

APPENDIX C

Country Profiles

I. AUSTRALIA

Over the past few decades, Australia has been moving towards a community-based care system. Unique to Australia is their relatively extensive system of supports for caregivers. In particular, Australia's carer benefits are targeted at the carer as opposed to indirect carer benefits targeted at the care recipient.

Developing and improving carer recognition, value and support is a priority issue on the Australian government agenda. In May 2009, the Parliament of Australia Standing Committee on Family, Community, Housing and Youth Committee launched its Report on the inquiry into better support for carers entitled, *Who Cares...?*, which gives consideration to a variety of options for reform in order to address deficiencies in the current carer support systems.¹

Legislation/Provisions

(i) Employment leave provisions

(a) Personal/Carer's Leave²

- Ten days paid leave for personal illness, injury, or an unexpected emergency.
- The employee must have worked for the employer for at least 12 months.
- Immediate family: spouse, child, parent, grandparent, grandchild, sibling of the employee or their spouse.

(b) Unpaid Carer's Leave³

- Two days unpaid leave per occasion. Can be used in shorter separate periods with employer agreement.
- Allowed on each permissible occasion when an employee's immediate family or member of the employee's household requires care or support because of personal illness, injury, or unexpected emergency affecting the member.
- Can only be used if Carer's Leave is exhausted.

(c) Compassionate Leave⁴

- Two days paid leave per occasion.
- When a member of immediate family or household has a life-threatening illness or injury, or dies.
- Can be taken in one period, two one-day periods, or in any other separate periods agreed to with employer.

¹ Australia, Commonwealth, House of Representatives Standing Committee on Family, Community, Housing and Youth, *Who Cares...? Report on the Inquiry into better support for carers* (Canberra: Parliament of the Commonwealth of Australia, 2009) at 18 [*Who Cares...?*].

² *Workplace Relations Act 1996 (Cth.)* at s. 244.

³ *Workplace Relations Act 1996 (Cth.)* at s. 250.

⁴ *Workplace Relations Act 1996 (Cth.)* at s. 257.

(ii) Measures that offset income loss

(a) Carer Payment (CP)⁵

- Income support payment for caregivers who are unable to undertake substantial paid employment due to the demands of their full-time caregiving role.
- For single person - AUD\$569.80/every 2 weeks.
- Couples, each receive AUD\$475.90 every 2 weeks.
- The care recipient must be receiving social income support, a service pension, or meet income and asset levels required.
- The care recipient must have a physical, intellectual or psychiatric disability, and be likely to suffer from that disability permanently or for an extended period.
- Can receive Carer Payment in addition to Carer Allowance.

(b) Carer Allowance (CA)⁶

- Supplementary payment to caregivers who provides daily homecare to a person with a disability or medical condition that causes substantial functional impairment.
- Non-taxable payment of AUD\$105.10 every 2 weeks.
- Not means tested.
- Caregiver must provide care relating to bodily functions or life sustenance.
- Care must be daily for a total of at least 20 hours per week.
- Care recipient can be the partner, father, mother, sister, brother, or child.
- Care recipient must have a physical, intellectual or psychiatric disability and be likely to suffer from that disability permanently or for an extended period.
- Care recipient must be assessed using the Adult Disability Assessment tool.

(c) Carer Supplement⁷

- AUD\$600 or \$1,200 yearly supplements to Carer Payment and Carer Allowance.

⁵ Prior to July 1997 was called the Carer Pension. Centrelink, "Carer Payment", online: <<http://www.centrelink.gov.au/internet/internet.nsf/publications/co029.htm>>. Australian Government, Attorney-General's Department, ComLaw, *Social Security Act 1991*, No. 46, 1991 at s. 197 (Volume 1), online: <<http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/D4FCFC450AB7DB74CA25760B0001DDB9?OpenDocument>>.

⁶ Centrelink, "Carer Allowance", online: <http://www.centrelink.gov.au/internet/internet.nsf/payments/carers_allow_adult.htm> [Carer Allowance]. Australian Government, Attorney-General's Department, ComLaw, *Social Security Act 1991*, No. 46, 1991 at s. 952 (Volume 2), online: <<http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/D4FCFC450AB7DB74CA25760B0001DDB9?OpenDocument>>.

⁷ Prior to June 2009 was called the Carer Bonus. Centrelink, "Carer Supplement", online: <http://www.centrelink.gov.au/internet/internet.nsf/individuals/ssp_carer.htm#>. *Social Security Act 1991*, and No. 46, 1991 at s. 992X (Volume 2), and *Social Security and Family Assistance Legislation Amendment (2009 Budget Measures) Act 2009*, No. 35, 2009. online: <<http://www.comlaw.gov.au/comlaw/Legislation/ActCompilation1.nsf/0/D4FCFC450AB7DB74CA25760B0001DDB9?OpenDocument>>. On 29 May 2009, the *Social Security and Family Assistance Legislation Amendment (2009 Budget Measures) Act 2009*, No. 35, 2009, came into force. This legislation introduced a permanent, annual Carer Supplement of 600\$AUD for eligible carers.

- Those receiving Carer Payment, DVA Carer service Pension, Wife pension & carer allowance, DVA Partner Service Pension & Carer allowance receive AUD\$600.
- Those receiving only Carer allowance receive AUD\$600.
- Recipients of both Carer Allowance and Carer Payment will receive two Carer Supplements totaling AUD\$1200.

(d) National Respite for Carers Program⁸

- Range of community-based and residential respite services including day care centres to provide respite and in-home respite services.
- Services vary across Australia.

(e) Veteran's Attendant Allowance⁹

- Allowance paid to Veteran to pay for care
- Money must be used to assist veterans with conditions caused by service in war or defence before July 1st, 2004
- There are two rates of pay:
 - Higher rate: AUD\$264.50 /2 weeks
 - Higher Rate: blinded in both eyes AND either totally mute or totally deaf. Both legs amputated.
 - Lower rate: AUD\$132.10 /2 weeks
 - Lower rate: blinded in both eyes, both legs and one arm amputated, both legs amputated at the hip (or one at the hip and one in the upper third), an injury or disease affecting the brain and spinal system
 - Veteran may not be cared for at public hospital or institution, or be paid Carer Payment (see above).

(f) Invalid Relative/Parent Tax Offset¹⁰

- Maximum AUD\$770.00 yearly for invalid relative.
- Maximum AUD\$1540 yearly for parent or parent of spouse.
- Carer must make less than AUD\$150 000/year to be eligible for offset.
- A caregiver maintaining an invalid relative is eligible to claim the tax offset.
- The amount of allowed offset will be reduced if:
 - the care receiver earns more than AUD\$286
 - someone aided in the caregiving
 - the carer only cared for the dependent for a portion of the year
- An invalid relative is a child, brother, or sister 16 years or older who receives disability support pension, or special needs disability support pension, and is certified by an approved doctor as being continuingly unable to drive.

⁸ Provided by Carers Australia, which is funded by both levels of government via the *Home and Community Care Act 1985 (Cth.)*. Centrelink, "Caring for someone?" online:

<<http://www.centrelink.gov.au/internet/internet.nsf/publications/cd001.htm>>.

⁹ *Veterans' Entitlements Act 1986 (Cth.)* at s. 98.

¹⁰ *Income Tax Assessment Act 1936 (Cth.)* at s. 159J.

II. NEW ZEALAND (N.Z.)

The general focus of health and disability policy has been on fair allocation of health and disability services to those in need, rather than on rights and entitlements.¹¹ Support is generally targeted at the care recipient rather than the caregiver (through the *Social Security Act 1964* (N.Z.), 1964/136 and amendments). Until recently there has been a “more general lack of recognition of carer issues.”¹² In April 2008, the New Zealand Ministry of Social Development and New Zealand Carers Alliance published, *The New Zealand Carers’ Strategy and Five-year Action Plan 2008*, “Caring for the Carers – He Atawhai i te Hunga Ngakau Oha o Aotearoa”.¹³ The Strategy formally recognizes the needs of carers.

There are also some legal rights for caregivers under New Zealand’s human rights legislation. For example, discrimination on the ground of family status is prohibited under the *Human Rights Act 1993*, including “discrimination on the ground that a person has responsibility for the care of children or other dependants.”¹⁴

Legislation/Provisions

(i) Measures that offset income loss

(a) Domestic Purposes Benefit (DPB) - (Care of Sick or Infirm)¹⁵

- Single 16-17 year olds NZ\$192.58/week
- Single 18+ NZ\$237.97/week
- Married/Civil Union NZ\$198.31/week
- Sole Parent NZ\$312.62/week

(Schedule 17 – Rates of DPB)¹⁶

- Must be caring full time for someone who would otherwise need hospital care, rest home care, or residential disability care
- There is no required relationship between the carer and the care receiver other than they cannot be partners or spouses.

(b) Disability Allowance¹⁷

- Maximum NZ\$55.88/week non-taxed payment to care recipient.

¹¹ New Zealand Carers Alliance, *Family Carers: A Review of New Zealand Legislation and Related Strategies* (2006), online: <http://www.carers.co.nz/files/legislative_review_FINAL_8.9.06_.pdf>.

¹² *Ibid.*

¹³ New Zealand Ministry of Social Development & New Zealand Carers Alliance, *The New Zealand Carers’ Strategy and Five-year Action Plan 2008*, “Caring for the Carers – He Atawhai i te Hunga Ngakau Oha o Aotearoa”, online: <<http://www.msd.govt.nz/about-msd-and-our-work/work-programmes/policy-development/carers-strategy/>> [Strategy].

¹⁴ *Human Rights Act 1993* (N.Z.), s.21(1)(l).

¹⁵ *Social Security Act 1964* (N.Z.), 1964/136 at ss. 27A – 27H.

¹⁶ *Ibid.*, at Schedule 17.

¹⁷ *Social Security Act 1964* (N.Z.), 1964/136 at ss. 69C, 27H.

- You must meet an income test, have ongoing costs because of disability, must have disability likely to last at least 6 months, or receive certain government benefits (Relates to actual costs incurred).
- Must require ongoing support to undertake the normal functions of life.

(c) Special Disability Allowance¹⁸

- NZ\$34.87/week non-taxable payment to care recipient
- Must meet the criteria for Disability Allowance *and* partner must be a patient in hospital or residential care.

(d) Accommodation Supplement¹⁹

- Amount varies depending on accommodation costs, income, and living situation.
- Must meet asset and income test and must have accommodation costs over a certain amount.
- Not eligible if: living in Housing New Zealand; does not live in the house she is paying accommodation costs for; is a dependent 16-17 year old; receives Independent Circumstances Allowance, a Student Allowance or does not qualify for them due to parent's income; receives Residential Care Supplement; or makes mortgage payments to Housing New Zealand at a rate less than prime.

(e) Carer Support Subsidy²⁰

- Subsidy funded by the Ministry of Health to assist the unpaid, full-time carer of a disabled person to take a break from caring for that person.

(ii) Workplace flexibility²¹

- Employees may request variation to hours of work, days of work, or place of work.
- Employee must have worked 6 months prior and must explain how variation would aid in providing better care for person concerned
- Employer must consider request and may only reject request because of the inability to reorganize work among existing staff, inability to recruit additional staff, detrimental impact on quality, detrimental impact on performance, insufficiency of work during the periods the employee proposes to work, planned structural changes, burden of additional costs, detrimental effect on ability to meet customer demand, or certain situations involving a collective agreement.

¹⁸ *Social Security Act 1964 (N.Z.), 1964/136* at ss. 69C(5)(c), 27H.

¹⁹ *Social Security Act 1964 (N.Z.), 1964/136* at ss. 61DH – 61FD, 27H.

²⁰ N.Z. Ministry of Health, Disability in New Zealand, Ministry-funded Services, Respite and Carer Support, online: < <http://www.moh.govt.nz/moh.nsf/indexmh/disability-fundedservices#respite>>.

²¹ *Employment Relations (Flexible Working Arrangements) Amendment Act 2007 (N.Z.), 2007/105, s.69AA/.*

III. FRANCE

The focus in France, with respect to caregiving, seems to be on frail or disabled elderly care recipients and “long-term care” needs. Compensation for caregivers comes primarily by way of the care recipient’s benefits/allowances that can be used to pay for care. Caregiver entitlements seem to arise, in the main, in the context of labour and employment via the *Code du travail*.

Legislation/Provisions

(i) Employment leave provisions

(a) Family Support Leave [Congé de soutien familial]²²

- 3 months unpaid leave (renewable but one year cap for length of career).
- Employee must have worked with employer for two years and give them 2 months notice (1 month notice required for renewal).
- Can be taken in relation to ascendants, descendants, brother, sister, uncle, aunt, nephews, nieces, aunts and uncles, grandchildren, nephews and nieces, first cousins or those of your spouse.
- Cannot exceed the period of 1 year over entire career.

(b) Family Solidarity Leave [Congé de solidarité familiale]²³

- 3 months unpaid leave (renewable once).
- Employee can take leave to care for a relative suffering from a condition that might lead to death (ascendants, descendants, a person who he resides with).
- Employee can take leave part-time with the agreement of the employer.

(ii) Measures that offset income loss

(a) Prestation de compensation du handicap (PCH)²⁴

- Allowance used to compensate a relative, neighbour, or friend.
- Care recipient must be 20 (16 if emancipated) to 60 years old and have a minimum of 80% disability.

²² France, Code du travail, *Article L3142-22, Congé de soutien familial*, Légifrance, online: <http://www.legifrance.gouv.fr/affichCode.do?sessionId=2256F8F99C821606150D1E973A7EAB48.tpdjo16v_1?idSectionTA=LEGISCTA000018765679&cidTexte=LEGITEXT000006072050&dateTexte=20090825>.

²³ France, Code du travail, *Article L3142-16, Congé de solidarité familiale*, Légifrance, online: <http://www.legifrance.gouv.fr/affichCode.do?sessionId=2256F8F99C821606150D1E973A7EAB48.tpdjo16v_1?idSectionTA=LEGISCTA000006195798&cidTexte=LEGITEXT000006072050&dateTexte=20090825>.

²⁴ The *Compensatory Allocation for Third Person Benefits (L'Allocation Compensatrice Tierce Personne)* (ACTP) was replaced with the *Prestation de compensation du handicap* (PCH) on 1 January 2006. France, Code de l'action sociale et des familles, *Article L245-1 (2007), Prestation de compensation*, Légifrance, online: <http://www.legifrance.gouv.fr/affichCode.do?sessionId=2256F8F99C821606150D1E973A7EAB48.tpdjo16v_1?idSectionTA=LEGISCTA000006157603&cidTexte=LEGITEXT000006074069&dateTexte=20090825>.

- Current recipients of the ATCP can choose whether to maintain/continue with the old ATCP benefits or switch to the new PCH compensation benefits

(b) Personalized Allowance of Autonomy (Allocation personnalisée d'autonomie) (APA)²⁵

- An allowance to compensate carer (relative (other than a spouse), neighbour, friend).
- Amount received depends on the severity of the disability and income of the carer
- Care recipient must be >60, requiring aid for the essential daily activities/acts of life.
- To receive the APA, the care recipient's loss of independence due to disability must be assessed and meet eligibility criteria.

(c) Tax deduction²⁶

- Tax relief available for family caregivers in a household paying income tax.
- Available to caregivers assisting an elderly parent.
- Expenses linked with caregiving can be subtracted from income, or parent can be included in the household, which will reduce the amount of taxes paid.

(d) Pension benefit²⁷

France contributes to caregivers old age insurance during periods of caregiving.

- Family caregivers of a relative with a disability are eligible.
- Care recipient must live with carer, and have at least 80% permanent disability.
- The caregiver's home must be "desirable place for care to be given".
- Income of caregiver must be under a ceiling that takes into account number of income earners and children in the household.

²⁵ France, Code de l'action sociale et des familles, *Article L232-1, Allocation personnalisée d'autonomie*, Légifrance, online: <http://www.legifrance.gouv.fr/affichCode.do;jsessionid=358FF38B378E5ECD5C6ACA4E72A7467B.tpdjo16v_1?pidSectionTA=LEGISCTA000006174428&cidTexte=LEGITEXT000006074069&dateTexte=20090820>.

²⁶ Janice Keefe, *Policy Profile for Compensating Family Caregivers: France* (Halifax: Maritime Centre for Aging Research & Policy Analysis, 2004) [PP France].

²⁷ *Article L351-1, Code de la sécurité sociale*. See Janice Keefe, Pamela Fancey & Sheri White, *Consultation on Financial Compensation initiatives for family Caregivers of dependent adults* (Halifax: Maritime Centre for Aging Research & Policy Analysis, 2005) at 6 [Keefe].

IV. UNITED KINGDOM (U.K.)

The first piece of legislation to formally acknowledge the need to support family caregivers was the 1990 *National Health Service and Community Care Act*.²⁸ Regulation of health care and social care in England is carried out by the Healthcare Commission and the Commission for Social Care Inspection respectively, pursuant to the *Health and Social Care (Community Health and Standards) Act 2003*. Over the past 20 years, the U.K. government has been giving increasing attention to the role of family caregiving and need for policy development in the area of caregiver support.

The clearest message regarding prioritizing carer support in the U.K can be found in the government's 1999 National Carer's Strategy and through the recent renewal of National Carers' Strategy in the 2008 document entitled, *Carer's at the Heart of 21st-Century Families and Communities*.²⁹ The 2008 Strategy clarifies that improving supports for family and informal caregiving is a government priority, and the aim of the 2008 strategy is to, wherever possible, support care recipients and caregivers to remain in their own homes.³⁰ In September 2007, the government also established the Standing Commission on Carers "to advise on the development of the strategy and on matters it feels are relevant to improving support for carers in the longer term."³¹

Legislation/Provisions

(i) Employment leave provisions

(a) Time off to care for dependents (Compassionate Care Leave)³²

- Employees may take "reasonable amount of time" during work hours in relation to "dependents." (Unpaid)
- Carer may take leave:
 - To provide assistance for illness, injury, assault, childbirth
 - To make arrangements for care for ill or injured dependents
 - In consequence of a dependents death
 - Because of unexpected disruption or termination of care arrangements
- Carer must tell employer reason for absence as soon as practicable.
- 'Dependent' includes:

²⁸ Janice Keefe, *Policy Profile for Compensating Family Caregivers: United Kingdom* (Halifax: Maritime Centre for Aging Research & Policy Analysis, 2004) [PP U.K.].

²⁹ U.K. Government, *Carers at the Heart of 21st-Century Families and Communities* (London: Department of Health, 2008), online: file:///localhost/<http://www.dh.gov.uk/en/publicationsandstatistics/publications/publicationspolicyandguidance/DH_085345> [2008 Strategy].

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Employment Relations Act 1999* (U.K.), c. 26. Office of Public Sector Information, *Employment Relations Act 1999* (U.K.), c. 26 at s. 8, and Sch. 4, Part II, s. 57A, online: http://www.opsi.gov.uk/acts/acts1999/ukpga_19990026_en_1 [OPSI].

- Employee's spouse/civil partner, child, parent, any person living with employee (other than employees, tenants, lodgers, or boarders);
- any person who relies on the employee for assistance when the person falls ill or is injured or assaulted.

(ii) Measures that offset income loss

(a) Carer's Allowance (CA)³³

- £53.10 per week.
- Care recipient must be receiving either Attendance Allowance (AA) benefits, the middle or higher care component for Disability Living Allowance (DLA), or Constant Attendance Allowance (CAA) (see below).
- Caregiver must be providing care for at least 35 hours per week
- Caregiver must be over 16 years old.
- Caregiver cannot earn more than £95.00 per week from paid work.
- Receipt of state pension or other benefits may disentitle caregiver.
- Receipt of the Carer's Allowance will disentitle the care recipient from receipt of any extra amount for 'severe disability' they receive as part of their pension credit.

(b) Disability Living Allowance (DLA)³⁴

- Care component (depending on amount of care required):
 - Highest rate - £70.35, Middle rate - £47.10, or Lowest rate - £17.75 (week)
- Mobility component (depending on restriction of mobility):
 - Higher rate - £49.10, Lower rate - £18.65 (week)
- Care recipient must be over 65 years old.
- For people (a) who need help with personal care, supervision, or need someone watching over them because of physical or mental disability; (b) are unable to walk, have great difficulty walking, or need someone with them when walking outdoors; or (c) have both care and mobility needs.
- Cannot receive both AA and DLA.
- These funds are discretionary and given to the older adult care recipient.
- Care recipient must normally have been ill or disabled and satisfied the disability conditions for at least 3 months and be expected to satisfy them for the next 6 months. Time restrictions can be waived in cases of terminal illness.

³³*Social Security Contributions & Benefits Act 1992 (U.K.), c. 4* at s.70, online: <http://www.opsi.gov.uk/acts/acts1992/Ukpga_19920004_en_1> [SSCBA], and *Social Security Benefits Up-rating Order 2008, S.I. 2008/632*, Sch. 1 Part III, online: <<http://www.opsi.gov.uk/si/si200806>> [SSBUO]. Referred to as the "Invalid Care Allowance" in the Act, but changed to 'Carer's Allowance as per *Regulatory Reform (Carer's Allowance)*, S.I. 2002/1457. See OPSI, *Regulatory Reform (Carer's Allowance)*, S.I. 2002/1457, online: <<http://www.opsi.gov.uk/si/si2002/20021457.htm>>.

³⁴ *Social Security Contributions & Benefits Act 1992 (U.K.), c. 4*. See SSCBA, *supra* note 34 at ss.71-76.

(c) Attendance Allowance (AA)³⁵

- £47.10 per week, if care recipient requires assistance frequently during one of either the day or night.
- £70.35 per week if care recipient requires assistance during both day and night
- Care recipient must be over 65.
- Care recipient must be so severely disabled physically or mentally that by day and/or night they require:
 - Frequent attention throughout the day in connection w/ bodily functions or
 - Continual supervision to avoid substantial dangers.
- Cannot get both AA and DLA.
- These funds are discretionary and given to the older adult care recipient.
- Care recipient must normally have been ill or disabled and satisfied the day and/or night conditions for at least six months.
- Time restriction can be waived in cases of terminal illnesses.

(d) Constant Attendance Allowance (CAA)³⁶

- Rate of CAA received depends on extent of disability and amount of care needed:
 - Exceptional rate - £115, Intermediate rate - £86.25, Normal maximum rate - £57.50, Part-time rate- £28.75
- Applicant for CAA must:
 - Require daily care and attention because of a disability
 - Receive either Industrial Injuries Disablement Benefit or a War Disablement Pension

(e) Direct Payments for Carers³⁷

Direct payments were first made available to working adults in 1997 under the *Community Care (Direct Payments) Act 1996*. The scheme was later extended to older people in 2000 and to carers and parents of disabled children in 2001.³⁸

- Amount received depends on the local council assessment of caregiver's needs.
- Must require assistance from social services.
- For caregiver aged 16 or over.

³⁵ *Social Security Contributions & Benefits Act 1992 (U.K.)*, at c. 4, and *Social Security Benefits Up-rating Order 2008, S.I. 2008/632*, Sch. 1 Part III, *supra* note 33.

³⁶ U.K., Directgov, "Constant Attendance Allowance", online: <http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/OtherBenefitsAndSupport/DG_10016192>.

³⁷ *Health and Social Care Act 2001*. See OPSI, *Explanatory Notes: Health and Social Care Act 2008 (U.K.)*, c.14 at 57 & 60, online: <http://www.opsi.gov.uk/acts/acts2008/en/ukpgaen_20080014_en_1>; U.K., Directgov, "Direct Payments for Carers", online:

<http://www.direct.gov.uk/en/CaringForSomeone/MoneyMatters/DG_10018517>; [Direct Payments].

³⁸ *Health and Social Care Act 2001*.

- Caregiver can use a direct payment to purchase the services they are assessed as needing to support them in their caregiving role, including support to help maintain their health and well-being (ex. a holiday/break).
- Cannot use direct payments to buy services for the care recipient.

(h) Carer Premium³⁹

- Additional money in calculation of Income Support.
- Must have low income and savings under £16 000.
- Must be entitled to Carer's Allowance (see above for criteria).

(i) Additional State Pension - The State Second Pension⁴⁰

- The amount received depends on income and the amount of National Insurance contributions that have been paid.
- As of 2002, caregivers and people with long-term illness or disability can build up additional State Pension through the State Second Pension.
- Caregivers can accrue State Second Pension if they:
 - have been a carer throughout the tax year;
 - are not working at all or earning less than set amount (£4524 in 2007/2008); and one of the following applies:
 - care recipient is ill or disabled and receiving Home Responsibilities Protection; or
 - caregiver is entitled to Carer's Allowance.

(iii) Workplace flexibility

(a) Flexible Working⁴¹

- Carer with 26 weeks of employment may make a request for changes to working hours, working times, working place (ie. working from home).
- Employer can only deny request because of: burden of additional costs, inability to re-organize work among existing staff, inability to recruit additional staff, detrimental effect on quality, performance, meeting customer demand, insufficiency of work during period employee proposes to work, planned structural changes.

³⁹ *Social Security Contributions & Benefits Act 1992 (U.K.), c. 4, s. 124, and Income Support (General Regulations) 1987, S.I. 1987/1967, Sch. 2, Part III, 14ZA, online:*

<http://www.opsi.gov.uk/si/si1987/Uksi_19871967_en_1.htm>.

⁴⁰ *Social Security Contributions & Benefits Act 1992 (U.K.), c. 4, online:*

<http://www.opsi.gov.uk/acts/acts1992/Ukpga_19920004_en_1>. U.K., Directgov, "Understanding the additional State Pension", online:

<http://www.direct.gov.uk/en/Pensionsandretirementplanning/StatePension/AdditionalStatePension/DG_4017827>; U.K. Department of Work and Pensions, Pension Service, "State Pensions: Your Guide", online:

<<http://www.thepensionservice.gov.uk/pdf/pm/pm2jan09.pdf>>.

⁴¹ *Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006 S.I. 2006/3314, online:*

<<http://www.opsi.gov.uk/si/si2006/20063314.htm>>.

- Flexibility possible re care of child, spouse, partner, civil partner, [parent, parent in law, adopted adult child, siblings, siblings in law, uncles, aunts, grandparent], and step-family for bracketed people, or person living at the same address.

(b) Carers' Grant⁴²

- In 1999, the U.K. government introduced the Carers' Grant to local councils to fund planned breaks and other services for carers.
- In 2009-10 the grant is worth £240m and includes £25m for councils to provide emergency coverage for carers.

⁴² U.K. Department of Health, "Carers Grant 2008-2011" (2008), online: <http://www.dh.gov.uk/en/SocialCare/Carers/DH_079454>; 2008 Strategy, *supra* note 30 at 17.

V. GERMANY

In 1995, Germany adopted a compulsory Long Term Care Insurance (LCTI) scheme, which provides long-term care allowance benefits to persons who are “frail”, as defined in the Social Security Code “as a person who requires for a minimum period of approximately six months, permanent, frequent or help in performing a special number of ‘Activities of Daily Life’ and ‘Instrumental Activities of Daily Life’ due to physical, mental or psychological illness or disability”.⁴³ The LCTI covers homecare, and includes support services for informal caregivers providing homecare services such as respite care, training and education, contributions to state pensions is covered by the LCTI.⁴⁴

Income-tested filial obligations between child and parent exist in Germany (*gesteigerte Unterhaltspflicht*).⁴⁵

Legislation/Provisions

(i) Employment leave provisions

(a) Care Leave

There is no statutory family or medical leave for employees who are caring for a frail, ill or disabled relative.⁴⁶ The only guaranteed leave is for employed parents who are caring for newborn children, and in the case of a sick child, for those whose spouse is unable to provide support.⁴⁷

(ii) Measures that offset income loss

(a) Long Term Care Insurance Program (LCTI)⁴⁸

- LCTI pays monthly care allowances to individuals in need of assistance with their daily activities for a period of at least six months due to physical, psychological or mental illness or disability.⁴⁹

⁴³ Institute for the Study of Labor, “The German Social Long-Term Care Insurance: Structure and Reform Options”, IZA DP No. 2625 (Germany: February 2007) at 2-5 [IZA].

⁴⁴ Janice Keefe, *Policy Profile for Compensating Family Caregivers: Germany* (Halifax: Maritime Centre for Aging Research & Policy Analysis, 2004) [PP Germany].

⁴⁵ J. Jenson and S. Jacobzone (2000), “Care Allowances for the Frail Elderly and Their Impact on Women Care-givers”, *OECD Labour Market and Social Policy Occasional Papers No. 41*, (OECD Publishing: 2000) at 45 [OECD].

⁴⁶ Anne Montgomery and Lynn Friss Feinberg, Family Caregiver Alliance, National Center on Caregiving, “The Road to Recognition: International Review of Public Policies to Support Family and Informal Caregiving”, (Family Caregiver Alliance: 2003) at 6 [FCA].

⁴⁷ FCA, *ibid*.

⁴⁸ Melanie Arntz, Ralf Sacchetto, Alexander Spermann, Susanne Steffes & Sarah Widmaier, *The German Social Long-Term Care Insurance: Structure and Reform Options* (March 2007) IZA Discussion Paper No. 2625, online: <<http://ssrn.com/abstract=944780>> at 6 & 9.

- There are 3 levels and kinds of care (family care, professional homecare, intramural care)
- Individuals who choose informal care receive a cash allowance; otherwise the allowance is paid by the care insurer directly to the professional care provider
- Caregivers can register as employees under the employment category “Informal Caregiver”.
- Registration through the LTCI entitles the caregiver to allowance, respite coverage, and statutory pension contributions (see below for details).
 - Family caregivers who have provided home care for at least one year are entitled under the LCTI to 4 weeks paid respite⁵⁰

(b) Home Care/Domiciliary Care Benefit

- Compensation paid to care recipients who require and receive daily basic care and help with household chores from a relative.⁵¹
- The amount of compensation is linked to the care level classification:
 - Level 1 - € 205 – 90 min. average care every day (1/2 must be basic care)
 - Level 2 - € 410 – 3 hrs. average care every day (2 hrs. must be basic care)
 - Level 3 - € 665 – 5 hrs. average care every day (4 hrs. must be basic care)
- Benefit can be used to pay informal caregiver, but there is no regulation on how funds are spent.
- LTCI nurse visits every three to six months to ensure quality of care.⁵²

(c) Stand-In Care/Respite

- Payment given to care receiver to pay for short-term respite coverage.⁵³
- Carer must have provided care for 12 months prior to the beginning of respite period.
- Linked to level of care (see above for classification information).
- For close relatives the payment is the same as Home Care/Domicilliary Care Benefit (can be increased up to € 1432 for documented necessary costs)
- For non-close relatives payment is up to € 1432.

(d) Pension Insurance

- LTCI pays contributions to caregiver’s statutory pension insurance.⁵⁴
- Carers must provide 14 hours unpaid care in the care recipient’s home.
- Carer must be employed < 30hrs / week.

⁴⁹ Netherlands Ministry of Health, Wellbeing and Sports, “Summary and Overview of Care Allowances in Seven Countries” (Survey, 1 May 2007), online: <<http://www.minvws.nl/en/reports/lz/2007/summary-and-overview-of-care-allowances-in-seven-countries.asp>>.

⁵⁰ *Ibid.*

⁵¹ Arntz et al, *supra* note 48 at 9.

⁵² Arntz, *supra*, note 48.

⁵³ Arntz, *supra* note 48.

⁵⁴ See Janice Keefe, Pamela Fancey & Sheri White, *Consultation on Financial Compensation Initiatives for Family Caregivers of Dependent Adults* (Halifax: Maritime Centre for Aging Research & Policy Analysis, 2005) at 6 [Keefe].

- Contribution amounts linked to level of dependency of care recipient and time spent.
- Max contribution in 2004 was € 376 / month.⁵⁵

(e) Tax Benefit

- Family caregivers receive a tax benefit when the burden of caregiving exceeds a certain percentage of disposable income.⁵⁶

(iii) Workplace flexibility (Reduced work time)⁵⁷

- Employees can reduce work time.
- To be eligible employee must have at least 6 months continuous service.
- Law applies to all employees working for an employer with over 15 employees.

⁵⁵ Janice Keefe, *Policy Profile for Compensating Family Caregivers: Germany* (Halifax: Maritime Centre for Aging Research and Policy Analysis, 2004) [PP Germany].

⁵⁶ *Ibid.*

⁵⁷ *2001 Act on Part-Time Work and Fixed-Term Contracts*, the German Act on Part-time work and Fixed Term Contracts (*Teilzeit und Befristungsgesetz*): BGBl 2000 I, 1966, cited in Suzanne Burri, “Working Time Adjustment Policies in the Netherlands” in *Working Time for Working Families: Europe and the United States* (Washington D.C: Friedrich Ebert Stiftung, 2005) 54 at 56. See also Leah F. Vosko, “Precarious Employment and the Challenges for Employment Policy” in Marjorie Griffin Cohen & Jane Pulkingham, eds., *Public Policy for Women: The State, Income Security, and Labour Market Issues* (Toronto: University of Toronto Press, 2009) 374 at 383.

VI. NETHERLANDS

Several themes emerge with respect to caregiving policy in the Netherlands:

- 1) Work and care leave flexibility (for the caregiver)
- 2) Freedom of choice (for the care recipient)
- 3) Work-life balance/work hour adjustments
- 4) Life-course scheme

The Netherlands' new *Health Insurance Act* and *AWBZ* revisions provide for personal budgets for care recipients, which allow care recipients to choose how, when and from whom they receive care (i.e. care recipients can use the budget to pay for care by a family member or a friend).

Legislation/Provisions

(i) Employment leave provisions

(a) Short-term care leave⁵⁸

- 10 days of caregiver leave per year to care for sick parent, child, or partner.
- Entitlement is equal to twice as many hours worked in a week: i.e. employee who works 40 hrs/week would get 80 hrs/year in this leave.
- The employer must pay at least 70% of wage (and 100% of the minimum wage) for which the employer will be compensated by the government.
- The partner or child must be registered at same address as the caregiver.
- Employer may only refuse leave if employee's absence would result in serious problems for the company or organization.

(b) Long-term care leave⁵⁹

- 6 weeks f/t leave or 12 weeks p/t leave to care for child, partner, or parent with a terminal illness or a child with a life threatening illness – maximum of six times the weekly working hours.

⁵⁸ *Work and Care Act*. See Netherlands Ministry of Social Affairs and Employment, "SWZ – Leave – Short-term care leave" online:

<http://english.szw.nl/index.cfm?menu_item_id=14640&hoofdmenu_item_id=14632&rubriek_item=392437&rubriek_id=391971&set_id=3591&doctype_id=6&link_id=166653>; Canada, HRSDC, "The Netherlands Improving Work-Life Balance - What Are Other Countries Doing?" (2004), online:<<http://www.hrsdc.gc.ca/eng/lp/spila/wlb/iwlb/14netherlands.shtml>>.

⁵⁹ *Paid Employment and Care Act*. See Netherlands Ministry of Social Affairs and Employment, "SWZ – Leave – Long-term care leave" online:

<http://english.szw.nl/index.cfm?menu_item_id=14640&hoofdmenu_item_id=14632&rubriek_item=392437&rubriek_id=391971&set_id=3591&doctype_id=6&link_id=123323>; Canada, HRSDC, "The Netherlands Improving Work-Life Balance - What Are Other Countries Doing?" (2004), online: <<http://www.hrsdc.gc.ca/eng/lp/spila/wlb/iwlb/14netherlands.shtml>>; National Alliance for Caregiving, "The Netherlands' Caregiving Legislation", online: <<http://www.caregiving.org/intcaregiving/netherlands/netherlands2.htm>>[NAC Netherlands];

- **P/t leave:** employee can take up to ½ of their working hours off spread out over 12 weeks (can be taken in parts as long as entire leave is taken within 18 weeks).
- **F/t leave:** in consultation with employer person can take a full 6 weeks off.
- During the leave the employee will receive 70% of the minimum wage.⁶⁰
- Unless a Collective Agreement says otherwise, no salary will be paid for hours taken as leave.
- Leave ends after either 12 weeks, when the care recipient dies, or when the person's condition ceases to be life threatening.
- At employer discretion, but can only be refused for good reasons, such as if leave would cause serious problems in the company or organization.

(c) Career interruption Leave⁶¹

- Career interruption leave is only paid if the employer replaces the person on leave with someone who is unemployed or otherwise excluded from the labour market.
- Caregiver must have worked for at least 1 year.
- Employer must agree to leave.
- Career interruption leave (for a maximum of six months) at 70% of the minimum wage, paid from public funding (up to a maximum amount per month).
- Must be used for caring or studying.

(d) Calamity/Emergency leave⁶²

- Short leave for unforeseen emergency situations (a few hours to few days).
- Employer will generally grant leave, and is obliged to, to the extent that this is fair.
- In cases where employee is entitled to Short Term Care Leave (10 days), calamity leave will last one day and then be replaced by Short Term Care Leave.

(e) Leave to care for dying person⁶³

- Not a legal right - employer must agree to grant leave.
- For any close relation (not just relatives).
- Care recipient must be in the last phase of life.
- Leave is at least 1/3 normal working hours (lasting 1 month to 6 months).
- Employee can receive payment from public funds up to a maximum monthly amount.

⁶⁰ NAC Netherlands, *supra* note 59 online:

<<http://www.caregiving.org/intcaregiving/netherlands/netherlands2.htm>>.

⁶¹ *Work and Care Act*. See Canada, HRSDC, “The Netherlands Improving Work-Life Balance - What Are Other Countries Doing?”, online:<<http://www.hrsdc.gc.ca/eng/lp/spila/wlb/iwlb/14netherlands.shtml>>; See also, NAC Netherlands, *supra* note 59 online:

<<http://www.caregiving.org/intcaregiving/netherlands/netherlands2.htm>>.

⁶² *Work and Care Act*. See Netherlands Ministry of Social Affairs and Employment, “SWZ – Leave – Emergency leave and other short absence leave”,

<http://english.szw.nl/index.cfm?menu_item_id=14640&hoofdmenu_item_id=14632&rubriek_item=392437&rubriek_id=391971&set_id=3591&doctype_id=6&link_id=123012>; NAC Netherlands, *supra* note 59 Canada, HRSDC, “The Netherlands Improving Work-Life Balance - What Are Other Countries Doing?” (2004), online: <<http://www.hrsdc.gc.ca/eng/lp/spila/wlb/iwlb/14netherlands.shtml>>.

⁶³ National Alliance for Caregiving, A National Resource on Caregiving – Paid Employment and Care, Paid Leave, online at: <http://www.caregiving.org/intcaregiving/netherlands/netherlands2.htm>

(ii) Measures that offset income loss

(a) Long-term health care insurance - Personal Care Budget

There are two statutory national insurance schemes in the Netherlands. The 2006 *Health Insurance Act (Zorgverzekeringswet)* covers the cost of curative care, such as prescriptions and family doctor visits. The *Exceptional Medical Expenses Act (AWBZ)* covers the costs of exceptional care such as long-term care and home care. *AWBZ* established a national care fund to cover the costs of long-term care.⁶⁴ Entitlement to long-term care costs under the *AWBZ* is universal.⁶⁵

*Exceptional Medical Expenses Act (AWBZ)*⁶⁶

The *AWBZ* provides persons who are entitled to care under the Act, with the option of a personal care budget, which allows the care recipient the freedom to choose how, when and from whom they obtain care (such as an individual care provider, including family and friends, or a health care organization).⁶⁷

- Care recipients receive monthly funds to pay a caregiver of their choice (ex. care organization, family member).
- A professionally developed care plan is created with set hours, and the care recipient is paid based on the prescribed hours at standard nationally set rate.

(b) Tax deduction⁶⁸

- Caregivers can deduct medical expenses and other extraordinary expenditures in relation to the care recipient (must be more than 11.2% of income).
- Care recipient must be either:
 - > 27, seriously disabled parent or sibling dependent on the caregiver for care
 - > 27, severely disabled person entitled to institutional care on the basis of the *AWBZ* (Long term care insurance), and living in the same household.

(c) Unemployment insurance

Unemployment Insurance Act

- Years spent caring for sick relative or acquaintance count towards minimum qualifying period for unemployment insurance.

⁶⁴ Janice Keefe, *Policy Profile for Compensating Family Caregivers: Netherlands* (Halifax: Maritime Centre for Aging Research & Policy Analysis, 2004) [PP Netherlands].

⁶⁵ PP Netherlands, *ibid.*

⁶⁶ Netherlands Ministry of Health, Welfare and Sport, Host Country Report, “Long-term care in the Netherlands - The Exceptional Medical Expenses Act”, online: <<http://www.minvws.nl/en/folders/lz/2009/host-country-report.asp>>.

⁶⁷ PP Netherlands, *supra* note 64; see also Netherlands Ministry of Health, Welfare and Sport, Host Country Report, “Long-term care in the Netherlands - The Exceptional Medical Expenses Act”, online: <<http://www.minvws.nl/en/folders/lz/2009/host-country-report.asp>>.

⁶⁸ *Act on Income Tax 2001 (Wet Inkomstenbelasting 2001)*. See NAC Netherlands, *supra* note 59.

(d) Exemption from obligation to seek work while in receipt of unemployment insurance⁶⁹

- A caregiver can be exempted for 6 months from the requirement to seek work.
- The exemption can be extended for 6 months by UWV WERKbedrijf, the German public employment assistance service.
- After a year, the UWV WERKbedrijf will review the situation month-by-month.

(iii) Workplace flexibility

(a) Flexible Use of Holiday Entitlements and “Leave Saving”⁷⁰

- Only an option if the employer has agreed to offer saved-up leave to employees (ie. in their collective agreement/employment contract).
- Employee can save up money or time to a maximum of 10% of the annual salary or 10% of the annual working hours (the working week now counts 36 hours. Employees who keep working 40 hours a week can save up these extra hours.
- A maximum of 12 months leave that can be saved up.

(b) The Adjustment of Hours⁷¹

- Employees have the right to request an increase/ decrease in normal working hours.
- Employers must grant a request subject to substantive business reasons.
- Employers are not allowed to demand to know the reasons behind the request.

(c) Life-course Savings Scheme⁷²

- Employees may save a part of their gross salary and use the savings to take a period of unpaid leave for any reason.
- A maximum of 12% of the gross salary may be saved each year.
- In total, a maximum of 210% of the gross annual salary may be saved.

⁶⁹ *Unemployment Insurance Act*.

⁷⁰ NAC Netherlands, *supra* note 59. See also, Canada, HRSDC, “The Netherlands Improving Work-Life Balance - What Are Other Countries Doing?” online: <<http://www.hrsdc.gc.ca/eng/lp/spila/wlb/iwlb/14netherlands.shtml>>.

⁷¹ *The Adjustment of Hours Law (2000, Wet verbod van onderscheid naar arbeidsduur, Stb. 1996, 391*, cited in Burri, *supra* note 57.

⁷² *Life-course Savings Scheme Act (Levensloopregeling) (2006)*. See Netherlands Ministry of Social Affairs and Employment, “SWZ – Leave – Life-course savings scheme”, <http://english.szw.nl/index.cfm?menu_item_id=14640&hoofdmenu_item_id=14632&rubriek_item=392437&rubriek_id=391971&set_id=3628&doctype_id=6&link_id=130143>; Delsen, Lei; Jeroen Smits (31 May - 1 June 2007), “Ins and out of the Dutch Life Course savings scheme”, *Seminar on the Life Risks, Life Course and Social Policy (Paris, France: Organisation for economic co-operation and development) (Paper 3)*, online: <<http://www.oecd.org/dataoecd/19/19/38621188.pdf>>; D’Addio, Anna Cristina, Social Policy Division, Directorate for Employment, Labour and Social Affairs, OECD, “Life Course, Life Risks and Social Policy”, (2008), online: <http://www.esri.ie/research/research_areas/social_inclusion/lifecycle_social_exclusio/Life_Course_-_Anna_DAddio.pdf>.

VII. SWEDEN

Sweden is considered a post-war “welfare state”, with an emphasis on universal, public services such as state-funded social assistance and health care. Most of the care in Sweden today is provided by way of public, formal services. As the care of the elderly and disabled is a public responsibility, there are no statutory requirements for children to provide care for their elderly parents.⁷³

Family care support in Sweden has focussed on childcare. More recently, however, the government has been directing increasing attention towards the care of older adults and the significant role of informal family caregivers. As a result, several initiatives have been or are being considered to support family caregivers in this role. Notably, in 1998, a statement directing that “local authorities should support families and next of kin, when caring for elderly, sick and dependent family members” was enacted in the *The Social Services Act (1982)*.⁷⁴ In 1999, the National Action Plan on Policy for the Elderly initiated a national grant “to stimulate caregiver support, the so-called “Carer 300 project”, which involved the dissemination of 33 million Euros to local authorities for further development of supportive services.⁷⁵ There has been an overall increase in the support programs available in Sweden, including respite services in nearly every Swedish municipality.⁷⁶

Government authority over care of the elderly in Sweden is divided between the three levels of government. The national level is responsible for setting out policy aims and directives, while the regional county councils are responsible for the costs and implementation of health and medical care, and the local municipalities are responsible for the costs and implementation of social services and housing.⁷⁷ This high level of autonomy at the regional and local level has resulted in significant differences between the municipalities with respect to local government policies and provisions to support family carers.

Continued financing and provision of services and care into the future is significant social policy issue in Sweden, with the debate focused on “whether the public responsibility should be defined more narrowly or not and/or whether a greater share of the costs for service and care should be shifted over to the individual user”.⁷⁸ Over the last few decades, there have been signs of departure from the Nordic welfare state model: for example, privatization of and contracting out of care, and a narrowing of who is eligible for publicly-funded care services, thereby increasing demands on informal family care networks.⁷⁹

⁷³ Johansson, Lennarth, Sweden National Board of Health & Welfare, Eurofamcare, “National Background Report for Sweden” (2004) at 9 [Johansson].

⁷⁴ *The Social Services Act*, SFS 2001:453 at Chapter 5, s.10, online: <<http://www.sweden.gov.se/sb/d/3873/a/43402>>.

⁷⁵ Johansson, *supra* note 73 at 10.

⁷⁶ *Ibid.*

⁷⁷ Johansson, *supra* note 73 at 6.

⁷⁸ Johansson, *supra* note 73 at 11.

⁷⁹ Trydegard, Gun-Britt, Department of Social Work/CHES, Stockholm University, Sweden, “Social Care for the Elderly in Sweden – a welfare service in transition” (Presentation at the Conference on ‘80 years modern social welfare in Estonia’, 2005).

Legislation/Provisions

(i) Employment leave provisions

(a) Care Leave – Home Care Entitlement (CL)⁸⁰

- An individual providing care for a seriously/terminally ill close relative is entitled to payments from the National Social Insurance scheme (sickness benefits) and the right to leave from work for up to a total of 60 days/year (per relative being cared for).
- Both caregiver and care recipient must be registered at the social insurance office (Caregiver must be over 65).
- Caregiver entitled to payment amount of 80% of income qualifying for sickness benefit.
- Provided by the state.

(ii) Measures that offset income loss

(a) Attendance Allowance (AA)⁸¹

- The AA is an untaxed cash payment to care recipient for compensating family caregivers.
- Eligibility usually based on level of dependence/amount of caregiving (calculated care hrs/week).
- Payment is around kr. 5000/month (~550 Euro.).
- Municipality has authority over the AA and whether and how it is offered is within their discretion – there is no federal or state regulation.
- Availability, payments, eligibility criteria, and max payment vary by municipality.

(b) Carers' Allowance (CA)⁸²

- The CA is a benefit that entitles the caregiver to similar social security protection that exists for care personnel in the formal caregiving sector.
- Municipality reimburses caregiver of elderly dependent with a salary equal to that of municipal home care worker – is taxable income.
- Municipality has authority over the CA and whether and how it is offered is within their discretion – there is no federal or state regulation.
- Caregiver must be over 65.
- Eligibility and salary vary by municipality.

⁸⁰National Alliance For Caregiving - A National Resource on Caregiving, online at: www.caregiving.org/intcaregiving/sweden/sweden1.htm

⁸¹ *Care Leave Act (1989)*, *ibid.*

⁸² *Care for the Elderly 1990*, as cited in Interministry Committee on Family Caregivers, *Public Funds, Family Commitment: A review of Government policy concerning public compensation to family caregivers in British Columbia* (2002) [ICCFC].

(d) Assistance Allowance (Assistance Benefit)⁸³

- Caregiver of disabled family member entitled to taxable allowance based on hours of care needed.
- Care receiver must be <65, be a person covered by s.1 of the *Act concerning Support and Service for Persons with Certain Functional Impairments*, and require personal assistance with the activities of daily life (personal hygiene, dressing, eating, communication with others) for an average 20 hrs/week.⁸⁴

(e) Pension credits⁸⁵

- Pension credits for caregivers.
- Entitlement available for caregivers in receipt of Carer's Allowance or Care Leave.

⁸³ *Assistance Benefit Act*, SFS 1993:387, online: <<http://www.sweden.gov.se/sb/d/3873/a/72664>>.

⁸⁴ *Act concerning Support and Service for Persons with Certain Functional Impairments*, SFS 1993:389, online: <<http://www.independentliving.org/docs3/englss.html>>.

⁸⁵ Douglas A. Wolf & Sonali Ballal, *Family Support for Older People in an Era of Demographic Change and Policy Constraints* (2006) 26 *Aging & Society* 693 at 701.

VIII. NORWAY

Similar to Sweden, there is the “welfare state” concept of care as a state responsibility (particularly care for children, the elderly and persons with disabilities).⁸⁶ Most care benefits and supports are provided through the National Social Insurance Scheme and *Social Services Act*. Also similar to Sweden, the municipalities have responsibility for administering programs. There is a focus on home-care support and home nursing.

In their 2005-2006 report entitled “Long term care – Future challenges: Care Plan 2015”, the Norwegian Ministry of Health and Care Services stresses the need for policy development in the areas of care and labour force participation.⁸⁷ In the context of partnering with families and the local community, the report mentions the importance of “having policy in this area that is founded on a modern equal opportunities perspective where it is possible for care work to be combined with labour force participation, and that care work is more evenly distributed between men and women.”⁸⁸

Legislation/Provisions

(i) Employment leave provisions

(a) Care Leave⁸⁹

- Paid leave to provide care.
- Full wage for a period of up to 10 days (taxable income).

(b) Nursing Care Leave⁹⁰

- Daily cash benefits in the case of absence from work due to care for a close terminally ill relative.⁹¹
- Nursing care leave is paid leave to care for permanently ill or terminally ill family members for a period of up to 20 days/care recipient.⁹²

⁸⁶ Interministry Committee on Compensation for Family Caregivers, “Public Funds, Family Commitment: A review of government policy concerning public compensation to family caregivers in British Columbia” (2002) at 16 [ICCF].

⁸⁷ Norwegian Ministry of Health and Care Services, Report No.25 (2005-2006) to the Storting Chapter 1, 2, and 3, “Long term care – Future challenges: Care Plan 2015”, online: <<http://www.regjeringen.no/en/dep/hod/kampanjer/careplan-2015/Care-Plan-2015.html?id=448249>> [Care Plan 2015].

⁸⁸ *Ibid.* at 14.

⁸⁹ Janice Keefe, *Policy Profile for Compensating Family Caregivers: Norway* (Halifax: Maritime Centre for Aging Research & Policy Analysis, 2004) [Keefe, PP Norway].

⁹⁰ Keefe, PP Norway, *ibid.*

⁹¹ Government of Norway, “The Norwegian Social Insurance Scheme 2008” at 19, online: <http://www.regjeringen.no/en/archive/Stoltenbergs-2nd-Government/Ministry-of-Labour-and-Social-Inclusion/Veiledninger_og_brosjyrer/2008/the-norwegian-social-insurance-scheme-20.html?id=507092>.

⁹² *Act relating to working environment, working hours and employment protection, etc (Working Environment Act)*, as subsequently amended, last by *Act of 23 February 2007 No.10* at 42, online: <<http://www.arbeidstilsynet.no/binfil/download.php?tid=42156>>.

- Daily cash benefits are paid from the National Insurance Scheme.
- If the care receiver is over 18 yrs old, full wage will be paid (taxable income).

(iii) Measures that offset income loss

(a) Attendance Allowance (AA)/Attendance Benefit⁹³

- The AA is a non-taxable benefit granted to care recipient who requires special attention or nursing as a result of disability, injury or illness.
- Amount determined based on a needs assessment.
- Four benefit rates ranging from NOK 12 600 to NOK 75 600 (as of 2008).

(b) Care Wage⁹⁴

- The Care Wage is a taxable wage available to caregivers who are providing extraordinarily burdensome care to severely disabled persons.
- Wage amount is based on care needs - average pay is kr. 4600/month.

(c) Pensions for Unmarried Family Caregivers (Post-Caregiving Pension)

“Unmarried and otherwise unemployed family caregivers whose ability to support themselves is impaired by their long-term care commitment to parents or other close relatives” are eligible for state pension benefits.⁹⁵

- Available for caregivers who have lost their source of livelihood upon the death/institutionalization of the relative care recipient.
- Caregiver must be unmarried.
- Caregiver must have been out of workforce for at least 4 yrs due to extensive care obligations AND the ability for them to support themselves through paid employment has been permanently reduced.
- Pension benefits end if the caregiver marries or becomes eligible for old age pension.

(d) Pension Credit⁹⁶

- As of 1992, pension earnings are granted to caregivers for unpaid care for elderly, sick and or disabled person (pension credits).
- Caregivers entitled to 3 pension credits/year (equal to what caregiver would have received with an annual income of NOK 249 000).
- Recipients of Care Wage automatically receive pension credits.
- Other caregivers must make annual applications and provide 22 hrs/week of care for at least 6 months.

⁹³ ICCFC, *supra* note 86 at 13; PP Norway, *supra* note 89.

⁹⁴ Keefe, PP Norway, *ibid.*

⁹⁵ ICCFC, *supra* note 86.

⁹⁶ Government of Norway, “Chapter 1 Government White Paper No.5 (2006-2007)” at 19, online: <http://www.regjeringen.no/upload/AID/temadokumenter/pensjon/2007/Chapter1_Governmental_White_Paper_No_2006-2007.pdf>.