

A Review of Sickness-related Leave in 22 High Human Development Index Countries

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Introduction

This report provides a detailed summary of paid-sick-day and paid-sick-leave policies in 22 countries¹ that have a high level of human development, according to the United Nations' Human Development Index (HDI).² All 22 countries are members of the Organization for Economic Cooperation and Development (OECD), and most are members of the European Union (EU).

For each country, this paper examines relevant national legislation in three areas: short-term paid sick days available to a worker with a short-term illness; other paid sick leave that can be accessed when workers are sick for a longer period; and, finally, additional paid time off tied to illness that a worker may use to care for a sick child or other family member. The paid sick days and leave policies in each of the 22 countries vary substantially, and in a few cases, workers do not have access to extended paid sick leave or other entitlements crucial for the work and family life balance. In other cases, workers have access to multiple forms of extended paid sick leave whose wage replacement rates vary depending on the duration of illness. The United States is the only country that has no national guarantee for any of these three forms of paid leave.

The rest of this document reviews the legal situation in each country (and in the European Union).

Australia

Australian law allows 1/26 of annual work hours as paid sick or carer's leave ("paid personal/carer's leave") under the Australian Fair Pay and Conditions Standard, enforced by the Workplace Relations Act 1996, as amended in 2006.³ For example, employees working 38 hours a week over a 12-month period will accumulate 76 hours of paid leave, which equates to ten days per year. Employees are paid 100 percent of their normal wage rate, pro-rated for each hour worked (Workplace Relations Act 1996, Section 246). The payment is made up to 1/26 of employed hours during the 12-month period – absences beyond the annual limit are not paid, but they "[do] not break the employee's continuity of service" (WR Act s.247A(2)(b)). This paid personal leave is cumulative for each completed four-week period of continuous service (WR Act s.246(2)).

Workers can also use "up to two days of unpaid carer's leave for each occasion when a member of the employee's immediate family, or a member of the employee's household, requires care or

1 Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, New Zealand, Norway, Netherlands, Spain, Sweden, Switzerland, United Kingdom, and the United States; of these, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Spain, Sweden, and the United Kingdom are members of the European Union.

2 Our sample consists of those countries that score at least 0.94 on the Human Development Index (HDI). See Heymann, Rho, Schmitt, and Earle (2009), footnote 24.

3 The Fair Work Bill was passed on March 20, 2009 to replace the current Workplace Relations Act 1996 beginning on July 1, 2009. The Australian Fair Pay and Conditions Standard (AFPCS) will be replaced by the National Employment Standards (NES) on January 1, 2010 to set an overarching system for national employment standards. The NES will add new flexible working arrangements for working parents with disabled children, but it will not make changes to current provisions of paid personal/carer's leave, nor the emergency leave. For more information, see <http://thomsonreuters.reactlab.com/commentary/preparing-for-the-fair-work-act/>; and a full text of the Fair Work Bill can be accessed at <http://services.thomson.com.au/cpdnews/docs/Workforce/TextBill.pdf>.

support” due to illness or unexpected emergency (WR Act s.249(2)). The two days are available only if he or she cannot take paid personal leave or any other similar leave. The unpaid carer’s leave may be taken as a single, unbroken two-day period or as separate periods to which the employee and the employer agree (WR Act s.251).⁴

Austria

Workers in Austria are entitled to take paid sick days for up to 12 weeks (60 work days), depending on the duration of employment with the same employer. **Table 1** lists the total number of weeks of paid sick days by employees’ tenure with their current employer:

TABLE 1
Duration of Benefits by Job Tenure

Job Tenure	Duration of Payment
Up to 5 years	6 weeks
6 to 15 years	8 weeks
16 to 25 years	10 weeks
Over 25 years	12 weeks

Source: Republic of Austria (2007), p. 83.⁵

Once the above entitlement is exhausted, the employer continues to pay 50 percent of earnings for another four weeks, while the compulsory sickness insurance fund covers 25 percent of the earnings as the sickness benefit (Krankengeld). If the illness continues beyond this four-week period, Krankengeld is paid at 50 percent of earnings, and after six months of Krankengeld payment,⁶ at 60 percent of earnings, up to a ceiling of €3,930 per month.⁷

Workers whose earnings are below the marginal earnings threshold (Geringfügigkeitsgrenze) of €349.01 per month are not eligible for the compulsory insurance but can participate in a special voluntary insurance program. If voluntarily insured, a sickness benefit of €125.36 per month is paid (as of January 2008).⁸ There is a three-day waiting period to receive the sickness benefit, and incapacity for work must be certified by a doctor from the fourth day of illness.

The payment continues up to a legal minimum of 52 weeks (one year), which can be extended to 78 weeks. If the employee gets sick again after his or her entitlement for the year has been exhausted, employers provide remuneration for up to four weeks, or up to two weeks if the employment relationship has lasted for less than six months.⁹

4 See Australian Government (2007) for a full text of Workplace Relations Act 1996; see also Australian Government (2008) for a comprehensive summary of personal leave.

5 See also Republic of Austria (2008) for the full text of statutory law, Act Governing Domestic Help and Domestic Employees (HGHA), Section 10(1).

6 See United States Social Security Administration (2008) and EC (2008) for information on this section.

7 EC (2008).

8 EC (2008).

9 Republic of Austria (2008), Act Governing Domestic Help and Domestic Employees (HGHA), Section 10(3).

Austrian employees may also take one week of paid care leave per year. This leave is paid by the employers if the employee has to provide care for an ill family member “living in the same household,” including “spouse, life partner, children, adoptive children or foster children, parents or grand-parents” (Republic of Austria, 2007, p. 83). A total of two weeks can be used if a child under age of 12 falls ill and is in need of care. In this case, the employer will be reimbursed for the second week of payment by the health insurance fund. If there is a need for an extended leave, “taking leave without the employer’s consent... does not constitute a reason for dismissal” (Republic of Austria, 2007, p.84).¹⁰

Belgium

Belgium has two types of provisions for paid sick days: one is specific to white-collar workers and the other for blue-collar workers. Employers pay full wages for the first month of illness to white-collar workers, but only the first seven days to blue-collar workers. From the 8th to 14th day of incapacity, blue-collar workers receive 60 percent of an upper earnings limit, plus a supplementary allowance (*indemnité complémentaire/aanvullende tegemoetkoming*). The supplementary allowance continues up to the 30th day of the illness.

After the worker’s initial coverage ends (one month for white-collar and two weeks for blue-collar workers), compulsory social insurance pays 60 percent of earnings for a maximum of one year, up to a ceiling of €112.87 per day as of January 1, 2007. Employees living with other employed co-habitants or dependents in the household are entitled to 55 percent of earnings. The benefit is only paid to those with six months of insurance contribution immediately preceding the illness, including 120 days of credited work. There is a one day waiting period for all workers, excluding those that were unemployed for at least nine days within 21 days prior to the illness.¹¹

Belgian law offers no guarantees of short-term care leave for sick family members. Instead, workers may take a maximum of 12 months of full-time leave paid at same rate as parental leave, €698.65 per month,¹² to care for a seriously ill family member. Workers may also reduce the working hours by half or one fifth for 24 months. If the family member is terminally ill, a maximum of one month or an extended leave of two months also paid at €698.65 per month can be taken either on a full-time or a part-time basis.¹³ In case of unexpected emergencies, workers also have access to ten days of unpaid leave – “leave for imperative reasons” – per year; for example, “any unforeseeable event” such as “an accident suffered by someone living with you [and/or] fire damage to your home” (European Commission, n.d.).¹⁴

Canada

The Canadian Labour Code provides for 12 weeks of employee protection against “dismissal, lay-off, suspension, demotion or discipline” due to sickness-related absence (Government of Canada, 2005). The “sick leave protection” is guaranteed for employees with three months of continuous

10 Austrian workers are protected from illegal dismissals relating to illness-related leave, as detailed in HGHA, Sec. 11

11 Information in first two paragraphs are retrieved from European Commission (2008).

12 Moss and Korintus (eds.) (2008), pp. 144-145.

13 International Labour Organization (2006b).

14 See also OECD (2008).

service prior to illness. Employers are not required to pay for the employee's earnings during the absence.¹⁵

If employers do not pay for sick days or if the employees have used up all their paid sick days provided by employers, the employees can apply for sickness benefit under the National Employment Insurance (EI).¹⁶ Given that the employee has worked for 600 hours in the last 52 weeks prior to sickness or since the last claim, the benefit is paid up to 15 weeks after two weeks of an unpaid waiting period. The sickness benefit is paid at 55 percent of earnings up to a maximum of CAD\$447 per week (yearly maximum of CAD\$42,300), plus a Family Supplement paid to low-income families earning less than CAD\$25,921.¹⁷

Sickness-related provisions also appear in the labor legislation of most Canadian jurisdictions. **Table 2** illustrates that nine of 13 provinces (plus federal law) mandate employers to provide a form of leave relating to personal illness: Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan, and Yukon. Eight provinces (British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Quebec, Saskatchewan) – but not federal law – provide leave to care for sick family members, either inclusive of or separate from sick day provisions. Seven provinces (Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Quebec, Saskatchewan) provide leave for both personal and family illness.

TABLE 2
Canada, Sickness-related Absence (Unpaid)

Jurisdiction	Entitlements	
	Personal Illness	Family Illness
Federal	12 weeks*	-
Alberta	-	-
British Columbia	-	5 days/year
Manitoba		3 days/year
New Brunswick	5 days/year	3 days/year
Newfoundland		7 days/year
Northwest Territories	-	-
Nova Scotia		3 days/year
Nunavut	-	-
Ontario		10 days/year
Prince Edward Island	3 days/year	-
Quebec	26 weeks/year	10 days/year
Saskatchewan	12 days/year*	Unspecified*
Yukon	12 days/year (1 day/month)	-

Note: *Protection against dismissal only.

Source: See Footnotes 15-25.

15 Government of Canada (2005).

16 Saint-Cyr (2008).

17 Government of Canada (2009). For more information on Family Supplement, see http://www.servicecanada.gc.ca/eng/ei/service/family_supplement.shtml: “The maximum Family Supplement will reach as high as 80% of your average insurable earnings,” depending on the number and ages of children in that family.

Four jurisdictions (Manitoba, Newfoundland, Nova Scotia, and Ontario) have legislation that combines leave for personal and family illness. In Ontario, employees may use up to ten days of “Personal Emergency Leave” for urgent matters concerning both the personal illness and the health of family members.¹⁸ Manitoba provides three unpaid days per year of “Family Leave” to employees with 30 days of service.¹⁹ Newfoundland and Nova Scotia allows seven and three days a year of leave, respectively, to be used to care for personal and family illness.²⁰

Three other jurisdictions (New Brunswick, Quebec, and Saskatchewan) provide separate provisions to govern the leave to care for a sick family member, in addition to the leave for personal illness.²¹ In Saskatchewan, the legislation provides “job protection” for 12 days of absence per year due to personal illness, and also for an unspecified number of days of leave for family illness.²²

Quebec has the most generous provision governing sickness-related absence and leave for family illness. Employees with three months of continuous employment with the same employer are allowed to take 26 weeks of unpaid sick days per a 12-month period. Under the Act Respecting Labour Standards, employees may also take up to ten days of leave – continuous or divided – in connection with the health of a family member and up to 12 weeks if the family member is suffering from a serious illness.²³

British Columbia guarantees five days of unpaid “Family Responsibility Leave” that can be used to care for an immediate family member. British Columbia, however, does not mandate employers to provide sick days.²⁴

The federal jurisdiction does not provide a legal right for employees to be absent from work when a family member is ill except in cases when a family member is gravely ill and at risk of dying within 26 weeks. Workers on leave receive 55 percent of average insured earnings up to a yearly maximum insurable amount of CAD\$41,100.²⁵ In Alberta, Northwest Territories, and Nunavut, labor legislation does not make any provisions for personal and/or family illness. Workers in these jurisdictions are not entitled to any form of leave when they or a family member is ill.

Denmark

Under the Sickness Benefit Act, employees in Denmark have a legal right to receive full salary during sickness. In the private sector, employers must “pay daily benefits for two weeks [...] from the first day of absence” due to sickness, as long as the employee has worked for at least 72 hours during the eight weeks preceding the absence (European Commission, n.d.).²⁶

18 Government of Ontario (n.d.).

19 Government of Manitoba (2009).

20 Government of Newfoundland and Labrador (n.d.), Government of Nova Scotia (2008).

21 Government of Quebec (2008), Government of New Brunswick 2006, Government of Saskatchewan (n.d.).

22 Government of Saskatchewan (n.d.).

23 Government of Quebec (2008).

24 Government of British Columbia (n.d.).

25 Chaussard, Gereke and Heymann (2008)

26 EC (n.d.).

If the illness continues beyond two weeks, or if employers do not provide paid sick days, local or municipal governments pay the cash sickness benefits (*sygedagpenge*), which is fully reimbursed by the central government up to the fourth week. “Thereafter, the cost is split equally between local and central governments” up to a maximum of 52 weeks in an 18-month period, which “may be extended under specified circumstances” (US Social Security Administration, 2008). The sickness benefit is capped at “DKK 3,515 (€471) per week or DKK 95 (€13) per hour” in a 37-hour work week, based on the worker’s hourly wage (European Commission, 2008). In order to qualify for the benefits, the employee must have worked for “at least 120 hours in 13 weeks immediately preceding illness,” or have completed a vocational training course for a period of at least 18 months [...] doing a paid work placement as part of a vocational training course” (EC, 2008).²⁷

In special cases, benefits can be extended an additional 26 weeks. Local authorities assess the necessary steps for each sick individual every eight weeks during a long-term illness; if the sick worker has not recovered sufficiently to return to work, the sick worker may be eligible for an invalidity pension.²⁸

Sickness benefit rules in Denmark are largely tied to collective bargaining agreements between employers and trade unions, which covered more than 80 percent of the workforce in 2000 (OECD, 2004b, p. 145).²⁹ Some industries, therefore, have industry-specific collective bargaining agreements that may differ from the system described above. If a collective bargaining agreement requires that employers pay for sick days, then employers are reimbursed by the municipal government for the cost of benefit payments, excluding benefits paid on the first day of incapacity. The municipality directly pays the entire cash benefit if employers are not obliged to cover paid sick days under the relevant collective bargaining agreement.³⁰ In short, Danish workers are paid full salary by the government either directly or indirectly through the employers during a sickness absence.

Denmark provides no statutory right for a worker to take time off – paid or unpaid – to care for a sick child or a sick family member. Instead, collective bargaining agreements allow parents to take off work during the first day of a child’s illness (two days in the financial sector). Parents are expected to make other care arrangements during the initial time off.³¹ When the family member or a “closely connected person” is suffering from serious illnesses or is handicapped, however, workers will be “employed by the residential municipality of the connected person” to provide full-time care and receive a salary of DKK 16,556 per month (Consolidation Act on Social Services, Chapter 22, Section 118(2)). This full-time care may last up to a single six-month period, or be broken into two separate periods of up to three months (Consolidation Act on Social Services, c.22, s.118(3)).³² If the seriously ill family member is a child under the age of 14, parents may receive the sickness benefit, which is paid at the same rate as the benefits for personal illness.³³

27 See also US SSA (2008) for more information on this section.

28 EC (n.d.).

29 See OECD (2004b), Table 3.3, p.145

30 EC (2008), US SSA (2008).

31 Jensen and Hansen (2002).

32 A full text of the Consolidation Act on Social Services can be accessed at <http://eng.social.dk/index.aspx?id=5447dd14-839d-466d-8be2-04bddb536de8#Chapter%2022>.

33 US SSA (2008).

Finland

Under the Employment Contracts Act, Finnish law requires that employers pay full wages to employees during the first nine days of illness. The employment relationship must have lasted at least a month before the sickness begins. If employed for less than a month, employees are entitled to 50 percent of earnings.³⁴ The worker's normal wages are paid for the working days included in nine calendar days following the illness. In other words, if an employee works five days per week and illness starts on a working day, daily earnings will be paid for seven working days excluding the weekends. If an employee has a six-day workweek, the employee would receive eight paid sick days at usual earnings.

As a complement to the law, most sectors provide paid sick days on the basis of collective bargaining agreement provisions. These agreements usually provide for more paid sick days than the statutory period, up to a period of a month or two in most sectors.³⁵

Once the statutory sick leave period ends, employees can continue to receive sickness allowance from the Social Insurance Institution (KELA) for the same illness, for a maximum of 300 days over a 2-year period excluding Sundays. The amount of daily allowance paid depends on the level of annual income, as shown in the **Table 3**.³⁶ There is a daily minimum allowance of €2.69.³⁷

TABLE 3
Amount of Benefits by Income

Annual Earnings	Amount of Benefits (Daily)
€1,153 or less	€15.20 per week day, only if sickness lasts more than 55 days
€1,154 - €30,033	70% of 1/300 earnings
€30,034 - €46,207	€66.27 plus 40% of 1/300 of earnings exceeding €30,033
€46,208 or more	€88.66 plus 25% of 1/300 of earnings exceeding €46,207

Source: European Commission (2008).

Working parents in Finland are also granted unpaid “temporary child-care leave” to care for a sick child under the age of 10. Parents can use up to four workdays per sudden illness, and employers are not legally obliged to provide remuneration during this time. Both parents cannot take the leave simultaneously to care for same child, but the leave may be divided among them (Employment Contracts Act, Chapter 4, Section 6).³⁸

Finally, a separate provision of the law grants employees the right to temporary, unpaid, absence from work for “an unforeseeable and compelling reason due to an illness or accident suffered by their family” (Employment Contracts Act, c.4, s.7). The duration of this absence is unspecified in

34 Republic of Finland (2007).

35 EC (2008); see also EC (n.d.), Republic of Finland (n.d.).

36 EC (2008).

37 US SSA (2008).

38 See Republic of Finland (2007) for the full text of Employment Contracts Act; see also OECD (2005), Republic of Finland (2003).

the law, but the employee is entitled to return to work after the absence. If the position is no longer available, the employee shall be offered equivalent or similar kind of work (Employment Contracts Act, c.4, s.9).

France

In France, a compulsory social insurance scheme provides cash benefits during sick leave under the “RGAMTS” (Régime général d'assurance maladie des travailleurs salariés). RGAMTS entitles workers to “50 percent of daily wage up to a limit of 1/720th of the annual Social Security ceiling [€47.65]” (CLEISS, n.d.). The daily benefit is paid from the fourth day of absence (that is, after a three-day waiting period), for up to 12 months over a three-year period; if the illness is long-term, the benefit is paid for a maximum of three years for the same illness. If there are three or more dependent children in the same household, the worker is paid “two-thirds of the daily wage as from the 31st day of sick leave [...], up to a limit of 1/540th of the annual Social Security ceiling [€63.53]” (rates as of January 1, 2009) (CLEISS, n.d.). The daily benefit minimum is equal to “1/365th of the minimum disability pension” or €8.55 per day, which applies after the first six months of sickness absence (CLEISS, n.d.).

To be eligible for benefits for the full 12 months, workers must have had “800 hours of employment in the last 12 months, including 200 hours in the first three months” (US SSA, 2008). The benefit is paid only for the first six months of illness if the insured only has “200 hours of employment in the last 3 months” (US SSA, 2008).

French employers are not obliged to provide any form of additional cash benefits during sickness absence. In many cases, however, under the “national interprofessional agreement on monthly payments of wages or the collective agreement conditions,” employers must pay “the entire (or a part) difference between the salary and the amount of the sickness cash benefits...” (EC 2008).

If a worker’s child under the age of 16 is sick, the worker may take three days of unpaid leave to care for the child. Leave can be increased to five days if the sick child is less than one year old, or if there are three or more children under the age of 16 in the worker’s family. Most collective bargaining agreements have special provisions for this kind of leave, depending on job tenure and the number of children in the family.³⁹ Employees in the public sector, for example, are allowed up to fourteen days a year to care for a sick child.⁴⁰ Nevertheless, it is not the norm to provide remuneration even in these arrangements. If the child’s illness exceeds the granted care days, parents must resort to using vacation days.⁴¹

If a child under the age of 20 is seriously ill or disabled, employees can take an unbroken care leave of up to 310 working days over a three-year period (14 months equivalent) per child. This leave is not remunerated, but a special “daily allowance for parental presence” (allocation journalière de présence parentale, AJPP) of €40.17 per day is paid (rate as of January 2008) (EC, 2008). A single parent is paid €47.72, and a higher amount is paid “if the family income is lower than a certain level” and the additional costs “resulting from the disablement or sickness are higher than €102.74 per

39 Service-Public.fr. (2004); see also Letablier (2003) and CNIDFF (2006).

40 Letablier (2003).

41 Service-Public.fr. (2004).

month” (EC, 2008). Similarly, employees can also take an unpaid leave of up to three months to provide care for a seriously ill, old, or handicapped family member; this leave may not exceed one year in total during the worker’s work life.⁴²

Germany

In Germany, employers are legally obliged to pay sick workers’ full wages for up to six weeks. Employees must have been employed for a period of four weeks prior to illness. From the fourth day of sickness, sick workers must present a proof of incapacity for work. After six weeks, the health-insurance fund pays sickness benefits (Krankengeld) of “70 percent of the normal salary⁴³ but not exceeding 90 percent of the net salary” (EC, 2008). There is no waiting period nor qualifying conditions to receive the longer-term sickness benefits, which can be collected for up to “78 weeks over a three-year period” (EC, 2008).

In addition, a sickness benefit of 100 percent of earnings is paid when working parents take time off to care for a sick child under the age of 12. Employees may receive the benefits for 10 working days, up to a maximum of 25 days per year; single parents have 20 working days, up to a maximum of 50 days per year.⁴⁴

Germany’s recent adoption of the Law on Family Care Time (Pflegezeitgesetz) came into effect on July 1, 2008, allowing employees to take up to ten days of unpaid leave to care for a close relative in urgent situations. The ten days can also be used to organize care for relatives. In companies that employ more than 15 employees, up to six months of unpaid leave is also available. In both cases, employees are guaranteed a return to their employment after the leave. This new federal legislation is perceived as an important step ahead in reconciling work and life balance in Germany.⁴⁵

Greece

Workers in Greece are entitled to receive full pay during the first month of sickness. The benefit is paid partially by the Social Insurance Institute (IKA) and, when the worker is eligible, the rest is paid by employers. The duration of employer-pay depends on the job tenure – “if the insured has worked for the same employer for at least a year, the employer must pay the difference between the cash benefit and the employee’s earnings for a month; if the employment period is less than a year, the employer pays the difference for two weeks” (US SSA, 2008). There is a three-day waiting period for receiving IKA benefits, during which the employer pays 50 percent of earnings.⁴⁶

IKA pays a cash benefit of half daily earnings, plus ten percent of earnings for each dependent (with a maximum of four) as a supplement.⁴⁷ The benefits plus the supplement are capped at €15.68 per

42 Service-Public.fr. (2007).

43 Normal Salary (Regelentgelt) refers to “wages and income from work, normally received (during the last three months), insofar as subject to contribution” (EC, 2008).

44 US SSA (2008).

45 Rudolf (2008); see also Moss and Korintus (eds.) (2008), p.211.

46 EC (n.d.).

47 US SSA (2008).

day for the first 15 days of sickness, and at €28.81 per day after 15 days (rate as of January, 2008).⁴⁸ The duration of the benefits paid is 182, 360, or 720 days depending on the worker's tenure and social-insurance contributions, as specified in the **Table 4**.

TABLE 4
Duration of Benefits by Insurance Contributions

Duration of Benefits	Qualifying Conditions
182 days	100 days of insurance during preceding year, or 12 months of insurance during a preceding 15-month period; 80 days for construction workers
360 days	300 days of insurance for 2 years, or 27 months of insurance for preceding 30 months
720 days	1,500 days of insurance, 600 of which must have been in past 5 years; or 300 days by the age of 21, and increased by 120 days/year up to age 52, at which 4,200 days required, and 300 days completed within past 5 years

Note: Days here refers to working days

Sources: EC (n.d.), EC (2008).

Working parents in the private sector are entitled to an unpaid leave of six days per year to care for a sick child under the age of 16. A parent may take “up to eight days of leave if he/she has two children and up to 14 days if he/she has more than three” (Moss and Korintus (eds.), 2008, p. 216). The leave can be used to care for any other dependent members in the household “if their annual income is less than the basic income of an unskilled worker” (Moss and Korintus (eds.), 2008, p. 216). There is no specific provision for care for a sick child regulated by the public law.⁴⁹

Iceland

Workers in Iceland have access to employer-sponsored paid sick days that vary by job tenure. Under the Act Respecting Labourers' Right to Advance Notice of Termination of Employment and to Wages on Account of Absence through Illness and Accidents, No. 19/1979, a worker with less than one year of employment (but with more than two months of work⁵⁰) is entitled to two days of paid sick days per month for each month of employment (for example, twelve days of paid sick days with six months of employment) (Act Respecting Labourers' Right [...], No. 19/1979, Art. 6). If employed for more than one year with the same employer, the worker can receive full earnings for up to one month in the event of illness; if employed for more than three years, the worker can receive pay for up to one month of full earnings plus one month of “daytime wages”⁵¹; and one month of full earnings plus two months of daytime wages if employed for more than five years (Act

48 EC (2008) contains the most recent numbers on the benefit ceiling. The ceiling is based on daily wage of workers in third insurance category.

49 Papadopoulos (2002); see Moss and Korintus (eds.) (2008), pp. 215-220 for the most up-to-date information.

50 EC (2008).

51 Daytime wages (dagvinnukaup) are referred to earnings accrued for the regular working hours in Iceland, which is 8am to 4pm, Monday through Friday. See <http://www.mcc.is/english/work/salary/> for details.

Respecting Labourers' Right [...], No. 19/1979, Art. 5).⁵² Moreover, workers are typically entitled to longer paid sick days under collective bargaining agreements.⁵³

When the illness continues beyond the statutory pay period by employers, Iceland's social insurance pays per diem cash sickness benefits (sjúkradagpeningar) from the 15th day of illness after a 14-day waiting period, given that the illness had lasted for 21 or more days. The worker must attain a doctor's medical certificate from the first day of illness.⁵⁴ The benefit is payable at ISK 1,000 per day "for persons who have to give up full-time gainful employment" and ISK 500 per day "for persons who have to give up at least 50% of employment" (US SSA, 2008). If the worker has a dependent under the age of 18, ISK 270 is added to the sickness benefits for each child. The benefit is paid up to 52 weeks in a two-year period.⁵⁵

National law does not have a specific provision that governs leave to care for a sick child. Parents with a child under the age of eight may take 13 weeks of unpaid childcare leave, which could be used to care for a sick child. Workers also have a right to make flexible working arrangements "in cases of serious or unusual family circumstances" (Moss and Korintus (eds.), 2008, p. 236).⁵⁶ Under collective bargaining agreements, however, working parents may use up to seven or ten working days a year of fully paid leave to care for a sick child under the age of 13, depending on job tenure.⁵⁷

Further, a parent "who withdraws from paid employment due to the pressing circumstances that arise when his/her child is diagnosed as suffering from a serious and chronic illness or a severe disability" has a right to income-related payments for up to three months (Act on payments [...], No.22/2006, as amended, Art. 8). Payments are "80% of his/her average aggregate wages, based on a twelve-month period ending two months prior to the diagnosis of the child as suffering from a serious and chronic illness or a severe disability (Act on payments [...], No.22/2006, as amended, Art. 11)."

Ireland

Ireland has no statutory law detailing specific rules on paid sick days. But, employees are legally guaranteed the right to receive some form of paid sick days through their employment contracts or a government social insurance program. The Terms of Employment Acts of 1994 and 2001 mandate that employers include "terms or conditions relating to incapacity for work due to sickness or injury" in employment contracts (EC, n.d.).⁵⁸ If employment contracts do not specify the employer's sick-day policy, employees "may refer a complaint to the rights commissioner under the Payment of Wages Act of 1991 (EC, n.d.). It is common for employers to "provide full pay for some limited

52 See Iceland (n.d.) for the full text of the Act Respecting Labourers' Right [...], No. 19/1979; See also Icelandic Confederation of Labour (2007), pp. 23-24.

53 See Icelandic Confederation of Labour (2007), p. 24 for a comprehensive summary of entitlements under various collective agreements.

54 Iceland Social Insurance Administration (n.d.).

55 US SSA (2008), EC (2008).

56 Moss and Korintus (eds.) (2008), pp. 235-236.

57 Icelandic Confederation of Labour (2007), p. 25.

58 EC (n.d.); see also Ireland Citizens Information Board (2008): "Sick leave and sick pay."

period of absence, and thereafter for half pay for a further period” – in the typical case, three months of fully paid sick days and additional three months of half-paid sick days (ILO, 2006).⁵⁹

Employers providing paid sick days may request that employees refund any sickness benefits received from social insurance. Irish social insurance (PRSI) provides an Illness Benefit to insured sick workers who don’t receive sick pay from their employers; sick workers must apply “within seven days of becoming ill” (Ireland Citizens Information Board, 2008). From January 2009, the Illness Benefit is paid up to 52 weeks after a three-day waiting period, and up to two years (a change from unlimited payment) for insurers above 260 weeks (five years) of contributions.

The eligibility requirement for the benefit depends on the duration of PRSI contributions. The employee must have paid at least 104 weeks (two years) of contributions, 39 weeks of which were paid in the relevant tax year⁶⁰ (including a minimum of 13 weeks of paid contributions). However, employees with 26 weeks of contributions can also be eligible for the benefit if paid in each of the two preceding relevant tax years (52 weeks in total).

The Illness Benefit rates depend on employees’ average weekly earnings in the relevant tax year, ranging from €91.80 to €204.30 a week, as summarized in the Table 5. Additional benefits are paid if there is a “qualified adult” (adult dependent) in the employee’s insurance, such as the spouse or partner.⁶¹

TABLE 5
Amount of Benefits by Income

Average Weekly Earnings	For Existing (2008) Claims		New Claims Starting in 2009	
	Personal Rate	Qualified Adult Rate	Personal Rate	Qualified Adult Rate
less than €80	€91.8	€87.9	€91.8	€87.9
€80 - €124.99	€132.0	€87.9	€91.8	€87.9
€125 - €149.99	€160.1	€87.9	€91.8	€87.9
€150 - €219.99	€204.3	€135.6	€132.0	€87.9
€220 - €299.99	€204.3	€135.6	€160.1	€87.9
€300 or more	€204.3	€135.6	€204.3	€135.6

Source: Republic of Ireland (2009), Department of Social and Family Affairs.

In Ireland, “Force Majeure Leave” governs leave to care for a family member in urgent situations. Under the Parental Leave Acts of 1998 and 2006, when a close family member is injured or ill, or any other urgent matter arises, employees can use up to a maximum of “three days in any 12-month period or five days in a 36-month period” to care for that close family member (Ireland Citizens Information Board, 2008). This leave is paid by the employers, and it “cannot be treated as part of

59 “Labour Law Profile: Ireland.” (2006). Retrieved on January 14, 2009, from ILO (2006a).

60 Republic of Ireland (2009): “Relevant tax year is the second last complete tax year before the year in which you claim is made”. For example, if you are applying in 2009, the relevant tax year is 2007. For more information, see <http://www.welfare.ie/EN/Publications/SW119/Documents/sw119.pdf>.

61 The factual information in this section is based on Ireland Citizens Information Board (2008): “Illness Benefit” and Republic of Ireland (2009).

any other leave[...] including sick leave, annual leave, adoptive leave, maternity leave and parental leave” (Parental Leave Act 1998, as cited in Ireland, n.d.).⁶²

Moreover, employees can take a long-term leave to care for a sick family member on a full-time basis under the Carer’s Leave Act of 2001. The carer’s leave can be taken for a minimum of 13 weeks up to a maximum of 104 weeks. To be eligible, employees must have worked for the same employer for the preceding 12 months. Employees may also “work up to 15 hours a week” while on carer’s leave as long as their “income from employment or self-employment is less than a weekly income limit set by the Department of Social and Family Affairs (DSFA)” (Ireland Citizens Information Board, “Carer’s Leave”, 2008). The Carer’s Benefit is granted during this leave depending on the duration of PRSI contributions and the number of children in the family.⁶³

Italy

Italian labor law guarantees that employees receive remuneration during sickness absences. Under Article 2110 of the Civil Code, sick workers are entitled to “either a social insurance benefit (if provided for by law) or their pay or part of their pay, for a period of time and in an amount laid down by law, by collective bargaining, by custom or according to natural justice” (Avellis et al., n.d., p. 9).

The National Social Security Institute (INPS) guarantees a sickness benefit of 50 percent of earnings for the first 20 days of illness and two-thirds of earnings from the 21st day of illness. The benefit is paid after a three-day waiting period for up to 180 days, which is unlimited for tuberculosis treatment and for up to two years after the treatment ends. If sick employees without dependents are hospitalized, the sickness allowance is reduced to two-fifth of earnings.⁶⁴ Contract workers only receive the daily benefit for days they are hospitalized up to 180 days, and the “benefit varies according to the number of contributions made in the 12 months before hospitalization” (US SSA, 2008).

In the case of white-collar workers, collective bargaining agreements stipulate that the employers provide full pay from the first day of illness, which is then partially reimbursed by INPS (an amount equivalent to the statutory sickness benefit). “Blue-collar workers, on the other hand, receive a sickness benefit from the INPS, although this is usual[ly] made up to the amount of their normal pay by the employer, under the terms of the relevant industry-wide agreement” (Avellis et al., n.d., p. 9). Blue-color workers, however, are not guaranteed sick pay during the first three days of illness, though “the difference between white-collar and blue-collar workers has been eliminated in practice by many collective agreements, which guarantee from 80 to 100 percent pay from the first day of illness” (Avellis et al., n.d., pp. 9-10).

Italian working parents are allowed to take unlimited days of unpaid leave to care for a sick child under the age of three. For a sick child between the ages of three and eight, parents can take up to

62 Links for the full text of Parental Leave Acts 1998 and 2006 can be accessed at Ireland Citizens Information Board (2008): “Types of leave from work”; See also Ireland (n.d.).

63 Ireland Citizens Information Board (2008): “Carer’s leave.”

64 Refer to EC (2008) for information on this section. EC (2008) also has details on daily benefits for tuberculosis-related treatments. See also EC (n.d.) and US SSA (2008).

five days of unpaid leave,⁶⁵ “on an alternating basis” (ILO, 2003). Parents can also take up to two years of paid leave “over the course of their entire working life in case of a serious need in their family, for example, the disability of a child or other relative, even if not co-resident,” both in public and private sectors (Moss and Korintus (eds.), 2008).⁶⁶

Japan

Japanese law offers no guarantee of paid or unpaid sick days for non-serious, short-term illnesses. Most companies “do not have clearly defined provisions for paid sick leave,” although some allow sick employees to take off for a few days (Sugimoto, 2003, p. 100). With little choice left, employees generally use their annual paid leave (ten to twenty working days a year depending on job tenure⁶⁷) to cover sickness-related absence.⁶⁸ Under the Labor Standards Law, however, employers “shall not dismiss a worker during a period of absence from work for medical treatment with regard to injuries or illnesses suffered in the course of duties nor within 30 days thereafter” (Labour Standards Law, Chapter II, Article 19, p. 13).⁶⁹

For serious illnesses, the Employees’ Health Insurance plan (Shakai Hoken) provides 60 percent of earnings up to 18 months, after a three-day waiting period. Employees must have an employment contract of more than two months with an employer that is registered with Shakai Hoken.⁷⁰ The sickness benefit is not covered by National Health Insurance (Kokumin Kenko Hoken), which insures non-working individuals as well.⁷¹

On the other hand, Japan has a more family-friendly policy that benefits workers with children and other dependents in need of care. Under the Childcare and Family Care Leave Act, as amended in 2004, employers must provide an unpaid child care leave of five working days per fiscal year (April 1 to March 31), to look after a sick or injured child of pre-school age.⁷² The Employee’s Health Insurance plan only pays for costs incurred during medical treatment of the dependents, with cost-sharing of 20 percent of the medical expenses for children under the age of three, 30 percent for older dependents, and 10 percent for those aged 70 or older.⁷³

Workers may also use “family care leave” to take care of a family member who needs full-time care due to injury, sickness, or disability. Upon submitting an application to the employer, an employee may take up to 93 days (3 months) per family member, if he or she has been employed for at least a

65 Moss and Korintus (eds.) (2008).

66 See also EC (n.d.): workers are also “entitled to paid leave of three working days per year in the event of serious illness or death of their spouse or second degree relative or a partner certified to be cohabiting by appropriate documentation.”

67 Ray and Schmitt (2007), p. 13.

68 Sugimoto (2003), p. 100.

69 Refer to Japan (2002) for the full text of the Labour Standards Law (Law No. 49 of 7 April 1947).

70 Employees’ Health Insurance (Shakai Hoken) is compulsory “if you work for a company or factory which employs 5 workers or more...” (Japan, n.d.).

71 Information on this paragraph is based on US SSA (2006) and Japan (n.d.); see also General Union (2008).

72 Japan’s standard pre-school age is six. See <http://www.gaijinpot.com/family.php>. For the full text of the Childcare and Family Care Leave Act (Law No. 76 of 1991), Chapter III-2, Article 16-2, refer to Japan (2004).

73 Japan (n.d.), US SSA (2006).

year.⁷⁴ As of 2007, workers are entitled to 40 percent of daily wages as a nursing care leave benefit to look after family members.⁷⁵

Luxembourg

Under the Act of 13 May 2008 on Single Statute, as of January 1, 2009, all private-sector employees in Luxembourg have a right to receive full pay from their employers for the first 77 days of illness in a 12-month period, “until the end of the month in which the seventy-seventh day of incapacitation occurs (11 weeks to 15 weeks maximum⁷⁶)” (Luxembourg, 2008, p. 1). Employers receive a refund of 80 percent of costs incurred, from the new Employers’ Mutual Insurance⁷⁷ that employers are now obliged to join.⁷⁸ Besides the new statutory addition, Luxembourg’s social insurance code also guarantees 52 weeks of full sickness-benefit payment to the insurers within a 104 week period. The minimum for sickness-benefit is set at the minimum wage of €1,570.28, as of January 2008.⁷⁹

Under the previously existing law, working parents in Luxembourg were allowed to take a single or separate “leave for family reasons,” fully paid by employers up to two days per year, to care for a sick child under the age of 15 (Chambre de Commerce Luxembourg, 2006, p. 124). Parents could also get an extension to the leave “if this is recommended by the Social Security Medical Control Board [...] in the case of an exceptionally serious illness or medical deficiency” (Chambre de Commerce Luxembourg, 2006, p. 124). Under the new system, this leave can be extended up to 52 weeks in total,⁸⁰ and employers receive a 100 percent refund from the National Health Insurance.⁸¹

Netherlands

In the Netherlands, employers provide 70 percent of daily earnings to employees during a sickness-related absence, for up to 104 weeks (two years). Employees are paid at least the minimum wage during the first year of absence, but this minimum is not guaranteed during the second year of illness. The payments are issued to both permanent and temporary employees from the first day of illness.⁸² In the case of temporary workers whose contract expires while ill, under the Sickness Benefit Act (*Ziektewet, ZW*), the Social Security Agency (*UWV*) must provide the same amount of benefits until the end of two years. The daily wage used for the benefit calculation is capped at

74 Japan (2004), Childcare and Family Care Leave Act, Chapter III, Article 11 through Article 15.

75 US SSA (2006).

76 Deloitte (2008), p. 7.

77 Substantial changes under the new law have affected both the labor code and the social insurance system, in which the various provisions that had previously existed separately for white- and blue-collar workers are now merged for a simpler, overarching system. As a result, the new governing body of sickness benefits, Employers’ Mutual Insurance, was created to oversee benefits provided by the Mutual Scheme. The main source of funding for the Mutual Scheme is the employer contributions made to the Joint Social Security Centre and, “for a transitional period ending on 31 December 2013, by an additional premium payable by [blue-collar workers]” (Luxembourg, 2008, p. 2). After 2013, the gap in funding will be closed by the State budget. See Castegnaro and Claverie (2009) for a detailed account on changes made by the new system.

78 Information in this paragraph is based on Luxembourg (2008); see also Castegnaro and Claverie (2009).

79 US SSA (2008).

80 Castegnaro and Claverie (2009).

81 Luxembourg (2008), p. 2.

82 Netherlands Ministry of Social Affairs and Employment (MSAE) (n.d.)a.

€183.15 (as of July 1, 2008).⁸³ If the sickness benefit calculated is lower than the minimum wage, UWV grants supplementary allowances under the Supplementary Benefit Act (Toeslagenwet, TW).⁸⁴

Dutch law also contains a generous provision concerning leave to take care of a sick child or other sick family member. Under the Work and Care Act, an employee may take a paid “emergency leave” when there is an unexpected emergency in his or her household, including a sudden illness of a child or of a family member. Emergency leave can last for a few hours up to a few days in certain cases, and is fully paid by the employer.⁸⁵ The Act also entitles working parents to a “short-term care leave” for a maximum of ten days per year to care for a sick child, partner, or elders. Employers pay 70 percent of wages during this leave;⁸⁶ however, the short-term care leave is “conditional,” meaning that “an employer can refuse to grant the leave if the interests of the business or service reasonably outweigh the employee’s interests” (Netherlands MSAE, n.d.(c)). Usually, when a family member becomes ill, employees may use emergency leave for the first day, and convert to short-term care leave from the second day onwards.⁸⁷

If a family member is seriously ill, employees can take up to 12-weeks of unpaid, long-term leave. Employees must, however, continue to work for at least half of the normal working hours (which are remunerated).⁸⁸

New Zealand

In New Zealand, the Holiday Act 2003 entitles employees to up to five sick days in a 12-month period. It can be used to recover from the employee’s own illness or injury, or to care for a dependent family member, such as the spouse, child, or elder in the household. Any sick days left unused within the 12-month period are automatically carried over to the following year, and can be accumulated up to a maximum of 20 days. Employers must have completed six months of continuous service to have access to sick days; if the employment has not been continuous for the preceding six months, employees must have worked for “an average of at least 10 hours per week” during that period, including “at least one hour per week or 40 hours per month” (New Zealand, 2003). As long as these conditions have been met, employees under various work contracts are eligible to use five sick days, “whether they are full- or part-time, permanent or fixed-term employees” (NZ, 2003). Employers pay full wages during sick leave, and have the right to request proof of illness if the employees are sick for three days or more.⁸⁹

Norway

Workers in Norway are entitled to 16 calendar days of paid sickness absence. If an employee has worked for at least four weeks prior to the illness, he or she is entitled to receive full earnings from

83 Netherlands MSAE (n.d.)b; see also EC (2008).

84 EC (2008).

85 Netherlands MSAE (n.d.)d.

86 Netherlands MSAE (n.d.)c, OECD (2002), p. 135.

87 Netherlands MSAE (n.d.)d.

88 Netherlands MSAE (n.d.)e; see also OECD (2002), p. 135.

89 This section is written based on a Paid Sick Days fact sheet at New Zealand (2003). For the full text of the Holidays Act of 2003, Section 63, see <http://legislation.knowledge-basket.co.nz/gpacts/public/text/2003/se/129se63.html>.

the employer, beginning on the first day of illness. After the 16th day of illness, if sickness continues, the Norwegian National Insurance scheme (Folketrygden) provides a sickness benefit that amounts to 100 percent of earnings, up to 260 working days (52 weeks). If an employer continues to provide remuneration beyond 16 days, Folketrygden refunds the sickness cash benefit directly to the employer. The employer must be notified of sickness absences on the first day, and may then request a medical certificate from the third day of illness onwards.⁹⁰ When the illness has been certified, the employee may not be dismissed from work during the first 52 weeks of sickness.⁹¹

Employers also provide daily cash benefits at the full rate when employees take off work to care for a sick child under 12. The benefit is payable for a maximum of ten days per year for each parent of one child and 20 days for a single parent; for a household with three or more children, 15 days and 30 days respectively; for each disabled or chronically ill child under 18, 20 days and 40 days respectively.⁹² Folketrygden refunds cash benefits to employers when an employee is absent for more than ten days, or the child is older than the age of 12.⁹³

Cash benefits are also paid in various other instances – to attend training courses to better take care of a chronically ill child; to care for a child whose day care provider is ill; to care for a close relative in the terminal phase of a disease (benefits paid up to 20 working days); and to care for a hospitalized child (benefits paid from the 8th day of care).⁹⁴

Spain

In Spain, workers receive 60 percent of earnings from the 4th to the 15th day of sickness absence, after a three-day waiting period. The sickness allowance is normally paid by employers, who are reimbursed by the social insurance system. The social insurance system provides a direct sickness benefit of 60 percent of earnings from the 16th to the 20th day of illness, and 75 percent of earnings up to 12 months thereafter, which may be extended to 18 months if the sick worker is expected to recover from sickness during this additional period. The sickness benefit only applies to those with 180 days of insurance contributions during the five years prior to the date of illness.⁹⁵ The minimum and maximum monthly income limit for the benefit is €700 and €3,074.10 respectively.⁹⁶

The provision on sick days is strictly governed by the social insurance system – employees are not allowed to “combine the sickness benefit and work, even part-time” (OECD, 2003, p. 68), and must obtain an illness certification from a doctor of the Public Health Services on the fourth day of illness. The doctor’s certification must be delivered to the employers within five days.⁹⁷

Spanish law entitles workers to two days of paid leave “to care for a seriously sick child or for other family reasons,” such as a serious illness, hospitalization, or death of a family member (Moss and Korintus (eds.), 2008, p. 320). Up to four days of paid leave can be used if the employee has to

90 EC (n.d.), EC (2008).

91 Lover (2007), Working Environment Act, Section 15-8, p. 58.

92 EC (2008), US SSA (2008); see also Moss and Korintus (eds.) (2008) and Lover (2007), Section 12-9, p. 41.

93 US SSA (2008).

94 EC (2008); see also Lover (2007), Section 12(9-10), pp. 41-42.

95 EC (2008), US SSA 2008. See also EC (n.d.).

96 US SSA (2008).

97 EC (2008)

commute long-distance for work. For more severe illness of a dependent, whether a child or adult, employees can take up to two years paid leave or reduced working hours to provide care. The leave is paid at €487 per month beginning in mid-2007. Public employees receive three years of unpaid relative care leave, as well as the right to work a half schedule for up to a month without a loss of normal earnings.⁹⁸

Sweden

Under the Swedish Sick Pay Act, employees are entitled to receive 80 percent of earnings from employers during the first 14 days of illness.⁹⁹ There is an unpaid, one-day waiting period, and it does not apply for an employee who falls ill again within five calendar days of returning to work.¹⁰⁰ To be eligible for sick pay, the employee must have been “employed for at least one month or have worked for 14 days without break” (EC, n.d.).

Employees on sickness absence must present a medical certificate from the eighth day of illness on.¹⁰¹ Starting July 1, 2008, under a new provision of the Sick Pay Act (provision 10a), employers are allowed to request a medical certificate from the first day of employee’s sickness, if “special reasons exist,” such as “frequent absence of employee, or the employee requiring medical care due to drug addiction” (Berg, 2008).

If an employee’s illness persists beyond 14 days, the employer must notify the Swedish Social Insurance Agency (Försäkringskassan); from that point on, the Social Insurance Agency pays the sickness benefit (sjukpenning) under the National Insurance Act.¹⁰² The benefit is equal to 80 percent of earnings with a reducing factor of 0.97 (introduced in January 1, 2008)¹⁰³, up to a ceiling of 7.5 times the price base amount (SEK 42,000 as of 2009).¹⁰⁴

The sickness benefit is paid up to “364 days during a 450-day period (around 15 months)”, and the workers may apply for an “extended sickness benefits for at most 550 days (approximately a year and a half)” at a rate of 75 percent of earnings (Swedish Social Insurance Agency, 2008, pp. 3-4).

For more serious long-term illnesses, there is no formal maximum duration of the sickness benefit (paid at 80 percent of earnings), and it may be converted into other forms of compensation – activity or sickness compensation. Activity compensation is payable to employees aged between 19 and 29, if they have to permanently or temporarily (at least one year) reduce working hours by at least a quarter due to an illness. Depending on the amount of working hours reduced, employees may receive one-quarter, half, three-quarters, or full benefits. The same conditions apply for sickness compensation granted to sick workers between 30 and 64. In some cases, if the Social Insurance Agency or an employer determines that the sick or injured employee is still able to work but unable

98 Moss and Korintus (eds.) (2008), p. 320.

99 EC (n.d.), EC (2008).

100 Swedish Social Insurance Agency (2008), p. 2.

101 Swedish Social Insurance Agency (2008), p. 2.

102 EC (2008), Swedish Social Insurance Agency (2008); see also EC (n.d.).

103 EC (2008).

104 The Swedish government sets the price base amount (pribasbelopp) on the basis of yearly inflation. The base amount for 2009 is SEK 42,000. The sickness benefit up to a ceiling of 7.5 times the price base amount therefore equals SEK 321,000 in 2009. See <http://www.sweden.gov.se/sb/d/9514/a/87544>.

to use normal means of transportation, a special travel allowance is provided instead of sick-pay or sickness benefit.¹⁰⁵

If a working parent has to take off time from work to care for a sick child, she or he can use temporary parental leave (*tillfällig föräldrapenning*) to receive cash benefits equal to 80 percent of earnings (capped at 297,700 Kroner), through social insurance. The benefit is payable for 60 days per year for a sick child under the age of 12; under the age of 16 if the child is seriously ill or disabled, and up to 21 or 23 years old in “certain cases” (US SSA, 2008). Moreover, an additional 60 days could be “used to stay at home with young children if the regular caregiver is sick” (Moss and Korintus, 2008, p. 336). If parents cannot miss work, someone outside of the family covered by the social insurance can care for the child and receive the cash benefit instead.¹⁰⁶

Switzerland

Article 324(a) of the Swiss Code of Obligations mandates that employers pay full wages for a “limited period” when employees are absent from work due to sickness, provided that the employment relationship has lasted for at least three months.¹⁰⁷ “Jurisprudence [...] reveals that the courts often apply the so called Bern Scale for salary payments” (OECD, 2004, p. 215), in which the duration of sickness payments are laid out according to the employee’s tenure. **Table 6** shows that the full wage is paid for three weeks during the first year of employment (the national standard), and for a longer period as tenure with the current employer increases. After the first three weeks of illness, payments vary “by the canton where the work is performed” (EC, n.d.). Most employers, however, are likely to provide benefits that are longer in duration than the Bern Scale, as “collective labour agreements often provide for more favourable terms” (EC, n.d.).

TABLE 6
Duration of Benefits by Job Tenure

Job Tenure	Duration of Payment	
	“Berne Scale”	Collective Agreements
4 to 12 months	3 weeks	7.1 weeks
2 nd year	4 weeks	9.6 weeks
3 rd to 4 th year	9 weeks	10.7 weeks
5 th to 9 th year	13 weeks	14.6 weeks
10 th to 14 th year	17 weeks	21.5 weeks
15 th to 19 th year	22 weeks	n.a.
20 th to 24 th year	26 weeks	n.a.
25 th to 29 th year	30 weeks	n.a.
30 th to 34 th year	33 weeks	n.a.
35 th to 40 th year	39 weeks	n.a.

Source: Swiss Confederation (2007); OECD (2004), p. 215

105 Swedish Social Insurance Agency (2008).

106 Moss and Korintus (eds.) (2008), p. 336.

107 Swiss Confederation (2007), EC (n.d.); see Swiss Confederation (2008) for the full text of Swiss Code of Obligations, Article 324(a).

Additionally, employees or employers may take out optional insurance as a part of compulsory health insurance to cover the loss of daily earnings during an employee's sickness. The Swiss health insurance system does not require additional coverage for the sickness benefit, but the additional coverage can be combined with sick pay available in each canton.¹⁰⁸ The basic rate for the sickness benefit is "agreed on between the insurer and the insured" (US SSA, 2008), and may possibly cover up to 100 percent of earnings loss.¹⁰⁹ The optional insurance has a three-day waiting period, and the benefit can be paid up to 720 days in a period of 900 consecutive days.¹¹⁰

The Code of Obligations also contains a provision for "family responsibilities" that requires employers to provide a form of leave to care for a family member. Employees may refuse overtime or take a lunch break when a family member needs care. When a child is ill, employees can take up to three days of leave to care for the child, with proof provided by a medical certificate.¹¹¹

United Kingdom

In United Kingdom, Statutory Sick Pay (SSP) is paid to employees who are unable to work due to an illness. Employers pay SSP at a standard weekly rate of £75.40 (as of April 6, 2008) up to a maximum of 28 weeks, after a three-day waiting period.¹¹² If the employee suffers from more than two periods of recurring sickness of at least four days in eight weeks, there is no waiting period for the second period of sickness. The qualifying conditions for SSP are such that employees must be sick for more than four consecutive days, as well as have earned a minimum income of £90 a week (Lower Earnings Limit for National Insurance Contributions). There is, however, no tenure requirements for SSP. Employees must notify employers of sickness within seven days of falling ill, and employers may request a sick note from a doctor or another health professional after seven days of sickness.¹¹³

Once the 28 weeks of SSP payment is exhausted, or if employers do not provide SSP, employees, with approval from the employers, are entitled to claim Employment and Support Allowance from the National Insurance.¹¹⁴ The Employment and Support Allowance consists of two phases: the assessment phase and the main phase. After a three-day waiting period, an employee goes through a 13-week period during which his or her ability to work is assessed; during this period, the benefit rate equals £47.95 per week for those under the age of 25, and £60.50 per week for those who are older. During the main phase, employees are paid up to £84.50 if participating in the Work Related Activity Group, and up to £89.50 if in the Support Group. The Work Related Activity Group provides general support for sick employees, who are expected to go through a series of work-

108 Swiss Confederation (2007).

109 "Daily indemnities usually correspond to the amount of cash wages that have been insured (salary in kind is usually not covered). In principle it is possible to cover 100%, 80%, or a percentage less than the cash wages." Swiss Confederation (2007).

110 EC (2008).

111 ILO (2002), Travail Suisse (2005), p. 9.

112 Assuming that a week begins on a Sunday, "[the] employer will work out a daily rate of SSP by dividing the weekly rate by the number of qualifying days in that week" (United Kingdom, 2008(b)).

113 Information in this paragraph is based on United Kingdom (2008a) and United Kingdom (2008b).

114 On October 27, 2008, the "Employment and Support Allowance has replaced Incapacity Benefit and Income Support," and individuals who are currently receiving the Incapacity Benefit will continue to receive them until the entitlement period ends (United Kingdom, n.d. (a)).

focused interviews with a specially trained advisor, who helps the worker to manage and cope with the illness and to continue working. The Support Group is generally for workers with a serious illness that severely damages their ability to work.¹¹⁵

British employees are also guaranteed some unpaid time off to care for dependents during emergency situations, including when they are suffering from an illness. A “dependent” could be any family member living in the household; an “emergency situation” could be “any unexpected or sudden problem involving someone who depends on your help or care” (United Kingdom, n.d.(b)). Employees are allowed “reasonable” time off to deal with unexpected emergencies, which, “for the most cases one or two days should be sufficient to deal with the problem” (United Kingdom, n.d.(b)). The leave is unpaid, but “there is no limit to the number of times [they] can take time off for dependents, provided it’s for real emergencies” (United Kingdom, n.d.(b)). In addition, as part of the parental leave entitlements, up to 13 weeks of unpaid leave can be used to care for a sick child under the age of five.¹¹⁶

United States

In the United States, neither federal nor state law requires that employers provide any paid time off to sick workers. In the event of a serious, long-term illness, the Family Medical Leave Act (FMLA) guarantees employees (who have been with their employer for at least one year and who work at an establishment with at least 50 employees) up to “12 workweeks of unpaid leave during any 12-month period” (US Department of Labor, 2008).

Three U.S. cities have laws setting a minimum standard for paid sick days. San Francisco, Washington, D.C., and Milwaukee require private employers to provide paid sick days. In November 2006, San Francisco became the first U.S. city to pass paid sick days legislation. The law, which went into effect in February 2007, grants employees one hour of paid sick time for every 30 hours worked, up to a maximum of 10 paid sick days per year, which can be used to care for themselves, a sick child, or other sick family member. Businesses employing fewer than ten employees are required to provide at least five paid sick days per year.¹¹⁷ In November 2008, Washington, D.C. passed legislation requiring businesses with 24 or fewer employees to provide three paid sick days per year; businesses with 24-99 employees, five days per year; and, businesses with 100 or more employees, seven days per year. These paid sick days can also be used to care for a sick family member, or to receive assistance related to domestic violence or sexual assault.¹¹⁸ The Washington, D.C. law exempts “health care workers who choose to participate in a premium program” and “restaurant wait staff and bartenders who work for a combination of wages and tips” (Council of the District of Columbia, 2008). In November 2008, Milwaukee also passed a ballot initiative to guarantee workers paid sick days.¹¹⁹ As of February 2009, workers earn one hour of paid sick time for every 30 hours

115 United Kingdom (n.d.)a.

116 OECD (2005), p. 244.

117 City and County of San Francisco (2007).

118 Council of the District of Columbia (2008).

119 In February 2009, Milwaukee County Circuit Court put a temporary injunction on Milwaukee’s paid sick leave ordinance. A hearing on a permanent injunction was held on May 11, 2009, to which the judge has 90 days to return a written ruling. See <http://www.city.milwaukee.gov/der/pslo> and also <http://www.bizjournals.com/milwaukee/stories/2009/05/11/daily21.html>.

worked. Full-time employees may use up to nine paid sick days per year; businesses with fewer than ten employees must provide at least five paid sick days per year.¹²⁰

Five states (California, Hawaii, New Jersey, New York, and Rhode Island) and Puerto Rico have Temporary Disability Insurance (TDI) programs that provide partial wage replacement for private employees with a short-term disability.¹²¹ These state programs are funded either by employee payroll taxes or by employers who purchase insurance plans or get authorization to self-insure from the state. Each state's plan has separate eligibility requirements and benefit amounts, while the waiting period of seven calendar days is the same across all the states. See **Table 7** for state-specific program details.

Three states – California, New Jersey, and Washington – have laws that allow employees to use paid family leave to care for sick or disabled family members. California was the first state to implement the paid family leave policy in July 2004. Workers there are now entitled to six weeks of leave within a 12-month period, regardless of the size of businesses. The benefit amount calculations are the same as the State Disability Insurance (SDI) scheme detailed in the Table 7.¹²² On July 1, 2009, New Jersey will become the second state to implement paid family leave insurance. Employees working in New Jersey began making insurance contributions on January 1, 2009. Employees will be allowed to use six weeks of leave to care for a seriously ill family member, and will be paid a weekly benefit of “two-thirds (2/3) of the average weekly wage up to a maximum of \$546 for claims beginning July 1, 2009” (State of New Jersey, 2007).¹²³ Washington passed a similar family leave program in May 2007, “designed to provide up to \$250 per week for up to five weeks to each eligible parent beginning October 1, 2009.” The implementation of this law, however, is temporarily suspended, “due to the budget shortfall in state government” (State of Washington, 2009).

120 City of Milwaukee (2009); see also National Partnership for Women & Families website for paid sick days and leave campaigns across the nation: <http://paysickdays.nationalpartnership.org/>.

121 National Partnership (2007), Lovell (2004), US SSA (2007). See also State of California (2008a), State of Hawaii (n.d.), State of New Jersey (2007a), State of New York (n.d.), State of Rhode Island (n.d.), for state-specific program details.

122 State of California (2008b).

123 State of New Jersey (2007b).

TABLE 7
Summary of State and Local Paid-Sick-Day and Paid-Sick-Leave Provisions in the United States

		Qualifying Conditions	Source of Funding	Weekly Benefit Amount	Payment Duration	Waiting Period
States providing Temporary Disability Insurance Programs (For 50-Day Cancer)	California	\$300 in earnings during base period	Employee payroll deductions	\$50-\$959; 55% of average weekly earnings in the highest quarter of the base period	52 weeks	7 days
	Hawaii	14 weeks of HI employment, including 20 hours of pay; and \$400 in earnings in the 52 weeks preceding the first day of disability	Employers, by purchasing insurance or self-insuring	\$1-\$510; 58% of average weekly earnings	26 weeks	7 days
	New Jersey	20 weeks of NJ employment with \$143 earnings; or \$7,200 in earnings during base year period	Both employee and employer contributions	Up to \$546; 2/3 of average weekly earnings (based on last eight weeks)	26 weeks	7 days
	New York	4 consecutive weeks of work	Employers, by purchasing insurance or self-insuring; they may pay the entire cost or employees may contribute ≤60 cents per week	Up to \$170; 50% of average weekly earnings (based on last eight weeks)	26 weeks	7 days
	Rhode Island	\$8,800 in earnings in base or alternate base period	Financed entirely by employee payroll deductions	\$69-\$671; 4.62% of high quarter wages up to 85% of state's average weekly wages in preceding calendar year, plus the greater of \$10 or 7% of benefit rate for each of up to 5 dependents	30 weeks	7 days
Rules for Payment Duration (by business size)						
Cities with Paid Sick Days Ordinances (For 5-Day Flu)	San Francisco	Accrual starts 90 days after the day of hire; if hired prior to Feb. 5, 2007, accrual started on Feb. 5, 2007.	Employers (provide full pay)	1 hour of leave per every 30 hours worked. If ≥10 employees, up to 72 hours of leave (9 days); if <10 employees, up to 40 hours of leave (5 days)		None
	Washington, D.C.	Accrual starts on the day of hire (after Nov. 13, 2008); access date starts after one year and 1,000 hours of work.	Employers (provide full pay)	If ≥ 100 employees, 1 hour of leave for every 37 hours worked (max 7 days); if 25 ≥ employees > 100, 1 hour of leave for 43 hours (max 5 days); if < 25 employees, 1 hour of leave for 87 hours (max 3 days)		None
	Milwaukee	Accrual will start on the day of hire after ordinance implementation.	Employers (provide full pay)	1 hour of leave per every 30 hours worked. If ≥ 10 employees, up to 72 hours of leave (9 days); if <10 employees, up to 40 hours of leave (5 days)		None

Source: Heymann, Rho, Schmitt, and Earle (2009).

European Union

European Union law does not mandate any short-term paid sick days. For long-term illness, the European Court of Justice ruled in January 2009 that “workers do not lose their right to take paid annual leave just because they have been on long-term sickness absence” (EC, 2009). Workers are entitled to take all of the unused statutory minimum period of annual leave (four weeks under the 2003 European Working Time Directive¹²⁴) upon their return to work, or receive payment for the unused annual leave if the employment relationship has been terminated.¹²⁵ Under the ECJ ruling, even if the worker is not entitled to a long-term paid sick leave under national law, he or she can either retrieve paid annual leave lost, or be compensated for the four weeks.

124 Ray and Schmitt (2007), p. 8.

125 European Commission (2009); see also

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:069:0003:0004:EN:PDF> for the official judgment of the Court.

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