

# Family and Medical Leave Benefits Provided by the Military

Denmark • Israel • Norway • Sweden

June 2014



**Contents**

Denmark.....1

Israel.....6

Norway.....14

Sweden.....18

# Denmark

*Elin Hofverberg*

*Foreign Law Research Consultant*

**SUMMARY** Both men and women serving in the military receive parental and family leave in Denmark. Leave is granted for the care of young children, sick children, seriously ill children, dying family members, etc. The leave may be paid or unpaid. Paid leave is made up of a combination of leave paid by the employer and leave paid by the state.

## I. Introduction

Trying out for military service is mandatory for men in Denmark.<sup>1</sup> Women are not drafted but serve voluntarily.<sup>2</sup> Whether or not men who do not wish to serve are forced to do so depends on whether enough men and women volunteer to serve. Currently, one in four of new recruits are women.<sup>3</sup>

Family leave is governed by the Leave for Family Reasons Act.<sup>4</sup> This is general legislation that applies to all employees who work in Denmark. Family reasons for leave from the military include care for dying family members, sick children, and severely ill or hospitalized children.<sup>5</sup>

## II. Maternity Leave

Mothers in the military receive paid leave both prior to and after giving birth.<sup>6</sup> Expectant mothers have the right to six weeks of paid leave prior to their due date.<sup>7</sup> However, an expectant mother has the duty to inform her commander at least three months prior to the due date of when she will take her leave.<sup>8</sup> Paid leave is also granted for prenatal appointments, although these

---

<sup>1</sup> *Før forsvarets dag*, FORSVARET, <http://www2.forsvaret.dk/temaer/vaernepligt/foerforsvaretsdag/Pages/default.aspx> (last visited June 25, 2014).

<sup>2</sup> *Kvinder i forsvaret*, FORSVARET, <http://www2.forsvaret.dk/temaer/vaernepligt/KvinderIForsvaret/Pages/default.aspx> (last visited June 25, 2014).

<sup>3</sup> *Mange kvinder vil være soldater*, DR, Aug. 7, 2013, [http://www.dr.dk/Nyheder/Ligetil/Dagens\\_fokus/Indland/2013/08/07102728.htm](http://www.dr.dk/Nyheder/Ligetil/Dagens_fokus/Indland/2013/08/07102728.htm).

<sup>4</sup> LOV NR 224 AF 22/03/2006 OM LØNMOTAGERES RET TIL FRAVÆR FRA ARBEJDE AF SÆRLIGE FAMILIEMÆSSIGE ÅRSAGER [LEAVE FOR FAMILY REASONS ACT], <https://www.retsinformation.dk/forms/R0710.aspx?id=31671>.

<sup>5</sup> *Tjenestefri af familiemæssige årsager*, FORSVARET, [http://medarbejder.forsvaret.dk/fravaerogorlov/Tjenestefri\\_familie/Pages/default.aspx](http://medarbejder.forsvaret.dk/fravaerogorlov/Tjenestefri_familie/Pages/default.aspx) (last visited June 25, 2014).

<sup>6</sup> *Når du skal være mor*, FORSVARET, [http://medarbejder.forsvaret.dk/fravaerogorlov/Naar\\_du\\_skal%20vaere\\_mor/Pages/default.aspx](http://medarbejder.forsvaret.dk/fravaerogorlov/Naar_du_skal%20vaere_mor/Pages/default.aspx) (last visited June 25, 2014).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

should be scheduled so as to do the least harm to the employer.<sup>9</sup> Illness in connection with pregnancy is treated as illness in general and the expectant mother is entitled to sick leave.<sup>10</sup>

After birth, mothers are required to take at least two weeks of full paid maternity leave and are entitled to fourteen weeks.<sup>11</sup> After those fourteen weeks, mothers are also entitled to parental leave through the state, which can be shared with a partner for another thirty-two weeks.<sup>12</sup> In addition a mother can take twenty weeks of unpaid leave or leave with *dagpeng* (reduced pay provided by the state).<sup>13</sup>

### III. Paternity Leave

Fathers have a right to two weeks of paid leave in connection with the birth of a child or the homecoming from the hospital of the child.<sup>14</sup> These two weeks are thus taken while the mother is on maternity leave.<sup>15</sup> Although such leave should generally be taken in direct connection with the homecoming or the birth, the father's commander can agree to grant the two weeks of leave any time during the first fourteen weeks following the birth.<sup>16</sup> However, these rights are not guaranteed if the father is stationed abroad.<sup>17</sup>

The same rights to parental leave apply to fathers and mothers who thus share thirty-two weeks between them.<sup>18</sup> This can be extended to forty-six weeks by using a smaller percentage of compensation for each week.<sup>19</sup>

### IV. Adoption and Leave Rights

Adoptive parents have similar rights to leave as natural parents.<sup>20</sup> The extent of leave is dependent on whether adoption takes place inside or outside of Denmark.<sup>21</sup> Where the adoption

---

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Når du skal være far*, FORSVARET, [http://medarbejder.forsvaret.dk/fravaerogorlov/Naar\\_du\\_skal\\_vaere\\_far/Pages/default.aspx](http://medarbejder.forsvaret.dk/fravaerogorlov/Naar_du_skal_vaere_far/Pages/default.aspx) (last visited June 25, 2014).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> FORSVARETS BARSELSKONTOR, ORIENTERING TIL FÆDRE OMFATTET AF STATENS BARSELSAFTALE 2 (June 2013), <http://medarbejder.forsvaret.dk/fravaerogorlov/Documents/Barselsbrochure%20-%20fædre%20jun%202013.pdf>.

<sup>18</sup> *Når du skal være far*, *supra* note 14.

<sup>19</sup> *Id.*

<sup>20</sup> *Når du skal adoptere*, FORSVARET, [http://medarbejder.forsvaret.dk/fravaerogorlov/Naar\\_du\\_skal\\_adoptere/Pages/default.aspx](http://medarbejder.forsvaret.dk/fravaerogorlov/Naar_du_skal_adoptere/Pages/default.aspx) (last visited June 25, 2014).

<sup>21</sup> *Id.*

takes place in Denmark, both parents are entitled to one week of paid leave with their full salary in connection with the homecoming, which may be extended for another week using the state system of *dagpeng* (i.e., reduced pay).<sup>22</sup> If instead the adoption takes place abroad the parents are entitled to four weeks of paid leave at full salary, which can be extended for another four weeks with *dagpeng*.<sup>23</sup> Both parents are entitled to spend the first two weeks at home together after an adoption.

If the adoption agency requires that one parent stay home with the child, a parent is entitled to twelve weeks of paid leave in addition to the parental leave of thirty-two weeks that the state covers.<sup>24</sup> As with natural parents, the thirty-two weeks cannot be used after the child reaches the age of nine years.<sup>25</sup>

## V. Parental Leave

Legal co-mothers have the same legal rights as fathers with regard to parental leave (see Part III, above).

## VI. Family or Caregiver Leave

### A. Care for a Child

#### 1. Day One and Two of a Normal Illness

Military personnel get paid leave as if they themselves were sick when a child is sick, for day one and two of the child's illness.<sup>26</sup> However, following day two there is no right to paid leave.<sup>27</sup> For purposes of this leave, the child must be less than eighteen years of age and living at home.<sup>28</sup> The right only applies if the parents' duties make such leave possible.<sup>29</sup> Although not specified in the law, it appears highly unlikely that parents serving abroad could utilize this provision. Either parent can care for the child on day two regardless of who cared for the child on day one as long as someone cared for the child on day one of his or her illness.<sup>30</sup>

---

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Barns 1 og 2 sygedag*, FORSVARET, [http://medarbejder.forsvaret.dk/fravaerogorlov/barns\\_1\\_og\\_2\\_sygedag/Pages/default.aspx](http://medarbejder.forsvaret.dk/fravaerogorlov/barns_1_og_2_sygedag/Pages/default.aspx) (last visited June 25, 2014).

<sup>27</sup> Cirkulære om tjenestefrihed af familiemæssige årsager, CIR nr 9260 af 10/06/2008, <https://www.retsinformation.dk/forms/R0710.aspx?id=120421>.

<sup>28</sup> *Id.* art. 1, para. 3(c)–(d).

<sup>29</sup> *Id.* art. 1, para. 3(b).

<sup>30</sup> *Id.* art. 1, para. 6.

## 2. *Extraordinary Care for Children*

Military personnel also have the right to care for children who are hospitalized or severely ill, or who have a disability.<sup>31</sup> Leave for this form of childcare goes beyond the two days that are granted when the child has a normal cold (compare Part VI(A)(1), above).

## 3. *Annual Care Days*

In addition to care for sick children, parents also get two days of *omsorgsdagar* (annual care days) to care for a child under seven years of age more generally; no illness is required.<sup>32</sup> Parents in the military are not guaranteed these days but commanders must work with military employees to meet their wishes as far as possible.<sup>33</sup> A precondition for the right to annual care days is that the child either lives with the parent or that the child temporarily lives with the parent under a custody agreement.<sup>34</sup>

## **B. Care for Other Family Members**

### 1. *Family Emergencies*

When an illness warrants that a member of the military leave his or her post immediately to attend to a family member in an emergency situation, he or she is granted unpaid leave.<sup>35</sup>

### 2. *Care for a Dying Family Member*

The military also offers personnel the right to stay home with a family member that has elected to die in his or her own home.<sup>36</sup> Such leave is monetarily compensated, provided the municipality has granted such compensation.<sup>37</sup>

---

<sup>31</sup> *Barns sygdom*, FORSVARET, [http://medarbejder.forsvaret.dk/fravaerogorlov/Boerns\\_sygdom/Pages/default.aspx](http://medarbejder.forsvaret.dk/fravaerogorlov/Boerns_sygdom/Pages/default.aspx) (last visited June 25, 2014).

<sup>32</sup> *Omsorgsdage*, FORSVARET, <http://medarbejder.forsvaret.dk/fravaerogorlov/Omsorgsdage/Pages/default.aspx> (last visited June 25, 2014).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Ulykke og akut sygdom*, FORSVARET, [http://medarbejder.forsvaret.dk/fravaerogorlov/Ulykke\\_og\\_akut\\_sygdom/Pages/default.aspx](http://medarbejder.forsvaret.dk/fravaerogorlov/Ulykke_og_akut_sygdom/Pages/default.aspx) (last visited June 25, 2014).

<sup>36</sup> *Pasning af nærstående/døende*, FORSVARET, [http://medarbejder.forsvaret.dk/fravaerogorlov/pasning\\_naerstaende/Pages/default.aspx](http://medarbejder.forsvaret.dk/fravaerogorlov/pasning_naerstaende/Pages/default.aspx) (last visited June 25, 2014).

<sup>37</sup> See Ch. 23: 119-122 SERVICELOVEN [ACT ON SERVICE] [LBK no. 254 of March 20, 2014], <https://www.retsinformation.dk/Forms/R0710.aspx?id=161883#Kap23>.

## **VII. Bereavement**

The military has no special rules for leave in connection with bereavement but such leave may be granted as emergency leave without pay.

# Israel

*Ruth Levush*  
*Senior Foreign Law Specialist*

**SUMMARY** Israeli soldiers are not considered employees of the Israel Defense Forces (IDF) and are not subject to the application of civilian labor laws. Military rules, however, provide specific family and medical leave benefits to both male and female soldiers who are either conscripts or permanent-service soldiers.

Generally, permanent-service personnel enjoy more extensive family and medical leave rights than conscripts. Whereas pregnancy is usually a cause for termination of a conscript's mandatory service, female permanent-service soldiers continue to serve during pregnancy and are entitled to various leave benefits associated with pregnancy and maternity. Both male and female permanent-service soldiers are also entitled to paid leave to undertake fertility treatment.

IDF rules for permanent-service soldiers authorize the granting of leave during a spouse's pregnancy and childbirth, as well as following the birth or adoption of a child. The rules similarly authorize the approval of leave to care for a sick child, spouse, or parent, as well as for bereavement. In addition, the rules permit shortening the work day for permanent-service soldiers who are nursing mothers and for parents of young children.

As compared with permanent-service personnel, male conscripts enjoy more limited paternity leave following the birth or adoption of a child. All conscripts, male or female alike, enjoy special leave owing to the injury, illness, or death of first of kin. Conscripts may also get approved special leave for other personal reasons.

## I. Introduction

Israeli nationals, men and women alike, are generally subject to mandatory conscription into the Israel Defense Forces (IDF) on reaching the age of eighteen.<sup>1</sup> Soldiers who either continue their military service or are recruited back into the military after their regular service are considered soldiers of the IDF "permanent service." These soldiers are usually older than regular conscripts. The IDF recognizes that service in the IDF, either during the mandatory period or in the permanent service, varies from employment in the civilian sector.<sup>2</sup>

---

<sup>1</sup> Defense Service Law (Consolidated Version), 5746-1986, 40 LAWS OF THE STATE OF ISRAEL [LSI] 112 (5746-1985/86, *as amended*, up-to-date text available on the Nevo Legal Database at <http://www.nevo.co.il> (in Hebrew; by subscription). For special arrangements and the controversy associated with the conscription of Ultra-Orthodox Jews, see Ruth Levush, *Israeli Conscription Laws for Ultra-Orthodox Jews*, IN CUSTODIA LEGIS (Apr. 17, 2014), <http://blogs.loc.gov/law/2014/04/israeli-conscription-laws-for-ultra-orthodox-jews/>.

<sup>2</sup> ISRAEL DEFENSE FORCES (IDF), THE NEW PERMANENT SERVICE MEMBER BULLETIN (INPSMB) 3 (3rd ed., Mar. 2013), [http://aka.idf.il/Sip\\_storage/files/5/70765.pdf](http://aka.idf.il/Sip_storage/files/5/70765.pdf) (in Hebrew).



One of the principal differences between military service and regular employment is that soldiers are not subject to the application of regular labor laws that apply to employees in the civilian sector, including those employed by the state.<sup>3</sup> Accordingly, the rules that apply to the family-related leave of soldiers are based on military orders and not on civilian legislation,<sup>4</sup> such as the Hours of Work and Rest Law, 5711-1951<sup>5</sup> or Employment of Women Law 5714-1954.<sup>6</sup>

## II. Leave Benefits for Permanent Service Soldiers

Pregnancy and parenting leave benefits for IDF permanent-service soldiers are contained in General Staff Order 36.0406 (GSO 36.0406), titled “Benefits Due to Pregnancy and Parenthood.”<sup>7</sup> A description of family and medical leave benefits is also provided in the Information to the New Permanent Service Member Bulletin (INPSMB) that was issued by IDF in March 2013.<sup>8</sup> The following is a summary of benefits that apply to military personnel in permanent service based on these documents.

### A. Maternity Leave

#### 1. Special Pregnancy Leave

A female permanent-service soldier (FPSS) who suffers from pregnancy complications is entitled to “special pregnancy leave,” the duration of which will be determined by authorized military medical personnel.<sup>9</sup> This type of special leave will not be deducted from saved sick leave.<sup>10</sup>

An FPSS will be paid during her special pregnancy leave an amount equal to two days for every month she has been in service (including both mandatory and permanent service). Once the amount paid to her based on this formula has been exhausted, the leave will be unpaid.<sup>11</sup>

---

<sup>3</sup> HCY 279/72 Ilan Oved v. Minister of Defense, 28(1) PISKE DIN [PD] 169 (5733/34-1973).

<sup>4</sup> *Id.* at 172.

<sup>5</sup> Hours of Work and Rest Law, 5711-1951, 5 LSI 125 (5711-1950/51), *as amended*.

<sup>6</sup> Employment of Women Law 5714-1954, 8 LSI 128 (5714-1953/54), *as amended*.

<sup>7</sup> The full text of GSO 36.0406 is currently unavailable on the IDF website either in English or Hebrew. *See* <http://www.idf.il/english/> and <http://www.idf.il/>, respectively. However, an undated, full text of the order has been identified on the following law firm website: KATZ & COMPANY LAW OFFICE, <http://www.court-martial.co.il/commands.aspx?article=8> (in Hebrew; last visited June 25, 2014).

<sup>8</sup> INPSMB, *supra* note 2. Based on its current availability on the IDF website, it is assumed that information provided in the INPSMB incorporates amendments to GSO 36.0406.

<sup>9</sup> GSO 36.0406 §§ 3–4.

<sup>10</sup> *Id.* § 4.

<sup>11</sup> *Id.* § 5.

## 2. *Regular Maternity Leave*

An FPSS is entitled to paid maternity leave of fourteen weeks or ninety-eight days. The period of paid leave may start seven weeks prior to the birth.<sup>12</sup>

## 3. *Extended Maternity Leave*

### a. Extended Hospitalization

According to GSO 36.0406 maternity leave can be extended for four additional weeks if the FPSS or the child must remain in the hospital or return to the hospital during the maternity leave for a period of at least two weeks.<sup>13</sup>

The 2013 edition of the INPSMB also requires that the FPSS's or her baby's hospitalization be for more than fourteen consecutive days to qualify the FPSS for extended leave. If the FPSS is hospitalized for this period she qualifies for up to four weeks extended leave, and up to ten weeks if the baby is hospitalized.<sup>14</sup>

### b. Multiple Births

An FPSS who in one birth delivers more than one child may extend her paid maternity leave by three weeks for each child born in the same birth.<sup>15</sup>

## 4. *Shortened Maternity Leave*

An FPSS who has delivered a stillborn baby may request shortened maternity leave provided that she was due to be on leave for at least three weeks after the delivery.<sup>16</sup>

## 5. *Unpaid Leave*

An FPSS is also entitled to leave without pay for the remainder of a period that, including regular maternity leave and other accumulated leave, does not exceed one year.<sup>17</sup>

---

<sup>12</sup> *Id.* § 8; INPSMB, *supra* note 2, at 54.

<sup>13</sup> GSO 36.0406 §§ 9–10.

<sup>14</sup> INPSMB, *supra* note 2, at 55.

<sup>15</sup> *Id.*; GSO 36.0406 § 13.

<sup>16</sup> GSO 36.0406 § 11.

<sup>17</sup> *Id.* § 18.

## **B. Paternity Leave**

### *1. Paid Leave Following Birth of Child*

An IDF male permanent-service soldier (MPSS) whose wife is entitled to maternity leave may take partial leave instead of his spouse. The period of parental leave taken by the MPSS may start six weeks following the delivery of a baby and may last for the remainder of the maternity leave to which the MPSS's wife is entitled, including both paid and unpaid leave.<sup>18</sup>

In order to take paternity leave following the birth of his child the MPSS must notify his commander of his intention to use such leave at least two months prior to the estimated start of the leave.<sup>19</sup>

### *2. Paid Leave for Spouse's Pregnancy and Delivery*

An MPSS is entitled to leave of up to seven days a year for medical exams and treatment related to his wife's pregnancy and childbirth. This leave can be taken during the pregnancy and up to a week following the delivery. As with all other paid leave for care of next of kin, leave taken to care for the spouse will be deducted from the annual thirty days of sick leave to which all permanent service soldiers are entitled.<sup>20</sup>

### *3. Unpaid Leave*

An MPSS is entitled to unpaid leave if his spouse is entitled to such leave if she is a soldier, or if she has been employed for a period of at least six months consecutively up to the beginning of his absence from work if she is not a soldier.<sup>21</sup>

An MPSS is similarly entitled to unpaid leave if the child is under his sole custody or care because of his spouse's disability or illness.<sup>22</sup>

## **C. Adoption and Leave Rights**

An FPSS who adopts a child who is thirteen years of age or younger is entitled to the same rights of maternity leave and leave without pay enjoyed by FPSSs who have given birth.<sup>23</sup>

An MPSS who adopts a child under the age of ten is entitled to ten days' leave, which will be deducted from his annual leave.<sup>24</sup>

---

<sup>18</sup> INPSMB, *supra* note 2, at 58.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 52.

<sup>21</sup> GSO 36.0406 § 19 A. (1).

<sup>22</sup> *Id.* § 19A(2).

<sup>23</sup> *Id.* § 20.

<sup>24</sup> INPSMB, *supra* note 2, at 48.

## **D. Leave for Fertility Treatments**

Both FPSSs and MPSSs are entitled to sixteen or twelve days' leave, respectively, for fertility treatments to accommodate "a medical problem of the permanent-service soldier or of his (female) spouse."<sup>25</sup>

## **E. Parental Leave**

### *1. Regular Parental Leave to Care for a Sick Child*

Both FPSSs and MPSSs who are parents of a sick child are entitled to leave to care for their child. Such leave may be approved for any parent who has custody of a child younger than sixteen years of age when the child's other parent works and is not absent from his/her work because of the child's illness. The annual leave for care of a child under these circumstances may extend to eight days for one child and up to sixteen days for all the children under the parent's care.<sup>26</sup>

### *2. Extended Leave to Care for Terminally Ill Child*

Extended sick leave of up to 110 days annually may be approved for a parent who has custody of a child younger than eighteen years of age who has a terminal illness. Eligibility for extended leave under these circumstances may be approved for a soldier who has been in continuous service for at least one year.<sup>27</sup>

When the other parent of a terminally ill child is absent from work because of the child's illness, the soldier may take leave for a period of ninety days under the same conditions of length of service and custody.<sup>28</sup>

### *3. Leave to Care for a Child with Disabilities*

Both parents may take up to fifteen days annually to care for a child with disabilities.<sup>29</sup>

## **F. Other Types of Family or Caregiver Leave**

### *1. Leave for Care of a Spouse*

Both FPSSs and MPSSs may take six days of leave annually to care for a spouse who, owing to his or her situation, is completely dependent on help from other people for the performance of

---

<sup>25</sup> *Id.* at 52.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 53.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

daily tasks. Leave of care for a spouse under these circumstances requires the submission of proper medical documentation.<sup>30</sup>

## 2. *Shortened Work Day for Parents*

### a. Nursing Mothers

An FPSS who is not on leave and nurses a child is entitled to end her work day an hour earlier.<sup>31</sup>

### b. Mothers of Young Children

An FPSS who is the mother of a child thirteen years of age or younger may request to be released one hour before the end of the regular day of work as long as this is not before 4:30 p.m.<sup>32</sup>

A commander at a rank of lieutenant colonel or higher, however, may generally permit an FPSS mother of a child aged six years or younger to end her work day at 4:00 p.m. Five days of leave will be deducted from the annual leave of an FPSS who has been ending her work day at 4:00 p.m.<sup>33</sup>

### c. Fathers Who Are Single Parents

A commander at a rank of lieutenant colonel or higher is authorized to release an MPSS who is a single parent and has permanent custody of a child aged thirteen years or younger an hour before the end of the regular work day.<sup>34</sup>

## 3. *Parent's Sickness*

FPSSs and MPSSs alike are entitled to paid leave of up to six days a year to care for a sick parent aged sixty-five years or older who is completely dependent on personal help to perform regular daily tasks, provided that no other sibling has used his/her right to be absent from work to care for the parent and the parent is not in a nursing facility.<sup>35</sup>

## **G. Bereavement**

A soldier who has lost next of kin is entitled to paid leave for a minimum of eight days from the date of the death until the end of the *Shiva* (“seven” in Hebrew; “sitting shiva” is a Jewish

---

<sup>30</sup> *Id.*

<sup>31</sup> GSO 36.0406 § 23.

<sup>32</sup> *Id.* § 25.

<sup>33</sup> *Id.* § 26.

<sup>34</sup> *Id.* § 27.

<sup>35</sup> INPSMB, *supra* note 2, at 52.

mourning custom that requires mourning the death of first of kin for seven days following the death).<sup>36</sup>

In addition to the eight days of leave following the death of a relative for whom Jews customarily sit shiva, a bereaved soldier is entitled to leave on the thirtieth day following the death of the next of kin and on the deceased's yearly memorial date. Children of bereaved military families are entitled to additional leave on the national Memorial Day.<sup>37</sup>

### **III. Mandatory Service Leave Benefits**

Soldiers in mandatory service are entitled to fewer benefits compared with those who are in permanent service.

#### **A. Maternity Leave**

The service of female soldiers who get married or become pregnant during their mandatory service is terminated except if they volunteer to continue service in spite of the marriage or pregnancy.<sup>38</sup>

#### **B. Paternity Leave**

According to the IDF personnel division website, a soldier whose wife has given birth is entitled to special leave for eight days.<sup>39</sup> The approval of special leave results in the deduction of five days from the soldier's annual leave.<sup>40</sup>

#### **C. Adoption and Leave Rights**

A soldier who has adopted, with a court's approval, a child aged ten years or younger is entitled to the same special leave as that awarded to a soldier whose wife has given birth.<sup>41</sup>

#### **D. Parental Leave**

Seven days' paid leave may be approved by a commander at a rank of lieutenant colonel or higher if the commander has determined that the soldier's presence at his or her home is required

---

<sup>36</sup> *Death & Bereavement in Judaism: Death and Mourning*, JEWISH VIRTUAL LIBRARY, <https://www.jewishvirtuallibrary.org/jsource/Judaism/death.html> (last visited June 25, 2014).

<sup>37</sup> INPSMB, *supra* note 2, at 48.

<sup>38</sup> GSO 31.0109 – Release of Soldiers in Mandatory Service Due to Marriage or Pregnancy § 2 (effective Oct. 5, 1995), <http://www.army.co.il/page/135> (in Hebrew). The order is temporarily unavailable on the IDF website.

<sup>39</sup> *Family Leave* § 2, IDF PERSONNEL WEBSITE, <http://www.aka.idf.il/rights/asp/info.asp?moduleId=5&catId=22707&docId=22744> (in Hebrew, last visited June 25, 2014).

<sup>40</sup> *Special Leave*, IDF PERSONNEL WEBSITE, <http://www.aka.idf.il/rights/asp/info.asp?moduleId=5&catId=22707&docId=22743> (in Hebrew; last visited June 25, 2014).

<sup>41</sup> *Family Leave*, *supra* note 39.

to attend to the injury or illness of next of kin.<sup>42</sup> This type of leave could therefore be approved for the purpose of parental care.

### **E. Any Type of Family or Caregiver Leave**

According to military rules, soldiers may obtain approval for special leave “for personal/economic or [other] special reasons as provided in military orders.”<sup>43</sup> Orders specifying possible reasons for granting such approval have not been identified, however.

### **F. Bereavement**

Like IDF permanent-service soldiers, soldiers who sit shiva for their next of kin during their mandatory service are entitled to eight days of paid leave until the end of the shiva, in addition to one day of paid leave on the thirtieth day and on the yearly memorial date following the death of the relative.<sup>44</sup>

Children of bereaved military families are also entitled to paid leave on the national Memorial Day.<sup>45</sup>

---

<sup>42</sup> *Id.* § 7.

<sup>43</sup> *Special Leave*, *supra* note 40, § 1 (translated by author, R.L.).

<sup>44</sup> *Family Leave*, *supra* note 39, § 5.

<sup>45</sup> *Id.* § 6.

# Norway

*Elin Hofverberg*

*Foreign Law Research Consultant*

**SUMMARY** Norwegian workers, including military personnel, are entitled to leave during pregnancy; following a birth; and to care for young children, sick children, dying family members, and other family members for a limited period. Leave can be both paid and unpaid.

## I. Introduction

Military service is semi-mandatory in Norway. Although all men (and soon all women as well) are called to a so-called draft where they must try out for the military, not all must serve.<sup>1</sup> Women currently serve on a voluntary basis and in 2013 constituted 17% of military personnel.<sup>2</sup> Beginning in 2016 women born after January 1, 1997, will be drafted upon their nineteenth birthday on the same terms as their male peers.<sup>3</sup>

All Norwegians who serve as first-year recruits have twenty general days of leave (*permisjon*) each year. In addition, military personnel are granted leave in a number of cases, mainly for family reasons. The twenty days of general leave are in addition to leave granted around major holidays such as Christmas.<sup>4</sup>

The right to annual leave is regulated in the Work Environment Act (Arbeidsmiljøloven).<sup>5</sup> The parental insurance system, which determines compensation during leave for all workers, is regulated in Chapter 14 of the Insurance Act (Folketrygdloven).<sup>6</sup> The system is financed by Norwegian taxpayers and by fees from international workers.<sup>7</sup>

---

<sup>1</sup> *Korleis bli vernepliktig*, FORSVARET (Feb. 24, 2014), <http://forsvaret.no/verneplikt/kva-er-verneplikt/Sider/korleis-bli-vernepliktig.aspx>.

<sup>2</sup> FORSVARET, FORSVARETS ÅRSRAPPORT 2013 at 3, [http://forsvaret.no/om-forsvaret/fakta-om-forsvaret/publikasjoner/Documents/Forsvarets\\_aarsrapport\\_2013\\_nettpdf](http://forsvaret.no/om-forsvaret/fakta-om-forsvaret/publikasjoner/Documents/Forsvarets_aarsrapport_2013_nettpdf).

<sup>3</sup> *Id.*

<sup>4</sup> *Permisjonar og heimreiser*, FORSVARET (Oct. 18, 2013), <http://forsvaret.no/verneplikt/under-forstegangs-tjeneste/sider/permisjonar.aspx>.

<sup>5</sup> LOV OM ARBEIDSMILJØ, ARBEIDSTID OG STILLINGSVERN M.M. (ARBEIDSMILJØLOVEN) [WORK ENVIRONMENT ACT] LOV-2005-06-17-62. See also LOV OM FERIE (FERIELOVEN) [ACT ON LEAVE] (LOV 1988-04-29-21), <http://lovdata.no/dokument/NL/lov/1988-04-29-21?q=Foreldrepermisjon>.

<sup>6</sup> FOLKETRYGDLOVEN [INSURANCE ACT], [http://lovdata.no/dokument/NL/lov/1997-02-28-19/KAPITTEL\\_6-1#KAPITTEL\\_6-1](http://lovdata.no/dokument/NL/lov/1997-02-28-19/KAPITTEL_6-1#KAPITTEL_6-1).

<sup>7</sup> *Medlemskap i den norske folketrygden*, NAV (Sept. 27, 2013), <https://www.nav.no/Medlemskap+i+den+norske+folketrygden.359342.cms>.



There is no exception for military personnel. The same compensation scheme and rights to leave apply. However, the military applies special rules for recruits who are completing their first service year with the military (*værneplikten*).<sup>8</sup>

## II. Maternity Leave

Expectant mothers who cannot continue to work during their pregnancy for risk of harming the baby are entitled to paid pregnancy leave.<sup>9</sup> All mothers are also entitled to up to twelve weeks of leave during the pregnancy.<sup>10</sup> If the pregnancy is complicated the mother has the right to take sick leave as for any other condition.

The mother has the sole right to take the first six weeks after birth for maternity leave and may also take three weeks of paid leave prior to birth.<sup>11</sup> Thereafter, the parents have a joint one year of leave to care for the child.<sup>12</sup> A single parent may take leave for as long as two years.<sup>13</sup>

Note that the right to leave and the right to *paid leave* are not the same. Norwegian mothers always have a right to leave but may not always have a right to the insured amount of their last salary. Nursing mothers who work at least seven hours a day have the right to at least one hour a day of paid leave to nurse their children.<sup>14</sup> If a mother works less than seven hours a day, she has the same right but not to paid leave.<sup>15</sup>

## III. Paternity Leave

Fathers and co-mothers (homosexual partners) have the right to take two weeks of paid leave in connection with the birth of a child in order to assist the mother.<sup>16</sup> If the mother and father (or co-mother) do not live together, these two weeks may be used by the person who lives with the mother.<sup>17</sup> Fathers also have ten weeks of paid leave that only they can take; if not used they are lost and cannot be transferred to the mother.<sup>18</sup>

---

<sup>8</sup> FORSVARET, SOLDATHÅNDBOKEN (2014), <http://forsvaret.no/verneplikt/under-forstegangstjeneste/oppmote/Documents/soldathandboken.pdf>.

<sup>9</sup> *Svangerskapspeng*, NAV, <https://www.nav.no/no/Person/Familie/Venter+du+barn/Svangerskapspeng.1073746211.cms> (last visited June 25, 2014).

<sup>10</sup> WORK ENVIRONMENT ACT § 12-2.

<sup>11</sup> *Id.* § 12-4.

<sup>12</sup> *Id.* § 12-5.

<sup>13</sup> *Id.* §12-5(3).

<sup>14</sup> *Id.* §12-8.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* § 12-3.

<sup>17</sup> *Id.* § 12-3, para. 2.

<sup>18</sup> *Fedrekvote (pappaperm), mødrekvote og fellesperiode*, NAV (June 14, 2013), <https://www.nav.no/no/Person/Familie/Venter+du+barn/Fedrekvote+%28pappaperm%29%2C+m%C3%B8drekvote+og+fellesperiode.347651.cms>.

## **IV. Adoption and Leave Rights**

Both parents have the right to two weeks of paid leave on the arrival of an adopted child.<sup>19</sup> The same rules for paid parental leave for a natural birth apply to an adoption.<sup>20</sup> However, to receive this benefit the mother or father must apply before the adoption.

Surrogacy is not acknowledged in Norway. The mother who gives birth to the child is the legal mother of the child. However, a mother who has given birth to a child may transfer the legal right to the child through adoption.<sup>21</sup>

## **V. Parental Leave**

Homosexual partners, called co-mothers, have the same legal rights as fathers (see Part III, above).

## **VI. Family or Caregiver Leave**

### **A. Care for a Sick Child**

Norwegian workers have the right to take leave in order to care for a sick child who is less than twelve years old.<sup>22</sup> Workers who have one child have the right to ten paid days of leave whereas parents with more than one child have the right to paid leave of fifteen days.<sup>23</sup>

In addition, workers (including military personnel) have the right to leave for more serious illnesses when the child is above twelve year of age.<sup>24</sup>

### **B. Care for Other Family Member**

Workers have the right to sixty days of leave to care for a dying family member and ten days of general care for other family members such as parents, partners, and children above twelve years of age.<sup>25</sup>

---

<sup>19</sup> *The Father/Co-mother's Rights on Birth/Adoption*, UNIVERSITY OF OSLO (Dec. 2, 2013; updated May 12, 2014), <http://www.uio.no/english/for-employees/employment/position/leave-absence/parental/father-co-mother/index.html#toc2>.

<sup>20</sup> Rundskrift till §14-5 Generelle bestemmelser Folketrygdeloven, NAV, edited Mar. 27, 2014, <https://www.nav.no/rettskildene/Rundskriv/%C2%A7+14-5+Generelle+bestemmelser.147608.cms>.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* § 12-9.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* § 12-10.

## **VII. Bereavement**

The Work Environment Act does not specify any right to leave in connection with bereavement. Because the military gives leave for extraordinary family circumstances, however, it is likely that military personnel would be given bereavement leave.<sup>26</sup>

---

<sup>26</sup> See, e.g., SOLDATHÅNDBOKEN, *supra* note 8.

# Sweden

*Elin Hofverberg*

*Foreign Law Research Consultant*

**SUMMARY** Military personnel have the same right as civilian workers to take leave for family reasons, which includes eighteen months of shared parental leave following the birth of a child, and 120 “care for ill children days.” Leave need not always be paid and where it is the payment is generally made through a separate state agency, Försäkringskassan—not by the military itself.

## I. Introduction

Military service is voluntary in Sweden.<sup>1</sup> Both men and women serve and approximately 13% of military active personnel are women whereas 38% of the military’s civilian employees are women.<sup>2</sup>

Leave for family reasons is governed by the Act on Parental Leave, which applies to all workers in Sweden, including members of the military.<sup>3</sup> Parental leave can be paid or unpaid depending on whether the parent has worked prior to the child being born, during a so-called qualifying period. The legal right to parental leave is not dependent on whether the parent qualifies for payment during the leave period.

The payment of benefits is managed through a separate system administered by the National Agency for Social Insurance (Försäkringskassan). When parental leave qualifies as paid parental leave it is not the military employer but Försäkringskassan that pays the parent. In special circumstances the military pays a topping-off salary, which means that it compensates the employee so that he or she, instead of receiving 80% of his/her salary during the leave, receives as much as 90% of the salary up to a certain SEK (Swedish krona) threshold, which is set yearly.<sup>4</sup>

---

<sup>1</sup> *Vägen in*, FÖRSVARSMAKTEN, <http://jobb.forsvarsmakten.se/sv/vagen-in/> (last visited June 25, 2014). For a history of the transition from mandatory to voluntary military service in Sweden, see *Värnplikt*, FÖRSVARSMAKTEN, <http://www.forsvarsmakten.se/sv/information-och-fakta/var-historia/varnplikt/> (last visited June 25, 2014).

<sup>2</sup> *Behörighetskrav för GMU*, FÖRSVARSMAKTEN, <http://jobb.forsvarsmakten.se/sv/vagen-in/grundutbildning/behorighetskrav/> (last visited June 25, 2014); *Historik*, FÖRSVARSMAKTEN, <http://www.forsvarsmakten.se/sv/om-myndigheten/vara-varderingar/jamstallldhet-och-jamlikhet/historik/> (last visited June 25, 2014).

<sup>3</sup> FÖRÄLDRALEDIGHETSLAG [ACT ON PARENTAL LEAVE] (Svensk författningssamling [SFS] 1995:584), <http://www.notisum.se/rnp/sls/lag/19950584.htm>.

<sup>4</sup> ARBETSGIVARVERKET, ATT ARBETA STATLIGT (2011), <http://www.arbetsgivarverket.se/upload/Avtal-Skrifter/Skrifter/att-arbeta-statligt-2011.pdf>.

## II. Maternity Leave

Regardless of whether leave is paid or unpaid, every parent has the right to take the first eighteen months off work following the birth of a child.<sup>5</sup> Thereafter employers are only required to grant maternity leave if the mother is receiving paid leave through Försäkringskassan.<sup>6</sup>

Each child entitles the parents to a total of 480 days of paid parental leave designed to be used to care for the child.<sup>7</sup> Of these, three months (sixty work days) are reserved for the mother and father respectively, which means that if the mother does not use these three months then the father cannot use them instead, and vice versa.<sup>8</sup>

In addition the mother may use her maternity days prior to the birth of the child (up to seven weeks).<sup>9</sup> If no other leave is used the mother has a mandatory two weeks of leave in connection with the birth of the child.<sup>10</sup> Mothers also have the legal right to leave work to nurse the baby during the working day.<sup>11</sup>

All Swedish working parents have a legal right to reduced working hours, by up to 25%, while their child is under eight years of age or completing their first grade in school.<sup>12</sup> Employees of the state (including the military) can request to have this reduction in hours extended until the child turns twelve.<sup>13</sup>

## III. Paternity Leave

Fathers have the same parental leave rights as mothers.<sup>14</sup> As noted above, they have three months of paid paternity leave, which can only be used by them and cannot be transferred to the mother. Thus, if the father does not take at least three months off, the compensation from Försäkringskassan is lost. For example, a father can take eighteen months of leave from the military immediately following the birth of his child but cannot receive more than 420 days of paid leave, as the Försäkringskassan reserves sixty days of leave to each parent.

---

<sup>5</sup> ACT ON PARENTAL LEAVE art. 5, para. 1.

<sup>6</sup> *Id.* art. 5, para. 2.

<sup>7</sup> *Om föräldrapenning*, FÖRSÄKRINGSKASSAN, [http://www.forsakringskassan.se/privatpers/foralder/barnet\\_fott/foraldrapenning/om\\_foraldrapenning](http://www.forsakringskassan.se/privatpers/foralder/barnet_fott/foraldrapenning/om_foraldrapenning) (last visited June 25, 2014).

<sup>8</sup> *Id.*

<sup>9</sup> ACT ON PARENTAL LEAVE art. 4.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* art. 4, para. 2.

<sup>12</sup> *Id.* art. 3, para. 4.

<sup>13</sup> *See generally* ARBETSGIVARVERKET, *supra* note 4.

<sup>14</sup> *See, e.g.*, ACT ON PARENTAL LEAVE art. 5 (referring to the rights of the “parent” and not the “mother”).

## **IV. Adoption and Leave Rights**

Adoptive parents have the same rights to parental leave as natural parents. The right to eighteen months of parental leave that is granted to natural parents starting at the birth of the child starts on the day of receipt of the adopted child for adoptive parents.<sup>15</sup> However, this period ends when the child turns eight years old, regardless of when the adoption occurred.<sup>16</sup> Adoptive parents have the same right to care for a sick child as natural parents (see Part VI(A), below).

## **V. Parental Leave**

Homosexual partners to a mother have the same legal rights as fathers with regard to paternity leave (see Part III, above).

## **VI. Family or Caregiver Leave**

### **A. Care for a Sick Child Under Twelve**

All parents have the right to leave for the care of a sick child who is older than eight months and younger than twelve years.<sup>17</sup> Such leave is paid through the Försäkringskassan at the rate of 80% of the daily wage and limited to 120 days a year per child.<sup>18</sup> Although legally each parent has the right to take this form of leave, it is unlikely that a person crucial to the military would take such leave unless coordinated with the military.

### **B. Care for a Child over Twelve**

Under special circumstances parents also have the right to paid leave for the care of children who are older than twelve.<sup>19</sup> Examples are doctor visits where the parent must attend and more severe forms of illness that warrant extraordinary care.<sup>20</sup>

### **C. Care for Other Family Members**

All Swedish workers have the right to leave to provide care for a seriously ill family member and cannot be fired for taking leave for such care.<sup>21</sup> In addition, a member of the military may

---

<sup>15</sup> *Id.* art. 5, para. 3.

<sup>16</sup> *Id.*

<sup>17</sup> *Om VAB och tillfällig föräldrapenning*, FÖRSÄKRINGSKASSAN, [http://www.forsakringskassan.se/privatpers/foralder/barnet\\_sjukt/om\\_vab/](http://www.forsakringskassan.se/privatpers/foralder/barnet_sjukt/om_vab/) (last visited June 25, 2014).

<sup>18</sup> *Id.*

<sup>19</sup> *Om VAB – när barnet som fyllt 12 år men inte 16 år*, FÖRSÄKRINGSKASSAN, [http://www.forsakringskassan.se/privatpers/foralder/barnet\\_sjukt/om\\_vab/vab\\_tolv\\_Ar/](http://www.forsakringskassan.se/privatpers/foralder/barnet_sjukt/om_vab/vab_tolv_Ar/) (last visited June 25, 2014).

<sup>20</sup> *Id.*

<sup>21</sup> Art. 24 LAG OM LEDIGHET FÖR NÄRSTÅENDEVÅRD [ACT ON LEAVE FOR CARE OF FAMILY MEMBER] (SFS 1988:1465), <http://www.notisum.se/rnp/sls/lag/19881465.HTM>; see also SOCIALFÖRSÄKRINGSBALK [SOCIAL INSURANCE CODE] ch. 47, <http://www.notisum.se/rnp/sls/lag/20100110.htm#K47>.

receive paid leave when there is a medical emergency within the family.<sup>22</sup> However, such leave is limited to ten days a year.<sup>23</sup>

## **VII. Bereavement**

### **A. Funeral**

All Swedish workers have the right to leave in order to attend a funeral. The military specifically lists funerals and bereavement as a reason to grant paid leave in their information packet for new employees.<sup>24</sup> Such paid leave is limited to ten days a year.<sup>25</sup>

### **B. Estate Matters**

Leave of up to ten days per year is also granted for the preparation of estate matters (calculated in conjunction with the days taken for the funeral).<sup>26</sup>

---

<sup>22</sup> FÖRSVARSMAKTEN, ANSTÄLLD INOM FÖRSVARSMAKTEN 13 (2012), [http://www.forsvarsmakten.se/Global/Myndighetswebbplatsen/3-Organisation-forband/Livgardet/Broschyr%20Anst%C3%A4lld%20i%20FM%20\(M7737-366008\).pdf](http://www.forsvarsmakten.se/Global/Myndighetswebbplatsen/3-Organisation-forband/Livgardet/Broschyr%20Anst%C3%A4lld%20i%20FM%20(M7737-366008).pdf).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*