

Family Policies in Norway

Third report for the project “Welfare Policy and Employment in the Context of Family Change”, drafted for the meeting 5-6 June 2003 in Reykjavik, Iceland.

Revised July 2003

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NORWAY

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Introduction

The election of the “women’s government” in 1986 represents a watershed in the history of Norwegian family policies. Gro Harlem Brundtland (Labour) became the first female Prime Minister of Norway in 1981. Labour lost the election in 1982, but won again in 1986, putting Mrs. Brundtland back in office. It is the second Brundtland government that is known as the “women’s government”, since 44 percent of the Ministers were women. In the third (1990) Brundtland government, the proportion of women rose to 47. Issues of family policy and gender equality were high on Labour’s agenda in this period, and as this report will show, both public child-care services and parental leave arrangements were expanded rapidly in the late 1980’s – early/mid 1990s. Also, the benefit arrangements for lone parents were altered in 1998, while the principles for determination of child maintenance were changed in 2001. Norway has gone through its “Great Leap” in family policies (cf. Skrede 1999:188): like most other industrialised countries Norway is moving away from the traditional gendered division of labour (male breadwinning, female caregiving) towards a dual breadwinner model (Crompton, 1999; Lewis 2001). Some observers have noted that Norway is moving beyond the dual breadwinner model by attempting not only to change the behaviour of women, but also that of men. The ideal family practice promoted by Norwegian policy-makers, it can be argued, is the dual earner/ dual carer model: *“an interesting element of Norwegian policies is that it has put political fatherhood on the agenda... the caring father, and the domestication of men, is the new issue of the 1990s”* (Ellingsæter, 1999:45, see also Gornic 2001). The “father’s quota” in the parental leave scheme is seen as a key element in this policy, while the new rules for child maintenance determination is pulling in the same direction.

This development is not entirely uncontested. In particular, the emphasis on developing public child-care has led to the criticism that the dual breadwinner assumptions are forced on parents. Through taxation, all employed parents are paying for nurseries, and because of high living costs, many families find it hard to get by on one income only. The demand for *more parental choice* in matters of childcare and schooling has grown stronger in the 1990s. Particularly for children between the ages of one and three, there is a strong ideal that parents should have the opportunity to choose between different forms of childcare. In particular, parents should be able to choose that “one of the parents” (the argument is always put forward in strictly gender-neutral terms) should stay at home and look after the children while they are under three. Adherents of free choice have stressed the need for full coverage in public child-

care for this age group, *in addition* to the controversial “cash-for-child-care”-benefit (see below).

There seems to be a tension, therefore, between the wish to promote desirable family practices (including increased involvement from men) on the one hand, and the wish to maintain neutrality and increase parental choice on the other. The father’s quota in parental leave and the cash-for-childcare benefit can be seen as prime examples of each approach (see also Leira 1998). Both arrangements are described in this report, as well as the wider arrangements for parental leave and child care provision. Before getting to these institutional arrangements, however, we shall look at the more fundamental issue of reproduction, and of parental responsibilities and children’s rights.

The right (not) to have children

Abortion

The first paragraph in the Norwegian Abortion Act (1978) reads: “*Society shall, to the extent this is possible, secure the conditions for a safe upbringing for all children. As part of this effort society shall make sure that everybody receives ethical guidance, sexual education, knowledge about life as partners (samlivsspørsmål) and family planning, in order to develop responsible attitudes to those issues so that the number of abortions can be kept at a minimum*”. The law thus makes absolutely clear that abortion should be the last resort, and that “society” shall do everything within its power to curb the number of terminations. Still, the act is relatively liberal: abortion is available on demand until the end of the 12th week of pregnancy (unless there are strong medical reasons against it). The right to make the decision, up to this point, belongs to the pregnant woman only. If the woman is under 16, or mentally retarded, her custodians (normally the parents) shall be informed and have their say, but the woman still makes the final decision.

If women want termination after the 12th week of pregnancy, the decision is made by a public board made up of two doctors, in cooperation with the woman. After the 12th week, abortion can happen if

- pregnancy, birth or care for the child will imply an intolerable strain on the woman’s mental or physical health. Any disposition for illness shall be considered.

- Pregnancy, birth or care for the child may place the women in a difficult situation,
- There is considerable danger that the child will develop a severe illness caused by hereditary dispositions, illness or harmful influences during pregnancy,
- Pregnancy results from criminal actions (rape or statutory rape, criminal abuse of trust, incest) or
- The woman is severely mentally ill or retarded

The woman's capacity to care for the child shall be given considerable weight in this evaluation, as shall the woman's own assessment of her situation.

Abortion beyond the 18th week of pregnancy can only be granted if circumstances are very severe. If there is reason to believe the foetus may survive, abortion cannot be granted.

The 1978 abortion act is seen by many as the "jewel in the crown" among the victories for the feminist movement (together with the 1978 Gender Equality Act). Abortion was illegal in Norway until 1960, but it was well-known that some doctors – and some quacks – would perform the operation illegally. The law was changed in 1960, making abortion legal if recommended by a board of medical doctors. The board could recommend abortion on medical, but not on social grounds. Illegal abortions were still criminal acts. Abortion on social grounds was allowed from 1974, but the decision was still to be made by a board. Many boards were very liberal when it came to recommending abortion, still many women experienced the process of convincing the board as intimidating and intrusive. The boards were abolished in 1978, with the modern law.

Abortion is a highly sensitive issue in some political quarters. Yet it is currently not very high on the political agenda. For a long time, the Christian People's Party maintained they could never participate in a government that would have to administer the abortion law. Since the mid-1990s, however, the party has participated in different government coalitions (the former party leader, Kjell Magne Bondevik, has been prime minister twice, and still is by June 2003), and the abortion issue has not been mentioned.

Fertility policies

Norway has no explicit fertility policy. The fertility rate is relatively high (cf. the demography report), although the recent fall has triggered a few worried voices. These have however

emphasised the need for a continued active family policy, particularly cash support to families with children and public child-care (see below). There have been no calls for specific fertility policies.

Norway has a history in this respect which may contribute to giving the idea of “fertility policy” a nasty ring: it has recently been disclosed that an uncomfortably large number of people were sterilised by force in the period 1934-1977. This particularly happened to patients in mental hospitals, the mentally retarded, and the Romani people (known in older documents as “the travellers”, the “homeless”, or by the contested term “tater”, which roughly translates “gypsy”). A recent study has documented that about 44.000 “persons from travelling families” were sterilised in this period, with varying degrees of consent (Haave 2000). Partly on this background, the idea of state interference in who should, and who should not have children, is generally frowned upon.

Adoption

Adoptions in Norway can happen after the prospective adopted parent receives a licence from the Ministry of Children and Family Affairs. Such a licence can only be given to persons over 25 (or over 20 in very special cases). Normally, adoptive parents should not be older than 45. Couples who wish to adopt together must be married, and the marriage should have lasted long enough to prove stability – normally a minimum of two years. Single people can also apply for licence to adopt, and may get this if they have “special resources in relation to children”. The parent’s mental and physical health, as well as their financial situation, should be good and stable – but high income is not to be emphasised.

In order to get the licence to adopt, parents apply to their local municipality. The matter will normally be handled by the local child welfare services. A report is written, based on interviews with the prospective parents and home visits, and sent – with all relevant documents – to the National Office of Children, Youth and Family Affairs (BUFA), which is a central government authority, administratively linked to the Ministry of Children and Family Affairs. Statistics for recent years indicate that licences are granted to about 95 per cent of the applicants (information from BUFA’s web-site: <http://bufa.no/index.php>.)

Adoption for homosexual and lesbian couples is a special case. The 1993 Partnership Act explicitly states that registered (same-sex) partners have all the rights of a married couple with two exceptions: one is the right to marry in church, the other is the right to adopt. If one of the registered partners has a child from a previous relationship residing with him or her, the other party may – with the consent of the partner – adopt this child (a law amendment from 1st January 2002). In theory, a gay person could adopt a child as single and later bring this child into a partnership – but as far as we know, this has not (yet) happened. Gay and lesbian partners, as partners, do not have the right to adopt children.

Parental rights and obligations

Parental obligations in relation to their children are set out in the 1981 Children Act. The act deals with issues of paternity and maternity (in cases of surrogacy), proceedings in paternity cases, parental responsibility, custody and contact after the break-up of a relationship, and the duty to maintain. Two important features of the children act are the duty to pay maintenance, and children's rights. These are dealt with in turn below.

The children act was amended in 1998, but the changes were very small. One of the two modifications worth mentioning was the modification of the pater est-rule, that is, the principle that the man the mother was married to at the time of birth was the child's legal father. Following the 1998 amendment, the rule would not apply if the parents had been legally separated at the time of birth. In such cases, the man has to acknowledge paternity as if the parents were not married. A further reform regarding the establishment of paternity was that men who suspected they might have fathered a child gained the right to demand a paternity test.

The 1998 modifications were small, and there have generally been only small changes to the 1981 Children Act. The act has been reorganised, but the basic principles have remained relatively unchanged. The current act from 1981 replaced two acts from 1956: the Marital Children Act and the Non-Marital Children Act. The 1981 act is thus the first that has not dealt separately with marital and non-marital children, a previous distinction that came under attack in the 1970s. Although children born in and out of wedlock were given almost exactly the same rights in the two 1956 acts, the issue still carried a strong symbolic value. A committee was appointed in 1975 to outline a new, unified set of statutes encompassing all

children. The new Act should also encourage equal treatment of men and women, as well as of married and cohabiting couples. Equal treatment was to be at the heart of the new legislation. The aim of developing exactly the same rules and procedures for children born to married and unmarried parents however turned out to be problematic. This was particularly evident in the committee's proposal to abolish the "pater est" rule. The committee proposed that all fathers, married or not, should acknowledge paternity in writing. This proposal sparked off a heated debate, with women's organisations and Christian groups as the most critical opponents. Feminists feared that this requirement would be a tool in the hands of the husband to harass his wife, while Christian activists argued that such a procedure would practically wipe out the meaning of marriage. In the end, the proposal was not taken up by the government: equality among children had its limits. The pater est rule is still in place, albeit in a slightly modified form.

Child support maintenance in Norway

The duty to pay maintenance for biological children under 18 one is not living with on a daily basis is determined by the Children Act. According to the act, the parents may agree on the size of the award privately. If they can not reach an agreement, they may leave the decision up to the authorities (in practice the National Insurance). The rules that apply to public determination of child maintenance are not written into the act, but outlined in governmental guidelines. These guidelines were changed in 2001, to be fully implemented from October 2003. The long implementation period is due to the complexity of the new rules, so that the National Insurance asked for more than two years to adjust their systems.

The pre-2001 system for payment of child maintenance in Norway was finally codified in governmental regulations in 1989, but builds on much earlier legislation. The main rules have changed very little since the 1915 Children Acts (Skevik, 2001a, chapter 7). Throughout the 20th century, the key principle was that liable parents, usually fathers, should pay according to their ability. If the parents could not agree on reasonable amount, some public body (the responsibility has been transferred from the municipalities via the county governor – fylkesmannen – to the National Insurance) would make the decision for them. Municipalities and county governors made these decisions by discretion, but as the number of cases increased this led to an insurmountable workload. Standardised guidelines were asked for, and came in 1989. It was claimed that the guidelines built on existing practices, and should

lead to no systematic changes in the amounts awarded. Under the 1989 guidelines, three factors determined the amount payable: the liable parent's income, the number of children he provided for, and his obligations towards his own biological children in a new family. Maintenance was to be determined as a percentage of the non-resident parent's income: 11 per cent of the gross income for one child, 18 per cent for two, 24 per cent for three children and 28 per cent for four or more children. If the non-resident parent had new biological children with a new partner, his liability was to be divided equally between the children. No deductions were made for step-children (for a more detailed account, see Corden, 1999:72ff).

The percentage system of 1989 was barely established before it came under attack, and the reform work started already in 1996 with a consultation document from the Labour government (BFD, 1996). New rules were passed in June 2001, to be fully implemented from October 2003. The 2001 system takes both parents' earning and caring responsibilities into account, and claims to place "the child at the centre" (Ot. prp. no. 43 (2000-2001)).

Under the 2001 rules, the *actual costs of children* are to be the starting point for the assessment. Estimates of such costs are found in the "standard family budget" developed by the National Institute for Consumer Research (*Statens Institutt for Forbruksforskning*, SIFO), which estimates the expenditure for a family with a "reasonable" living standard. Child benefit and tax deductions for child-care are to be deducted from these estimates, since these are conceptualised as expenses covered by the state rather than by the custodial parent. Estimates for increased housing expenditure and child-care costs are added.

Having arrived on an estimate of how much it costs to maintain the child in question, the next step in the maintenance assessment is to share these costs between the parent. The non-custodial parent's income is calculated as a proportion of the total income of the parents, and then related to a six-step scale. The basic idea is that if the parents make about the same amount of money, the non-custodial parent shall pay half the estimated costs of the child. If his income is approximately twice her income (i.e. 2/3 of their total income), he pays 2/3 of the costs, and so on.

Those two steps lead to an estimate of the maintenance amount. The third step is to evaluate the liable parent's ability to pay. Fixed estimates from the SIFO standard budget are used to calculate his taxes, housing costs, daily expenses and any costs of new biological children

(not step-children). If the liable parent's income after those expenses are lower than the maintenance assessment, his liability is reduced. For very low incomes, maintenance may be determined at nil.

Finally, and importantly, the maintenance assessment is adjusted for the non-custodial parent's contact with the child. The idea is that contact with the child incurs direct costs. If this does not influence the amount payable as child maintenance, the non-custodial parent ends up paying twice, supporting the child both directly and indirectly. Deductions for contact are to be made according to the number of nights the parents have agreed the child should spend with the non-custodial parent. The minimum contact that gives a deduction in the maintenance rate, is two nights, the maximum 15.

Essentially, the new rules imply a reinterpretation of §51 in the Children Act. "The parents shall cover the costs of providing for the child according to their ability and their financial means, when the child itself does not have the means to do so. Both parents have the duty to provide what is needed according to their ability". Under the 1989 regulations, emphasis was placed on the non-custodial parents' ability, while it was assumed that the child would automatically benefit from the custodial parents standard of living. The 2001-regulations emphasise "what is needed", and assumes this can be determined as a fixed amount for children in different age groups. Moreover, the 2001 rules are clearly guided by 'dual earner/dual carer'-assumptions. They assume that custodial parents ('lone mothers') will be employed, and may in some cases make as much money as their ex-partners. Similarly, they take into account that non-resident fathers continue to care for their children, through contact arrangements that may be quite extensive. They presuppose, in short, a world in which both mothers and fathers continue to work and care, even when they are not living together. The assumptions underpinning the "costs of children" are more unclear. The SIFO budget standards are made to cover a "reasonable" level of consumption, defined as "*a level acceptable to most people. They fulfil common standards of health and nutrition, and enables full participation in common leisure activities for all members of the household*".ⁱ SIFO further emphasises that

The standard budget is a family budget. It is therefore difficult to use the budget to assess specific costs of children in the household. It is of course possible to use each budget post to assess how much, for instance, a ten-year old needs for food and drink each month, but the sum of all posts does not necessarily show the costs of

children. Expenses for schooling, holidays and special leisure activities, birthday celebrations and other occasions, gifts etc. are not included.

While policy makers have clear opinions about the gendered division of labour, thus, their assumptions about costs of children are far less well-funded. Children of parents living apart shall have a “reasonable” standard of living, which keeps them fed and healthy and allows them to participate in low-cost leisure activities, but they shall not take part in more expensive activities – and apparently they shall not celebrate birthdays.

Children’s rights

Norway can be seen as a pioneer when it came to codifying children’s rights (Therborn 1993). Norway (and Sweden) were the first countries to introduce explicit legal formulations of equal parental obligations and of the best interest of the child as a paramount principle, for instance in custody legislation. Further, Norway was the first country to establish equality between children of married and non-married parents with regard to paternity and inheritance (1915). The paragraph in the Children Act (§30) that sets out the “contents of parental responsibility” illustrates the emphasis on the best interest of the child: *"The child is entitled to care and consideration from those who have the parental responsibility. They have a right and a duty to make decisions on behalf of the child (...). The parental responsibility should be exercised from the child's interests and needs. Those who have the parental responsibility are obliged to give the child a sound upbringing and maintenance. They shall make sure the child is given an education according to its skills and abilities. The child must not be subject to violence or in other ways be treated in a way that threatens or hurts its physical or mental health (...)"*. This implies, among other things, that spanking and other forms of corporate punishment – even by parents – is illegal in Norway.

Norwegian children have their own ombudsman. The Ombudsman for the Children Act was passed in Parliament March 1981 and Norway established the world’s first Ombudsman for Children, coming to office 1 September 1981. The office holds statutory power and works continuously to improve the welfare of children in Norway through the requirements set by UN’s Convention on the Rights of the Child. The Ombudsman for Children is by law regarded as an independent, non-partisan, politically neutral institution which neither the National Assembly nor the Government have the power to instruct. In 2000 the Ombudsman

for Children received close to 1500 written queries. The office received over 7000 phone calls last year, which were followed up through either counselling, information send-outs or by re-directing the inquirers to other offices. To stay in touch with the children in Norway the Ombudsman office established the Children's Powerline in 1989. The Powerline gathers information about the lives of children and youth and attempts to provide swift replies and information to the callers (information from the Ombudsmann's website:

<http://www.barneombudet.no/html/info/english.html>)

Children's obligations to parents

Children have no explicit legal obligations towards their parents. They are not required to provide for parents financially, nor are they required to pay for care services that parents receive. Some such obligations existed under the old poor laws, but the last provisions of this sort was removed in the 1960s. Financial provisions for the elderly is a state responsibility, normally distributed over the National Insurance scheme. Also, spouses (of all ages) have a reciprocal duty to provide for each other. Local authorities are charged with the responsibility to provide nursing and caring services for persons who cannot take care of themselves, among them elderly persons who need help. Surveys (see for example Romøren 1994 for an overview) indicate that among elderly couples, spouses are very important providers of caring and nursing. This is not to say, however, that adult children do not care for or care about their parents. A large number of studies show comprehensive and some times complex transactions between genders and generations (Leira 1996).

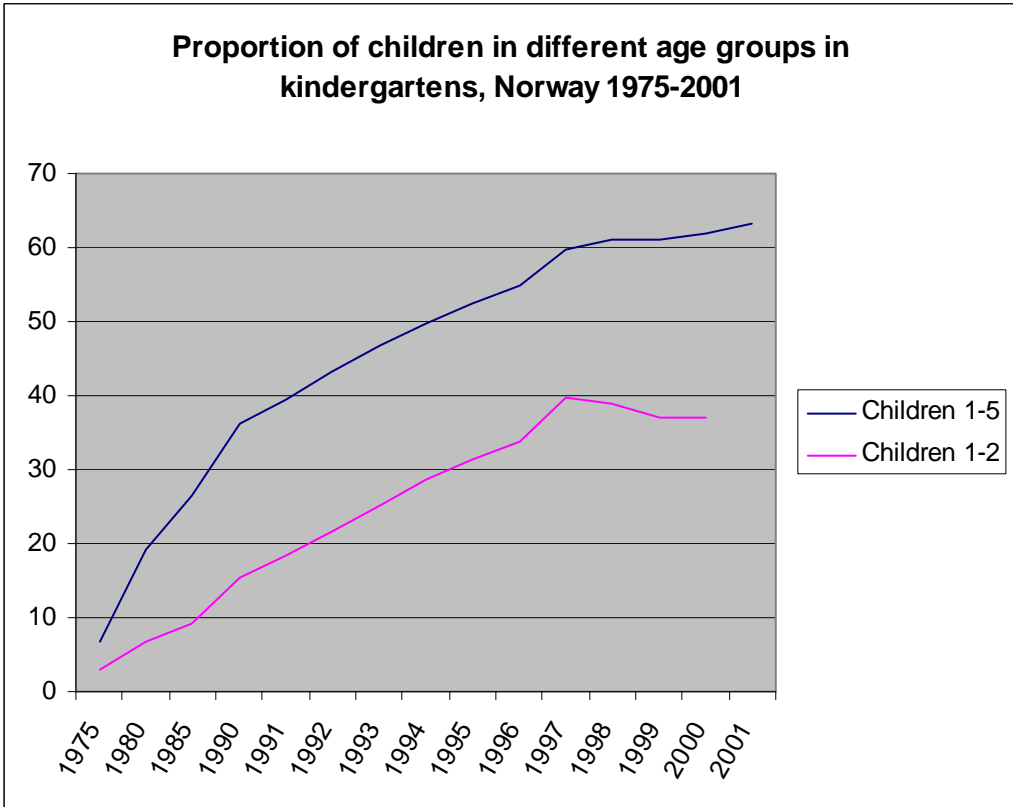
Childcare

Kindergartens and day-care centres

Day care centres are an educational service intended to provide the child with a maturing, stimulating and safe pre-school period. Day care centre facilities vary as regards ownership, educational content and opening hours. The children are admitted on application and in accordance with rules laid down by the day care centre owner (municipal or private). The municipal authorities are responsible for the approval and supervision of all day care centres in the municipality.

Under the Day Care Institution Act, preference must be given to disabled children if they can benefit from attending the day care centre. Children can be given special educational assistance in the day care centre. There are also special schemes which look after the needs of ethnic minority children, refugee children and Sami children.

Some local authorities and private individuals have established family day-care centres in private homes. Like other day-care facilities, family day-care centres are headed by a qualified pre-school teacher. In some municipalities or urban districts, there are open day care centres or short-day facilities for families with no ordinary day care place. The child must be accompanied by an adult (parent, childminder, trainee, etc.). Open day care centres are intended to be meeting places for children and caregivers/parents and a place where they can obtain educational assistance and supervision.



Source: NOS C684: Kindergartens 2000

http://www.ssb.no/emner/02/barn_og_unge/2003/tabeller/00b0105.html

Proportion of children aged 1-2 in nurseries in 2001 are not available.

The beginning of the 1990s have been described as a period of "kindergarten explosion" (Social trends 2000) with a massive increase in the number of children in kindergartens. The

biggest increase came in the period 1988-1993, when the number of children in kindergartens increased by 55.000. The growth in absolute numbers fell in 1997, following the reform that lowered school-starting age from 7 to 6, thereby taking the 6-year olds out of the kindergartens. The proportional increase for the age group 1-5 however continued, as the figure shows. The figure further shows that the proportion of 1-2 year olds decreased after a peak in 1997. This is a direct effect of the cash-for-childcare reform in 1998 (see below). Kindergartens are therefore dominated by 3-5 year olds, who made up almost three out of four children in kindergartens in 1998 (Social trends 2000:76). Approximately two out of three children in kindergarten were there on a full-time basis, that is, more than 31 (from 1998: 33) hours per week. In 2000, 39 per cent of all children aged 1-5, and 25 per cent of all children aged 1-2, were in kindergarten more than 33 hours per week.

Coverage varies widely between municipalities and counties. In 2001, coverage for the 1-5 year olds was highest in Oslo (72 per cent) and Sogn og Fjordane (72,9 per cent), and lowest in Aust-Agder (53,8 per cent), Vest-Agder (54,4 per cent) and Rogaland (55,7 per cent). Since the highest coverage is found in the capital and in the very scatterly populated county Sogn og Fjordane (6 inhabitants by square kilometre in 2002 (Yearbook of annual statistics 2002)), urbanisation does not seem to be an important factor in determining coverage rates. Cultural differences may however play a role: the three counties with the lowest coverage are the same counties that make up the south-western “Bible belt”, strongly influenced by low-church conservative Christianity.

It is difficult to determine the exact percentage equalling full kindergarten coverage. The proportion will depend, among other factors, on the demand in different age groups and regions. However, the Ministry of Children and Family Affairs estimated in 1998 that full coverage rate for the 3-5 year olds would be somewhere between 70 and 75 per cent. If this estimate is correct, Norway has reached full coverage for this age group: the national average was 76 per cent in 1999.

Annual costs to the parents (national averages) for children in nurseries are shown in the table below.

Annual costs (national averages) for children in nurseries, August 2001 and August 2002

	One child, family gross income (NOK)				Two children, family gross income (NOK)			
	100.000	250.000	375.000	500.000	100.000	250.000	375.000	500.000
August 2001	24.470	30.702	33 437	34 297	39 783	49 570	53 738	55 038
August 2002	23.284	28.284	31 602	32 572	37 900	46 579	50 908	52 375
% change	-4,8	-6,2	-5,5	-5,0	-4,7	-6,0	-5,3	-4,8

Source: http://www.ssb.no/emner/02/barn_og_unge/2003/tabeller/00b0108.html

As the table shows, the costs are high, but fell between August 2001 and August 2002. During the spring of 2003, nursery rates have been very high on the political agenda: a majority in the Storting, consisting of the unlikely alliance of Labour, the Socialist Party, the Centre (Agrarian) party and the (right-wing populist) Progress Party, have demanded that national maximum rates should be introduced. Their proposal is to introduce a maximum monthly rate per child of NOK 2.500 by January 2004, and to lower this further to NOK 1.500 from January 2005. The government (a minority coalition consisting of the Conservative Party, the Liberal Party and the Christian People's Party), although sympathetic to the idea, argues that the time scale is unrealistic. So far (July 2003), the debate has resulted in a law amendment to the Nursery Act, allowing the government to give national guidelines for nursery costs.

Out-of-school-care

Norwegian children attend compulsory primary school for a ten year period starting at the age of 6. The compulsory school is divided into two levels; lower and intermediate level. The three last years of the compulsory school constitute the lower secondary level. Children attending first to fourth grade (age 5-6 to 9-10) are given the opportunity to participate in supervised after school activities, *skolefritidsordning* (SFO).

Proportion of children participating in the SFO. 1995 - 2000.

	1-4th grade	1st grade	2nd grade	3rd grade	4th grade
1995	33	.	43	35	20
1996	36	.	47	38	21
1997	44	57	52	42	23
1998	47	60	57	46	26
1999	47	60	57	46	25
2000	49	63	59	48	26

Source: UFD (Department of Research and Education) and GSI.

About every second child in 1st-4th grade participated in these programmes in 2000, with a larger proportion of the first and second graders. The supervised after school activities (SFO) is a programme designed to provide care and supervision, both before and after school, for children from first to fourth grade. Since 1999 all municipalities were obliged to offer such a programme. The purpose of the program is explicitly to cover the gap between the end of the children's school day and the parents' normal working day.

As with kindergartens, there are considerable regional differences in the development of SFO arrangements. While close to 60 per cent of pupils in the first four grades were in such supervised after-school activities in the central counties of Eastern Norway (Oslo and Akershus), the corresponding figure for Vest-Agder, Rogaland and Nord-Trøndelag was 35 per cent (Social trends 2000). Charges for SFO also varies between municipalities. According to governmental guidelines, charges shall not exceed the costs actually implied by the arrangement. The average rate for a full-time place in Oslo is about Nkr 1450.

Child-care as education or labour market policy?

The first paragraph in the 1995 Kindergarten Act reads "The kindergarten shall give children under school-starting age good opportunities for activity and development in close cooperation and understanding with the children's home. The kindergarten shall help to give children an upbringing in line with basic Christian values. Owners of private nurseries may decide that the second part of this paragraph shall not apply (...)"

"Activity and development" (utviklings- og aktivitetsmuligheter), therefore, are at the heart of Norwegian kindergarten policies. Other public documents however stress other aspects, like in this quote from the white paper on nursery policies, aptly named "Barnehager til beste for barn og foreldre" – "Nurseries to the best for children and parents" (St. meld. nr. 27 (1999-2000):

More and more parents want nursery places for their children, both for the children's own sake and as a safe and stable arrangement for parents who are employed or undertaking education. The increased need for nurseries mirror the great social changes in family structure, local environment, education and employment during the latter half of the 1990s. These are changes that have influenced strongly the environment children grow up in and everyday life for families" (p. 1).

Kindergartens in Norway, therefore, are part of the labour market policy for adults (this has been very clear, for instance, in the debate on activation policies for lone parents) as well as a safe and stimulating place for children to play and socialise. The emphasis, however, seems to be on the needs of children.

As late as in the 1980s, this emphasis on children was probably even more dominant. As Arnlaug Leira has noted, “Norwegian policies concerning pre-school children did not aim at facilitating mother’s employment or accommodate the economy’s demand for labour. Childcare policies were more exclusively oriented towards the socialization of the child” (Leira 1992:62). It is instructive that Leira talks about ‘socialization’ rather than ‘education’: there appears to be a widespread scepticism in Norway about starting education too early. This was heatedly debated when school-starting age was lowered from 7 to 6 in 1997: the opposition argued that this meant taking away precious play-time for children, that is, to take away part of their childhood. When the reform was implemented, it was stressed that children were not actually expected to learn that much during their first year as six-year-olds, that this year should be more like an extension of the nursery. Also, then the educational benefits of nurseries are brought into the debate, this is mentioned almost solely in terms of social skills. It seems, therefore, that the Norwegian people harbour a deep scepticism of starting formal education too early. Child-care for pre-school children should be a place to develop, play, socialise and learn “the natural way”, and certainly not somewhere where children have a curriculum forced upon them. “Natural development”, not “education”, is the key word. Even so, all kindergartens should in principle be headed by an educated pre-school teacher. Her job is not so much to educate as to stimulate, to encourage children to be active and to make sure no child is left out.

The paragraph from the Kindergarten Act quote above mentions “an upbringing in line with basic Christian values”, although some nurseries may distance themselves from this. This has been one of the main controversies in Norwegian kindergarten policy, probably unlike the other Nordic countries, although there has been little talk of it lately. I do not know how this is practiced in modern nurseries, many of which have children from many different national and religious backgrounds – but anything but a very liberal interpretation of this clause would probably cause outrage from Muslim and humanist parents. Nevertheless, it still stands as a guiding principle.

Parental leave, the right to care¹

Maternity leave, paternity leave, parental leave

Norway has both a statutory maternity leave, paternity leave and parental leave: out of a total of 42 weeks at full wage replacement, the mother has to take three weeks of the parental benefit period prior to delivery. If she does not do so, she loses these three weeks. Six weeks after the birth are reserved for the mother and four weeks are reserved for the father. The rest of the period, 29 weeks, may be shared between the parents. Alternatively, the parents may chose to take a combined leave of one year (52 weeks) at 80 per cent wage replacement. The quotas reserved for each parent are the same. The development of maternity/ paternity/ parental leave in Norway is shown in table 3. There have been no further developments after 1994.

Table 1. Development of the right to maternity/ parental leave in Norway 1971-1994.

- 1.1.1971** Rights to sickness leave is integrated in the National Insurance Scheme. Pregnant women with rights to sickness leave may receive a «natal allowance» (barselspenger) a leave of absence for a maximum of 12 weeks. 6 weeks are reserved for after procreation.
- 1.7.1977** Sickness allowance is determined at 100% of salary and made taxable. Allowances to women giving birth are called «birth allowance» (fødselspenger) and is granted for 18 weeks. At least 6 must be taken before birth.
- 1.7.1977** Parental leave: Father may take up to 12 of the 18 weeks if the mother returns to work.
- 1986** Birth allowance granted for two more weeks per child after the first at birth of more than one child
- 1.5.1987** Parental leave (period for birth allowance) is extended to 20 weeks
- 1.7.1988** Right to leave with full salary paid for pregnant women in dangerous work environment who can not be given other assignments.
- 1.7.1988** Parental leave extended to 22 weeks.
- 1.1.1989** Parental leave extended to 24 weeks.
- 1.4.1989** The 24 weeks may alternatively be taken at 80% for 30 weeks
- 1.5.1990** Parental leave extended to 28 weeks, or 80% in 35 weeks
- 1.7.1990** Fathers with sole parental responsibility get independent right to birth allowance
- 1.4.1991** Parental leave extended to 30 weeks, or 80% for 38 weeks
- 1.4.1992** Right to «pregnancy allowance» two weeks before birth
- 1.4.1992** Parental leave extended to 33 weeks, or 80% in 42 weeks (+ two weeks before giving birth)

¹ Much of the material in this section and the next has been taken from the leaflet “The rights of parents of small children in Norway”, published by the Ministry of Children and Family Affairs. The leaflet is available electronically at

<http://odin.dep.no/bfd/engelsk/publ/handbooks/004071-120005/index-dok000-b-n-a.html>

1.4.1992 The mother may take a maximum of 6 weeks leave at 100% of salary after death of infant

1.1.1993 Responsibility for the National Insurance support at birth is transferred to the Ministry of Children and Family Affairs

1.4.1993 Parental leave extended to 42 weeks, or 80% in 52 weeks. Of those 4 weeks must be taken by the father, or they will be lost to the family. 3 weeks are reserved for the mother before procreation.

1.7.1994 Birth allowance may be combined with part-time work over two years, the so-called «time-account leave» for parents.

Source: Koren 1997:33ff.

In order to be entitled to parental or adoption benefit, the mother must have been employed and earning a pensionable income for at least 6 of the 10 months immediately prior to the commencement of the benefit period, while the father must have been employed and earning a pensionable income for 6 of the 10 months immediately prior to the commencement of his part of the benefit period. The pensionable income earned during the qualifying period must be equal to at least half the annual National Insurance basic amount i.e. it must be at least NOK 24,545 (2000). Periods during which a person receives sick pay, child sickness benefit, parental benefit, maternity allowance, adoption benefit or daily cash unemployment benefit are regarded as periods of employment. This also applies to periods during which a person receives pay from an employer during leave to continue his/her education or training, severance pay, redundancy pay and continuing pay from an employer after termination of employment, and to periods of military or civilian national service or compulsory civil defence service.

All mother's who do not qualify for maternity leave are entitled to a *lump-sum payment*, aptly called 'one-time allowance'. In 2001, this allowance is fixed at NK 32 138. When the mother is granted a lump sum grant, the father may receive parental or adoption benefits for up to 39 weeks with 80 per cent pay or 29 weeks with full pay, provided that the mother goes out to work, takes an education or is ill after the birth or adoption of the child.

Parental and adoption benefits are calculated on the basis of the income of the parent who takes leave of absence. If the parent's income exceeds NOK 294,540 (2000) (six times the National Insurance basic amount), parental or adoption benefit will not cover the excess amount. Agreement may be reached with the employer to provide full pay. The National Insurance Act was amended in 2000 to allow the father to receive parental or adoption benefit based on his own rights regardless of whether or not the mother has earned rights. This

depends on what the mother does after the birth or adoption of the child. The father is not entitled to parental or adoption benefits while the mother is at home looking after the child. The father receives parental or adoption benefits based on the rights he has earned himself and his percentage post if, after the birth or adoption of the child, the mother goes out to work, takes a full-time, publicly approved education or combines work and an approved education which together equal full time. The father is also entitled to parental or adoption benefits if the mother is unable to look after the child owing to illness or injury or admission to a health institution. If the mother works part-time after the birth or adoption of the child, the father's parental or adoption benefit is reduced in proportion to the reduction in the mother's working hours. If the mother works 75 per cent or more of a full-time post, the father will still receive parental or adoption benefit calculated in proportion to his own percentage post. Parental leave is paid for by the National Insurance, and social insurance contributions are maintained throughout the leave period.

Parents cannot lose their jobs while on maternity/ parental leave. If the parent is fired during this period, the employer shall present evidence of reasons for firing unrelated to his/her pregnancy/ parental leave.

Combining parental leave and part-time work: the time account scheme

The time account scheme is laid down in Chapter 14 of the National Insurance Act and in Section 31 A of the Working Environment Act. Under the time account scheme, parents may combine parental or adoption benefits with shorter working hours. The period of full-time leave of absence is reduced, but the size of the parental or adoption benefit remains the same. The benefit period is extended and the parents can combine work with care of the child without loss of income.

The time account scheme may be used by employees, self-employed persons and freelancers who are entitled to a parental or adoption benefit and who have worked more than half of a full-time post. The time account scheme does not apply to unemployed persons. Both mother and father may use the time account. They may choose to use their time accounts simultaneously or consecutively. However, if they use their time accounts simultaneously, the parental or adoption benefit period will be used up more quickly.

The time account period does not include the last three weeks before delivery or the first six weeks after delivery, which are reserved for the mother, or the four-week paternity quota. If the parents choose the 52-week option, they can take 39 weeks under the time account scheme. If they choose 42-week option, they can take 29 weeks under the time account scheme. The same applies in the case of adoption. The 'time account' is the number of weeks of the total parental or adoption benefit period that a parent chooses to combine with reduced working hours. The time account period is the period during which the parent combines work and leave of absence. The time account period can vary from minimum 12 weeks to maximum 104 weeks (two years). The number of weeks of the total period of leave that will be taken under a time account agreement, and the combination of work and leave, must be agreed upon with the employer. During the time account period, the employee may choose to work 50, 60, 75, 80 or 90 per cent of a full-time post and take the remaining time as parental or adoption leave. The more the employee works, the longer the time account period lasts.

Unpaid leave and other parental rights

Parents have a number of other rights relating to childbirth and adoption, parallel to and in addition to their rights to parental and adoption benefits. These are often rights to leave of absence without entitlement to pay.

Each parent is entitled **to up to one year's unpaid leave for each child** in addition to the parental or adoption benefit period. This leave must be taken in conjunction with statutory leave in connection with pregnancy, birth, adoption or taking over the care of foster children. Parents may take this leave simultaneously.

Employees who make use of the time account scheme (see page 8) are not entitled to additional unpaid leave. This restriction applies to each parent individually. Consequently, if only one of the parents takes advantage of the time account scheme, the other parent can exercise his/her right to one year's unpaid leave. If the mother is not working, but the father is, he is entitled to unpaid leave for a period of up to two years. Employees who have sole responsibility for the care of a child are entitled to up to two years' additional leave for each child (three years in all).

The father is entitled to **two weeks' unpaid leave** in connection with the birth of a child, regardless of whether the mother has been employed or not, provided that he is living with the mother and spends these two weeks looking after the family and the home. This leave may be taken either before the child is born, after the child is born, or after the mother and child come home from the hospital, but must be completed no later than two weeks after they come home from the hospital.

If the parents are not living together, this right may be transferred to another person who helps the mother. The right to two weeks' unpaid leave does not apply to fathers of adopted children.

The right to **leave of absence for nursing mothers** is laid down in Section 33 of the Working Environment Act. Nursing mothers are entitled to at least one hour off each day, or as necessary for this purpose. Alternatively, if she prefers to do so, a nursing mother can reduce her working hours by one hour per day by arriving one hour later or leaving one hour earlier than her normal working hours. Nursing mothers in part-time and second jobs are also entitled to time off. Time off for breast feeding must be integrated into the time account scheme, when this is used.

Leave to care for children, including leave to care for sick children:

Parents are entitled to leave of absence if the child, or if the person who normally cares for the child, is sick. Each parents has the right to ten days leave per year for this purpose. If the parent in question has more than two children, maximum leave is 15 days. Lone parents have 20 days per year, or 30 if caring for more than two children. If the child is chronically ill maximum leave is 20 days per parent per year, or 40 days for lone parents. The age limit for children is 12 years.

Cash benefits and taxes for families

Taxation

A basic feature of the Norwegian tax system is that there are two "tax groups": Group II includes spouses with joint taxation, and lone parents with at least one dependent child. Group

I includes everybody else. Incomes below 22 600 NOK (group I) or 45 200 (group II) are not taxable. **National Insurance Contribution** is derived from the gross income (that is, wages and pensions, but not investment income) for employees older than 16 and younger than 70, mainly 7.8%.

The **general tax rate** is 28 per cent (24.5 per cent in the Northern-most counties, Troms and Finnmark). A higher tax rate kicks in for higher incomes. In tax group I, the threshold is NOKr 289.000, in tax group II, NOKr 342.200. For incomes above this level, an additional tax of 13.7 per cent is to be paid (9.5 per cent in Northern Troms and Finnmark). For incomes exceeding NOKr 793.200 (both groups), the additional tax rate increases to 19.5 per cent.

For all taxpayers, there is a “minimum deduction” (*minstefradrag*: 22 per cent of gross income, maximum rate NOKr 40.300), and a “personal deduction” (*personfradrag*: NOKr 28.800 in tax groups I, 57.600 in tax group II). There is a deduction for documented expenses towards childcare (*foreldrefradrag*, “parent’s deduction). This is worth NOK 25.000 for one child and NOK 30.000 for two or more children, and is available to lone parents and couples with children under 12.

Child benefit

Child benefit is the most important social security benefit for families with children. Anyone living in Norway and supporting children under the age of 18 has the right to child benefit. This right applies from the month after the child is born or after taking over the care of an adopted child, up to and including the month before the child reaches 18. Parents lose the right to child benefit if the child enters into marriage or partnership.

Ordinary child benefit is granted automatically for newborn children. This means that in most cases the parents do not have to apply for child benefit after the birth of a child. Child benefit is normally paid to the mother in couples, and to the parent in lone parent families. In principle, children who are resident in Norway for less than 12 months are not entitled to child benefit. Norwegian children who are resident abroad for less than 12 months do not normally lose their right to child benefit.

Child benefit is payable at specific rates determined by the Storting for the first and second child and for the third and each of the other children. A special supplement is payable for children living in the northern-most parts of Norway (county Finnmark and northern parts of county Troms). A young child supplement has been payable for children between one and three years of age, but this supplement will be discontinued from 2003. The supplement was introduced in 1993, as a compromise when the struggle to introduce cash-for-childcare was (temporarily) lost. With the supplement, families with young children would at least receive something. When the cash-for-childcare benefit was introduced in 1998, this argument was no longer valid.

Single providers with children under the age of 18 are entitled to child benefit for one child more than they actually have (additional child benefit). This means that a single provider with one child will receive child benefit for two children, and so on. This addition is not granted automatically, but must be applied for. A single provider loses the right to additional child benefit if he or she marries, has a child with a cohabitant or has lived in a marriage-like relationship in a joint household for at least 12 of the last 18 months.

The Cash-for-care benefit

Parents may receive the cash-for-care benefit on the condition that they have made no agreement for a full-time place in a day care centre which receives a state grant. If it is agreed that the child is to be in the day care centre for less than 33 hours a week, the family will be entitled to a reduced benefit. The cash-for-care benefit is payable for each child without means or needs testing and it is tax-free. The underlying logic is that parents who use state-sponsored child-care “receive” a public grant, while those who use other forms of child-care lose out. In principle, therefore, the cash-for-care benefit should be equal to the subsidy given per child in state-sponsored nurseries. Although this argument was frequently used in the debate, the benefit is not formally linked to the size of state subsidies. Arguments for the reform were phrased both in terms of fairness in distribution and in terms of “giving parents back their time” (cf. Ellingsæter 1999). Opponents argued that this reform would reverse the trend towards gender equality and equal parenting, and that it would create a number of practical and social problems to pay parents in cash for not using a public service (cf. Leira 1998). The cash-for-care benefit was introduced from 1. august 1998 for one-year-olds, and from 1st January 1999 for two-year olds. Initially, the aim was that cash-for-care benefits

should be available to all children under school-starting age (six), but at the moment there are no plans to extend it beyond the third year.

The right to the cash-for-care benefit applies from the month after the child's first birthday up to and including the month of the child's third birthday. The main reason the benefit is not paid for the first year is that this normally coincides with the parental leave, and parents are not entitled to receive cash benefits while they are receiving full parental/adoption benefits. However, parents who do not have the right to paid parental leave, but who receive the lump sum grant after delivery (engangsstønad) also have to wait until the child's first birthday to receive the cash-for-care benefit. Parents who make use of the time account scheme, on the other hand, may receive parental or adoption benefits at the same time as the cash benefit. The cash benefit is generally paid to the person with whom the child lives permanently, but the full benefit may be shared between the parents if they are not living together and they have reached a formal agreement on shared custody.

Benefits for single mothers and fathers

Benefits for single parents are determined by chapter 15 of the National Insurance Act. Under the National Insurance Scheme, financial aid is available to mothers or fathers who have the sole care of their child(ren). Single mothers or fathers are ensured an income and temporary assistance to enable them to support themselves partly or fully by working. Under the National Insurance Act, single mothers or fathers are entitled to the following benefits:

Transitional allowance

The transitional allowance is a subsistence benefit. It is usually not granted for a total of more than three years from the birth of the youngest child and until this child reaches eight years of age. It can also be granted for up to two months prior to the birth of the child. Under certain conditions, the transitional allowance may be granted for more than three years and also after the youngest child's eighth birthday. When the youngest child reaches the age of three, the parent must be working or studying on at least a 50% basis or be registered as an active jobseeker at the employment office. The full annual transitional allowance is 1.85 times the National Insurance basic amount (56.861 from 1st May 2003). The benefit is reduced if the recipient's earned income is higher than half of the basic amount. The same applies to other incomes that are equivalent to earned income. From 1 May 2003 the transitional benefit is

NOK 8766 per month. If the recipient's annual earned income is NOK 28,400 or more, the transitional benefit will be reduced. An annual earned income of app. NOK 284,000 is the upper limit for transitional benefits.

Child care benefit

Child care benefit is available if care of the child must be given to someone else because the single parent is working, studying or actively seeking work. This benefit will also be provided for a period of up till one year if the parent is temporarily ill. This benefit is payable at 70 per cent of the documented child care expenses. There is an upper limit, however, which is adjusted annually by the Storting. The maximum amounts for 2002 were:

- NOK 2,571 per month for one child
- NOK 3,354 per month for two children
- NOK 3,801 per month for three or more children

If the recipient's annual income is between six times and eight times the National Insurance basic amount (NOK 341.166 - 454.888 in 2003), the rate of the child care benefit will be reduced to 50 per cent. Parents whose income exceeds eight times the basic amount are not entitled to receive child care benefit. Child care benefit is payable until the child has finished the fourth year in school, but under certain conditions it may be given for a further period.

Educational benefits

Educational benefits can be granted to single parents who study or train in order to be able to earn money to provide for themselves. Support is normally limited to three years' "necessary" education. The benefit shall cover expenses to courses, books and material, travel etc., and is regulated by special guidelines. It is only granted to recipients who are also entitled to transitional allowance.

Removal grant

If the single provider has to move in order to find work, he or she may be entitled to a grant to cover removal expenses. This grant may be given in the period where the lone parent is entitled to transitional allowance, or up to six months afterwards.

Child support advance

In addition to the schemes outlined above, single providers are entitled to advance payments of child support amounting to NOK 13,440 per child per year. This is a minimum amount

paid out by the national insurance office. It is also payable in situations where the father is unknown, or known but exempted from the duty to pay (for instance due to low income). In all other cases, the National Insurance will claim the money back from the liable parent.

Pension credit for homebased workers

Persons who have the care of small children earn pension points, so-called 'care points'. They can earn 3 pension points annually for unpaid care of children under the age of seven.

Points for care work are allocated automatically to the person receiving child benefit. If the caregiver has a pensionable income which qualifies her/him for more than 3 pension points, approximately NOK 196,000 per year, care points will normally have no significance. One parent may ask to have the care points transferred to the other parent. If the caregiver does not receive child benefit, then he/she must apply to the national insurance office for care points.

Persons who have the care of disabled children over the age of seven can apply for care points. If the child is receiving attendance benefits at rate 3 or 4 (which indicates severe disability), care points are credited automatically.

The right to equal pay²

Two central clauses in the 1978 Gender Equality Act read:

Article 4 Recruitment etc.

A job vacancy must not be advertised as being restricted to one sex unless there is an obvious reason for doing so. Nor must the announcement give the impression that the employer expects or prefers one of the sexes for the position. In recruitment, promotion, notice to leave or temporary lay-offs of employees, no difference must be made between men and women (...)

² Much of the material in this section has been taken from the "Fifth periodic report submitted by Norway under article 18 of the international convention on the elimination of all forms of discrimination against women". The report is drafted by the Ministry of Children and Family Affairs, and is available at <http://odin.dep.no/bfd/engelsk/publ/rapporter/004041-990027/index-dok000-b-n-a.html>

A job applicant who has not obtained an announced position may require that the employer state in writing the education, experience and other clearly demonstrable qualifications for the position which are possessed by the person of the opposite sex appointed to the job.

If differential treatment of women and men in recruitment, promotion, notice to leave or temporary lay-offs can be established, the employer must substantiate that this is not due to the gender of the applicants or the employees.

Article 5 Equal pay

Women and men employed by the same employer shall have equal pay for work of equal value. The term "pay" includes ordinary remuneration for work as well as other supplements or cash bonuses, and other benefits given by the employer. The term "equal pay" means that the pay is to be determined in the same manner for men and women regardless of gender. If differential treatment regarding wages can be established between men and women performing work of equal value, the employer must substantiate that this is not due to the gender of the employees.

In short, differential treatment based on gender in employment is illegal.

Nevertheless: the difference in hourly pay between men and women working full time is approximately 20 per cent. On average there has been little or no change in the overall wage gap between men and women since 1980. Within sectors, however, the development of the wage gap between women and men shows a different picture. In the last ten years there has been an overall trend towards equalisation. The wage gap in the industrial sector has been reduced from 16.0 per cent in 1980 to 9.5 per cent in 1997. The comparable figures for the public sector is 19.1 and 10.1 per cent, respectively. However, there have also been periods of stagnation and the trend has even been reversed in some sectors since 1990, for instance for people dealing with the public in local government, the bank sector and the educational sector. There is a small wage gap between men and women with equal qualifications who hold positions at the same level in the private sector and it is decreasing (see also the labour supply report).

Wage differences between men and women are often due to differences in position and can be traced back to the wage at the time of appointment. Structural changes in the labour market, e.g. gender segregation of the labour force, seem to produce a trend that is the opposite of the

trend observed within different sectors with regard to the pay gap. It seems that structural factors neutralise the positive effects of a rising educational level among women.

Final words

Norway has come a long way in the 1990s in encouraging gender equality, both in the labour market and in the family. Mothers are increasingly encouraged to work, while fathers are encouraged to care. The cash-for-childcare benefit however runs counter to this trend, and illustrates that the commitment to the dual-earner/ dual carer-family is contested. Some, mainly conservatives and proponents of the Christian People's Party, fear that we are witnessing the rise of the "dual earner/ no carer"-family. Cash-for-childcare shall give the parents the opportunity to chose that "one of them" (as the evaluations, entirely unsurprisingly, have shown, this one parent is almost always the mother) stay at home while the children are under three. Care for pre-school children is still a highly contested issue in Norway. This particularly applies to the under-3s. There appears to be a growing consensus that children older than three benefit from nurseries, if only for a limited number of hours per day. Nurseries should neither be "early pre-schools" nor "storages" for children while the parents are at work – rather, they should stimulate children's natural development and social skills.

Lone parents, as the demography report has shown, are overwhelmingly lone mothers. Policies for this group has changed markedly during the 1990s, with the relatively strict introduction of the activation principle. Non-resident fathers are increasingly encouraged to care for their children via the new rules for deduction of child maintenance. Some, most prominently the organisation for non-resident parents, call for shared custody to become the main principle in custody proceedings, but so far this proposal has been rejected. In this case, the principle of equality between the parents must be balanced against other concerns.

Children's rights enjoy a relatively strong protection in Norway. In all family legislation, concerns for gender equality in family and employment must be balanced against the best interest of the child or children's rights. But rights, as well as concepts of "best interest", are politicised. The definition of children's best interest has been battleground for many important debates on family policies, and is likely to remain so in the future.

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ⁱ From the SIFO web page, [Hhttp://www.sifo.no](http://www.sifo.no)H, translated here