

From Paternity Leave to Parental Responsibility: Comments on Brazil's Law No 15,371/2026

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ABSTRACT: This article examines the legal significance of Brazil's Law No. 15,371/2026, which introduced the most comprehensive reform of paternity leave since the adoption of the 1988 Federal Constitution. Moving beyond a descriptive analysis of the legislation, the study investigates whether the reform represents a meaningful step towards substantive gender equality and greater alignment with international labour standards. The research adopts a doctrinal legal methodology based on bibliographical and documentary analysis of Brazilian legislation, International Labour Organization (ILO) instruments, the European Union Work-Life Balance Directive (Directive (EU) 2019/1158), and relevant academic literature. The article argues that the reform transforms paternity protection by integrating labour law and social security through the creation of a contributory paternity benefit, strengthening employment protection, and extending legal safeguards to adoption and other family situations. These developments reflect the principles established by ILO Convention No. 156 concerning workers with family responsibilities and contribute to the objectives of decent work and gender equality embodied in the 2030 Agenda for Sustainable Development. Nevertheless, the absence of a comprehensive shared parental leave scheme, the limited duration of leave, and the continued unequal distribution of unpaid care work demonstrate that significant legal and institutional challenges remain before substantive equality can be fully achieved.

KEYWORDS: paternity leave; labour law; social security; gender equality; ILO Convention No. 156.

I. INTRODUCTION

The reconciliation of paid work and family responsibilities has become one of the defining challenges of contemporary labour law. Across different jurisdictions, demographic change, the increasing participation of women in the labour market, evolving family structures, and the recognition of unpaid care work have prompted a reconsideration of traditional models of parental leave. Rather than treating childcare as an exclusively maternal responsibility, international labour standards have increasingly promoted the principle of shared parental responsibility as a prerequisite for achieving substantive gender equality and decent work.

Within this context, paternity leave has undergone a significant conceptual transformation. Initially conceived as a short period of authorised absence following the birth of a child, it is now widely recognised as a labour and social protection measure capable of promoting child welfare, strengthening family life, encouraging fathers' participation in early childcare, and reducing structural inequalities experienced by women in employment. Consequently, parental leave policies have become central to international debates on work-life balance, equal opportunities, and the redistribution of unpaid care responsibilities.

The International Labour Organization (ILO) has played a fundamental role in shaping this evolution. Although no international convention establishes a universal right to paternity leave, the Workers with Family Responsibilities Convention, 1981 (No. 156), together with Recommendation No. 165, introduced the principle that workers should not suffer discrimination because of their family responsibilities and encouraged States to adopt policies enabling both women and men to reconcile employment with family life. Likewise, the Maternity Protection Convention, 2000 (No. 183), while primarily concerned with protecting mothers, forms part of a broader international framework that recognises the importance of policies promoting the equitable sharing of care responsibilities. More recently, the ILO's Care at Work agenda has reinforced the understanding that care policies constitute an essential component of inclusive labour markets and gender equality.

Recent Brazilian scholarship has likewise emphasised that labour law and social security should be understood as complementary instruments for promoting sustainable development, particularly in light of Sustainable Development Goal 8, which links decent work, social protection, and inclusive economic growth (Weirich; Neres; Zonin, 2026; Weirich & Neres, 2026a).

Against this international background, Brazil enacted Law No. 15,371/2026, introducing the most significant reform of paternity leave since the adoption of the 1988 Federal Constitution. The legislation extends the duration of paternity leave, creates a new paternity benefit within the national social security system, broadens legal protection to adoption and other family situations, establishes employment protection during the leave period, and incorporates paternity leave into a broader framework of social protection. These reforms move beyond the traditional conception of paternity leave as a purely labour entitlement and reposition it as an instrument combining labour law, social security, and family protection.

This article argues that Law No. 15,371/2026 represents a significant step towards aligning Brazilian labour law with contemporary international labour standards on workers with family responsibilities. Nevertheless, the reform does not yet establish a genuine model of shared parental leave capable of fully promoting substantive gender equality in the labour market. While the legislation strengthens fathers' legal protection and advances the redistribution of care responsibilities, important structural limitations remain, particularly regarding the duration of leave, the absence of a comprehensive parental leave scheme, and the continuing asymmetry between maternity and paternity protection.

Drawing upon international labour standards, particularly ILO Conventions Nos. 156 and 183, Recommendation No. 165, and recent developments in international care policy, this article critically examines the legal innovations introduced by Law No. 15,371/2026. It argues that the Brazilian reform illustrates the growing integration of labour law and social security in the protection of parenthood while simultaneously demonstrating the continuing challenges faced by legal systems seeking to reconcile work, care, and gender equality.

II. INTERNATIONAL LABOUR STANDARDS ON WORKERS WITH FAMILY RESPONSIBILITIES

Early scholarship recognised that maternity protection was historically conceived primarily as a mechanism for safeguarding women's health and income security rather than promoting the equal distribution of caregiving responsibilities. As Conaghan observed in her analysis of the United Kingdom's Social Security Act 1986, maternity benefits were closely connected to the social security system and reflected a model in which childcare responsibilities remained predominantly associated with women (Conaghan, 1987).

European labour law has progressively moved beyond a purely protective approach to maternity by recognising that effective equality requires broader measures addressing pregnancy, parenthood and the reconciliation of work and family life. As Di Torella observed, developments in European maternity rights increasingly reflected concerns with equal treatment and the removal of structural barriers affecting women's participation in employment (Di Torella, 1999).

The evolution of international labour law demonstrates a gradual shift from the protection of maternity as an individual employment right towards the recognition of care as a shared social responsibility. While early labour standards primarily sought to safeguard women's health during pregnancy and childbirth, contemporary international labour law increasingly understands that achieving substantive gender equality requires legal frameworks capable of enabling both women and men to reconcile paid work with family responsibilities (International Labour Organization, 1981a; International Labour Organization, 2000).

This transformation reflects broader changes in labour markets, family structures, and human rights law, placing work-life balance at the centre of labour law reform. Early labour law scholarship largely conceived maternity rights as protective labour standards designed to safeguard women's health and employment during pregnancy, reflecting a legal model in which childcare responsibilities were predominantly associated with mothers rather than shared between both parents (Upex and Morris, 1981).

The emergence of parental leave policies reflects a broader transformation in labour law, moving beyond maternity protection towards family-friendly employment policies designed to reconcile paid work with caregiving responsibilities. As McColgan argues, the introduction of parental leave represented an important step in recognising that equality in employment requires legal mechanisms enabling both women and men to combine work and family life (McColgan, 2000).

A milestone in this evolution was the adoption of the Workers with Family Responsibilities Convention, 1981 (No. 156). Unlike previous international instruments focused exclusively on maternity protection, Convention No. 156 introduced an entirely different normative approach by recognising that workers with family responsibilities constitute a category deserving legal protection irrespective of sex. The Convention acknowledges that family responsibilities frequently generate barriers to access, participation, and advancement in employment, thereby requiring States to adopt national policies aimed at enabling workers to exercise their right to employment without discrimination or conflict between work and family obligations (International Labour Organization, 1981a).

This conceptual shift is particularly significant because Convention No. 156 abandons the traditional assumption that childcare is primarily a women's responsibility. Instead, it recognises that gender equality cannot be achieved solely through protective measures directed at female workers but depends upon the redistribution of family responsibilities between women and men. Consequently, the Convention establishes one of the fundamental principles of contemporary labour law: workers should not suffer disadvantage in employment because they assume responsibilities for the care of children or other dependent family members (International Labour Organization, 1981a).

From Paternity Leave to Parental Responsibility: Comments on Brazil's Law No 15,371/2026

The evolution of international labour standards concerning workers with family responsibilities cannot be understood solely through the development of maternity protection. As Lewis and Conaghan observed, the growing European social dimension increasingly recognised that pregnancy and childcare policies should form part of a broader framework of social protection rather than remain confined to traditional maternity benefits (Lewis and Conaghan, 1991). This evolution is reflected in the International Labour Organization's Workers with Family Responsibilities Convention, 1981 (No. 156), which marked a decisive shift by recognising that labour law should protect workers with family responsibilities, irrespective of sex, and by requiring Member States to adopt policies enabling workers to reconcile employment with family obligations without discrimination or conflict between work and family life (International Labour Organization, 1981a).

The accompanying Workers with Family Responsibilities Recommendation, 1981 (No. 165) develops these principles by proposing practical measures to facilitate the reconciliation of work and family life. It encourages Member States to introduce leave arrangements, flexible working arrangements, childcare services, and other public policies designed to enable both parents to participate actively in family life while maintaining labour market attachment. Although Recommendation No. 165 predates current debates on parental leave, it anticipates many of the elements that characterise modern parental leave systems by promoting shared caregiving responsibilities rather than reinforcing traditional gender roles. In this respect, the Recommendation represents one of the earliest international acknowledgements that labour law should contribute to a more equitable distribution of unpaid care work (International Labour Organization, 1981b).

The international framework was further strengthened by the adoption of the Maternity Protection Convention, 2000 (No. 183). At first glance, Convention No. 183 appears to remain centred on maternity protection, establishing minimum standards concerning maternity leave, cash benefits, medical care, employment protection, and protection against dismissal. However, its significance extends beyond the immediate protection of pregnant workers. The Convention forms part of a broader international strategy aimed at eliminating discrimination arising from reproductive responsibilities and promoting equal opportunities in employment. In this context, maternity protection should not be understood as an isolated legal entitlement but as one component of a wider system of care policies capable of reducing structural inequalities between women and men (International Labour Organization, 2000).

The International Labour Organization has increasingly emphasised that maternity protection alone cannot eliminate gender inequalities in the labour market. Where childcare responsibilities continue to fall predominantly upon women, extended maternity rights may unintentionally reinforce employers' expectations that women will assume primary caregiving responsibilities, thereby perpetuating occupational segregation, wage disparities, and discrimination in recruitment and career progression. For this reason, contemporary ILO policy increasingly advocates the adoption of complementary measures directed towards fathers, including paternity leave, parental leave, and other mechanisms encouraging the equal sharing of unpaid care work (International Labour Organization, 2022a).

This understanding is comprehensively reflected in the ILO report *Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work* (International Labour Organization, 2022a). The report argues that care policies should be regarded not merely as social welfare measures but as essential labour market institutions capable of promoting decent work, economic productivity, gender equality, and children's wellbeing. It highlights that effective care systems require an integrated combination of maternity leave, paternity leave, parental leave, care leave, childcare services, and flexible working arrangements. According to the ILO, the expansion of fathers' leave constitutes a crucial mechanism for transforming gender norms, increasing men's participation in unpaid care work, reducing women's disproportionate care burden, and improving women's long-term labour market outcomes (International Labour Organization, 2022a).

Viewed against this international normative framework, Brazil's Law No. 15,371/2026 represents a significant step towards incorporating internationally recognised principles concerning workers with family responsibilities into domestic labour law. By extending paternity leave, creating a paternity benefit within the social security system, and strengthening legal protection for fathers during the leave period, the reform reflects the growing influence of international labour standards on national legislation. Nevertheless, the Brazilian model remains considerably more limited than the comprehensive approach advocated by the ILO, particularly because it stops short of establishing a genuine parental leave system based on the equal sharing of caregiving responsibilities between both parents (International Labour Organization, 1981a; International Labour Organization, 2022a).

III. THE BRAZILIAN REFORM: LAW NO. 15,371/2026 AND THE TRANSFORMATION OF PATERNITY PROTECTION

Law No. 15,371/2026 constitutes the most comprehensive reform of paternity protection since the promulgation of the 1988 Federal Constitution (Brazil, 1988; Brazil, 2026). While previous legislative initiatives merely extended the duration of paternity leave for limited groups of workers, the new legislation fundamentally redefines the legal nature of paternity protection by integrating labour law and social security into a unified framework for the protection of parenthood. In doing so, Brazil moves beyond the traditional conception of paternity leave as a short period of authorised absence from work and recognises it as an

From Paternity Leave to Parental Responsibility: Comments on Brazil's Law No 15,371/2026

essential component of social protection, family policy, and gender equality (Brazil, 2026; International Labour Organization, 2022).

This institutional integration reflects the broader understanding that social security is not merely an income replacement mechanism but also a fundamental instrument for protecting workers against social contingencies while fostering sustainable development and social inclusion (Weirich & Neres, 2026b).

Perhaps the most significant innovation introduced by the reform is the creation of the paternity benefit (salário-paternidade) within the Brazilian social security system (Brazil, 2026). Until the enactment of Law No. 15,371/2026, paternity leave remained exclusively an employment entitlement financed by employers, unlike maternity protection, which has long been supported through the social security system (Brazil, 1991). The establishment of a contributory social security benefit therefore represents a structural transformation in Brazilian labour law, acknowledging that fathers also experience a social contingency requiring income protection during the initial period following childbirth or adoption. By transferring part of the financial responsibility from employers to the social security system, the legislation also reduces the perception that parental leave constitutes solely an employment cost, thereby reinforcing its character as a social right connected with family welfare and child protection (Brazil, 2026; International Labour Organization, 2022).

The reform also introduces employment protection during the exercise of paternity leave. For the first time, Brazilian law establishes a specific period of protection against arbitrary dismissal covering the duration of the leave and extending beyond its conclusion (Brazil, 2026). This innovation strengthens the effectiveness of the right by ensuring that workers may exercise their parental responsibilities without fear of losing their employment. Employment security during parental leave has long been recognised as an essential condition for the practical enjoyment of family-related rights, since formal legal entitlements are of limited value if workers risk adverse employment consequences for exercising them (International Labour Organization, 2022).

Another important aspect of the legislation concerns the extension of protection beyond biological parenthood. The new legal framework expressly recognises paternity leave in cases of adoption and judicial custody for adoption purposes, reflecting the constitutional principle that biological and adoptive families deserve equal legal protection (Brazil, 1988; Brazil, 2026). This approach is consistent with the growing emphasis placed by Brazilian constitutional jurisprudence upon the best interests of the child and the equal treatment of different family structures (Brazil, 1988; Supremo Tribunal Federal, 2016). By extending parental protection to adoptive families, the legislation reinforces the understanding that the legal function of paternity leave lies not in biological recovery but in facilitating caregiving, attachment, and family integration during the child's first period within the family environment (United Nations, 1989; Brazil, 2026).

The reform further acknowledges that some family situations require enhanced legal protection. In particular, it provides for an extension of paternity leave where a child is born or adopted with a disability (Brazil, 2026). This measure recognises that children with disabilities frequently require more intensive care, greater parental involvement, and additional time for medical treatment, adaptation, and family organisation. Rather than establishing a uniform model applicable to every family, the legislation adopts a differentiated approach capable of responding to circumstances involving increased vulnerability. Such differentiation reflects the broader constitutional commitment to substantive equality, under which equal protection may require distinct legal treatment according to the specific needs of children and their families (Brazil, 1988).

Equally significant are the provisions governing situations in which the mother dies or is otherwise unable to exercise parental care. Historically, Brazilian labour legislation concentrated almost exclusively on maternity protection, leaving fathers with limited legal mechanisms to assume primary caregiving responsibilities in exceptional circumstances. Law No. 15,371/2026 consolidates a more coherent legal framework by facilitating the transfer or continuation of parental protection where the father becomes the principal caregiver (Brazil, 1991; Brazil, 2026). This reform reflects an important conceptual shift from protecting motherhood as an isolated legal status towards protecting the child's right to continuous parental care regardless of which parent assumes that responsibility (United Nations, 1989; Supremo Tribunal Federal, 2016).

The legislation also adopts a progressive implementation mechanism for extending the duration of paternity leave. Rather than introducing the full entitlement immediately, the reform establishes a phased expansion linked to fiscal sustainability and the financial capacity of the social security system (Brazil, 2026). Although this gradual implementation has attracted criticism for delaying the full enjoyment of the new entitlement, it also illustrates the challenges faced by governments seeking to reconcile the expansion of social rights with constitutional principles of budgetary responsibility. The Brazilian experience therefore demonstrates that the progressive realisation of social rights remains an important feature of contemporary welfare-state reforms.

Taken together, these innovations reveal that Law No. 15,371/2026 should not be understood merely as legislation extending the number of days available for paternity leave. Instead, it represents a broader transformation of Brazilian labour law by incorporating parenthood into the country's social protection architecture and recognising caregiving as a legitimate social function deserving legal protection (Brazil, 2026; International Labour Organization, 2022). Nevertheless, despite these advances, the reform does not establish a comprehensive parental leave system comparable to those adopted in several European jurisdictions, nor does it fully overcome the asymmetry that continues to characterise Brazilian maternity and paternity protection (International Labour Organization, 2022). The following section therefore considers whether these legal innovations are

sufficient to promote substantive gender equality and the redistribution of unpaid care responsibilities in accordance with contemporary international labour standards.

IV. DOES THE REFORM PROMOTE GENDER EQUALITY?

One of the principal justifications for expanding paternity leave lies in its potential to promote substantive gender equality in the labour market. For decades, labour law has recognised that the unequal distribution of unpaid care responsibilities constitutes one of the principal structural causes of gender inequality in employment. Women continue to assume a disproportionate share of childcare and domestic work, resulting in lower labour market participation, career interruptions, wage disparities, and reduced access to leadership positions. Consequently, legal reforms concerning paternity leave should not be assessed solely by reference to the number of leave days granted to fathers but also by their capacity to redistribute care responsibilities and reduce gender-based inequalities in paid employment (Fredman, 2024; International Labour Organization, 2022).

McColgan questioned whether parental leave legislation alone could produce genuine gender equality, arguing that formal legal rights are insufficient unless accompanied by structural changes capable of redistributing unpaid care responsibilities between women and men (McColgan, 2000).

This understanding is reflected in the Workers with Family Responsibilities Convention, 1981 (No. 156), which marked a fundamental change in international labour law by recognising that family responsibilities affect both women and men. Rather than treating childcare exclusively as a matter of maternity protection, the Convention requires Member States to adopt policies enabling workers with family responsibilities to engage in employment without discrimination and, to the extent possible, without conflict between their occupational and family obligations (International Labour Organization, 1981a). The Convention therefore shifts the focus from protecting women as caregivers to protecting all workers who perform family responsibilities, thereby establishing one of the normative foundations of contemporary work-life balance policies.

Recommendation No. 165 reinforces this approach by encouraging governments to adopt comprehensive measures facilitating the reconciliation of work and family life, including leave arrangements, childcare services, flexible working arrangements, and policies promoting the active participation of both parents in caregiving (International Labour Organization, 1981b). Although adopted more than four decades ago, these recommendations anticipated many elements of modern parental leave systems by recognising that equal opportunities in employment require a more equitable distribution of unpaid care work within families.

The Brazilian reform moves in this direction by extending paternity leave, creating a contributory paternity benefit, strengthening employment protection during leave, and broadening legal protection to adoptive parents and other family situations (Brazil, 2026). These measures encourage fathers to participate more actively in early childcare and challenge the traditional assumption that caregiving is primarily a maternal responsibility. Nevertheless, the legislation remains centred upon paternity leave rather than establishing a comprehensive parental leave scheme that would allow both parents to share caregiving responsibilities more equally.

The relevance of these reforms extends beyond domestic labour law. The 2030 Agenda for Sustainable Development identifies gender equality and decent work as mutually reinforcing objectives. Sustainable Development Goal 5 calls for the recognition and valuation of unpaid care and domestic work through public policies, social protection systems, and the promotion of shared responsibility within households and families (United Nations, 2015). Expanding fathers' participation in childcare directly contributes to this objective by challenging the unequal allocation of unpaid care work that has historically limited women's economic participation.

Similarly, Sustainable Development Goal 8 promotes productive employment, decent work, and inclusive labour markets (United Nations, 2015). Care-related policies, including paternity leave, contribute to these objectives by enabling workers to reconcile employment with family life without sacrificing labour market attachment or social protection. From this perspective, paternity leave should not be regarded merely as a family benefit but as an important labour market institution capable of reducing structural discrimination and promoting equal opportunities (International Labour Organization, 2022).

Recent literature has also highlighted that the effective implementation of SDG 8 requires labour legislation capable of combining employment protection, social security, and the recognition of care responsibilities as essential components of decent work (Weirich; Neres; Zonin, 2026).

However, the Brazilian reform also reveals important limitations. Despite representing a significant legislative advance, the duration of paternity leave remains substantially shorter than maternity leave and considerably more limited than parental leave schemes adopted in several European jurisdictions. The persistence of this asymmetry continues to reinforce the perception that women remain the primary caregivers while fathers perform only a complementary role during the child's early development. Consequently, although Law No. 15,371/2026 strengthens fathers' legal protection, it does not yet fully achieve the redistribution of unpaid care responsibilities envisaged by contemporary international labour standards (Brazil, 2026; International Labour Organization, 2022).

Accordingly, the Brazilian experience illustrates both the progress and the remaining challenges associated with promoting gender equality through labour law. The reform represents an important transition from a model focused exclusively on maternity

protection towards one recognising fathers as active caregivers. Nevertheless, achieving substantive gender equality will require broader legal reforms extending beyond paternity leave to encompass comprehensive parental leave schemes, flexible working arrangements, accessible childcare services, and integrated social protection policies consistent with the evolving international framework developed by the International Labour Organization (International Labour Organization, 1981a; International Labour Organization, 1981b; International Labour Organization, 2022).

V. REMAINING CHALLENGES

Despite representing a significant advance in Brazilian labour and social security law, Law No. 15,371/2026 does not eliminate the structural inequalities that continue to characterise the distribution of unpaid care work. The extension of paternity leave to twenty days undoubtedly strengthens fathers' participation during the child's first weeks of life. Nevertheless, when compared with maternity leave and with more comprehensive parental leave systems adopted in other jurisdictions, the Brazilian entitlement remains relatively limited in both duration and scope (International Labour Organization, 2022).

A first challenge concerns the absence of a genuine shared parental leave scheme. Although the reform reinforces fathers' legal protection, it continues to distinguish sharply between maternity and paternity leave rather than establishing a flexible parental leave model that allows both parents to determine how caregiving responsibilities should be allocated. Such systems have increasingly been recognised internationally as more effective instruments for promoting substantive gender equality because they encourage fathers to assume a more active role in childcare while reducing the concentration of unpaid care work upon women (International Labour Organization, 1981a; International Labour Organization, 1981b; International Labour Organization, 2022).

The contrast between the Brazilian model and the European Union Work-Life Balance Directive, Directive (EU) 2019/1158, is particularly instructive. The Directive requires Member States to guarantee paternity leave while simultaneously establishing minimum standards for parental leave, carers' leave, and flexible working arrangements. More importantly, it recognises that improving work-life balance depends upon a comprehensive package of labour rights rather than isolated leave entitlements (European Union, 2019). By comparison, Brazilian law continues to rely primarily upon maternity and paternity leave without introducing an integrated parental leave framework capable of promoting a more balanced distribution of caregiving responsibilities.

A second challenge concerns the financial sustainability of the reform. The gradual implementation of the new entitlement reflects legitimate concerns regarding the fiscal capacity of the social security system and the constitutional principle of financial equilibrium. However, linking the full implementation of social rights to fiscal performance may delay the effective enjoyment of statutory rights and generate uncertainty regarding the long-term development of parental protection. Future reforms will therefore need to reconcile budgetary sustainability with the progressive realisation of social rights in accordance with constitutional and international labour standards (Brazil, 1988; Brazil, 2026).

The legislation also raises important questions regarding the protection of informal workers and other vulnerable groups. Although the creation of the paternity benefit expands social protection for insured workers, significant sectors of the Brazilian labour market remain characterised by informality, intermittent employment, or limited access to contributory social security schemes. Consequently, many workers with family responsibilities may continue to experience substantial barriers to exercising their caregiving responsibilities despite the legal reforms introduced by Law No. 15,371/2026. Ensuring universal access to parental protection therefore remains an important objective for future labour and social security reforms (Brazil, 2026; International Labour Organization, 2022).

Finally, the Brazilian experience highlights the growing importance of the care economy within contemporary labour law. International organisations increasingly recognise that unpaid care work constitutes a fundamental component of economic development rather than a purely private family matter. Expanding fathers' participation in childcare may generate long-term social and economic benefits, including increased female labour market participation, reduced gender pay gaps, improved child development, and more sustainable labour markets. Consequently, future reforms should be conceived not merely as family policies but as investments in social protection, gender equality, and inclusive economic development (International Labour Organization, 2022; United Nations, 2015).

From the perspective of sustainable development, strengthening parental protection also contributes to reinforcing the interdependence between labour rights, social security, and human rights, thereby promoting more inclusive and resilient labour markets (Weirich & Neres, 2026a; Weirich; Neres; Hansel, 2026).

Accordingly, Law No. 15,371/2026 should be understood as an important first step rather than the final stage in the development of Brazilian parental leave policy. The transition from paternity leave towards a comprehensive system of shared parental responsibility remains an ongoing challenge for Brazilian labour law (Brazil, 2026; International Labour Organization, 1981a; International Labour Organization, 2022).

CONCLUSIONS

This article has argued that Law No. 15,371/2026 represents the most significant reform of Brazilian paternity protection since the 1988 Federal Constitution. By extending paternity leave, creating a contributory paternity benefit within the social security system, strengthening employment protection, and expanding legal coverage to a wider range of family situations, the legislation redefines paternity protection as an integrated component of labour law and social security rather than merely an employment entitlement.

The reform also reflects the growing influence of international labour standards, particularly the principles established by the International Labour Organization concerning workers with family responsibilities. By recognising fathers as active caregivers and encouraging greater participation in early childcare, Brazilian law moves towards a more balanced conception of parenthood that is consistent with contemporary understandings of decent work, social protection, and gender equality.

Nevertheless, the Brazilian model remains only partially aligned with the international framework advocated by the ILO and other international organisations. The absence of a comprehensive parental leave scheme, the relatively short duration of paternity leave, persistent inequalities in the distribution of unpaid care work, and the continuing exclusion of many informal workers demonstrate that important legal and institutional challenges remain.

Ultimately, the significance of Law No. 15,371/2026 lies not simply in increasing the number of days of paternity leave but in signalling a broader transformation in the legal understanding of care. As labour law increasingly recognises caregiving as a shared social responsibility rather than an exclusively maternal obligation, parental leave becomes a central instrument for promoting substantive gender equality, strengthening social protection, and advancing the development of more inclusive and sustainable labour markets.

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