eligible. Fathers in Taiwan are entitled to three days of paid paternity leave after their child is born. Both parents, if they have worked for their employer for at least a year, can also take parental leave a maximum of two years of unpaid leave<sup>33</sup>.

### **Sri Lankan Legal framework of paternity leave**

In Sri Lanka, there is no well-defined provision within the labor or employment related legal guidelines enforcing paternity depart to the private quarter. The public Administrative circular 03/2006, states that an everlasting, temporary, informal or trainee Public Officer is entitled to a period of 03 running days leave within the occasion of the delivery of a child to his spouse<sup>34</sup>. The leave available must be made use of within a length of 03 months from the date of birth of the child. The marriage certificates of the officer, the medical certificates regarding the

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<sup>31</sup> Rege, M., & Solli, I. (2010). *The Impact of Paternity Leave on Long-Term Father Involvement*. Munich [Germany]: Center for Economic Studies & IFO Institute for Economic Research

<sup>32</sup> Chandra, V. (2012). Work–life balance: Eastern and western perspectives. *The International Journal of Human Resource Management*, 23(5), 1040-1056.

<sup>33</sup> Chandra, V. (2012). Work–life balance: Eastern and western perspectives. *The International Journal of Human Resource Management*, 23(5), 1040-1056.

<sup>34</sup> De Saram, F. (2018). *General Labor Laws in Sri Lanka*. Desaram.com. Retrieved 13 January 2018, from <http://www.desaram.com/general-labour-laws-in-sri-lanka>

beginning of the child or the beginning certificate of the child ought to be produced later by the officer in proof of the birth of the kid <sup>35</sup>.

Sri Lanka Navy Recurring Orders 03/95 further states that the relevant commanding officer can supply leave to other rank squaddies according to their requirements<sup>36</sup>. The relevant commanding officer need to additionally make certain that granting of leave does not dispute the entitled work of that soldier. Despite the fact that the Sri Lankan method towards paternity go away may be very gradual, the tendency of feeling the necessity of paternity leave is seen over the above discussions. Vital carriers like Sri Lanka army and Air Force with their strict and rigid techniques have proven a whole lot interest towards the need of paternal go away where, they exemplarily offer a lower back up to the complete state to make bigger the conventional contemplating partnership and fatherhood to a moderated considering partnership and fatherhood <sup>37</sup>.

Accordingly, global literature identify the goodness of paternity leave as a socio-humanistic phenomenon than a rational phenomenon. Legal provisions for paternity leave in Sri Lanka is still in its early evolutionary stages. Many managers perceive paternity leave as a source of monetary or profit loss to the company, but a new perception is emerging to understand the benefits of paternity leave. Mostly managers agree with the suggestion that paternity leave should be enacted as a company policy. Culturally in Sri Lanka, child care is assigned to the mother. However, at present most of the senior managers appreciate that the country has embraced a modernizing culture where the females (mother) too are employed and paternity leave can provide relief to the family. Benefits to the employee and the organization. Benefits to staff is seen as a short term benefit and the good will of employees created due to granting paternity leave is seen as a long term benefit to the organization. It can be recommended that the degree of positivity be maintained and developed by the exemplary conduct during the paternity leave period by conforming to legal provisions, and to company guidelines. It could be recommended that organizations such as Chambers of Commerce and Businesses, Universities, and NGOs launch training programs to alter the perceptions of managers on paternity leave. At the same time, they can advise the companies on the financial effects of granting and consuming paternity leave.

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<sup>35</sup> The Employers' Federation of Ceylon, (2018). Labour Law Reforms. Employers.lk. Retrieved 13 January 2018, from <http://www.employers.lk/labour-law-reforms>

<sup>36</sup> De Saram, F. (2018). General Labor Laws in Sri Lanka. Desaram.com. Retrieved 13 January 2018, from <http://www.desaram.com/general-labour-laws-in-sri-lanka>

<sup>37</sup> The Employers' Federation of Ceylon, (2018). Labour Law Reforms. Employers.lk. Retrieved 13 January 2018, from <http://www.employers.lk/labour-law-reforms>