

# RE BA LAN CE

ETUC Toolkit on  
the implementation  
and transposition of  
the Work Life Balance  
Directive

*“We will be supporting national affiliates in pushing forward and monitoring the transposition process of the work-life balance directive. Social partners - and especially trade unions - must be consulted and involved throughout. We call on the EU actively to encourage social dialogue and collective agreements that will build on the measures contained in the Directive, and to promote an exchange of good practice in work-life balance arrangements.”*

Esther Lynch, Deputy General Secretary

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# THIS TOOLKIT

## / BACKGROUND

Through the period 2018/2019 - the European Trade Union Confederation (ETUC) ran a European-wide project "Rebalance" identifying best trade union practices on work-life balance in ten EU Member States. The project provided substantial evidence that trade union actions through collective agreements and other work-place measures in favour of better work-life balance play an important part in ensuring a better quality of life for working women and men. The project also rendered concrete recommendations for further improving work-life balance for working parents in the EU. The recommendations were discussed at conference in Berlin, Germany in March 2019.

The finalisation of the project report coincided with the adoption of the new EU work-life balance directive on the 13<sup>th</sup> of June 2019.<sup>1</sup> The new directive will be crucial for further improving work-life balance in a good number of Member States. However, the directive needs to be properly transposed into national legislation and implemented.

## / WHY THIS TOOLKIT?

The Toolkit supports ETUC member organisations (particularly members of the ETUC Women's Committee, members of national and European trade union women's committees and bargaining committees, national gender experts, and trade union gender policy advisors) to work towards better work-life balance at national levels. In particular, the toolkit aims to support the work of ETUC member organisations to ensure the proper implementation of the work-life balance directive in their respective countries. It provides information on the process of the transposition of the new work-life balance directive, possible barriers to the proper transpositions and arguments that support the need for tangible improvements of legislation and practice.

## / WHAT'S IN IT?

### SECTION **A**

The new EU directive on work-life balance for working women and men: What's new? What's old? What needs to be done?

### SECTION **B**

How trade unions can help ensure the proper transposition and implementation of the new EU directive

### SECTION **C**

Checklist for trade union actions

### SECTION **D**

Annex: National legislation and further sources of information

<sup>1</sup> <https://www.consilium.europa.eu/en/press/press-releases/2019/06/13/better-work-life-balance-for-parents-and-carers-in-the-eu-council-adopts-new-rules/>

SECTION **A**

# THE NEW EU DIRECTIVE ON WORK-LIFE BALANCE FOR WORKING WOMEN AND MEN: WHAT'S NEW? WHAT'S OLD? WHAT NEEDS TO BE DONE?



**THIS SECTION EXPLAINS WHAT THE NEW WORKLIFE BALANCE DIRECTIVE IS ALL ABOUT; IT PROVIDES THE BACKGROUND AS WELL AS THE POSITIONS AND ACTIONS OF THE ETUC, SOME OF ITS MEMBER ORGANISATIONS AND THOSE NGOs WHICH HAVE BEEN ACTIVELY LOBBYING FOR THIS DIRECTIVE.**

## / THE EU DIRECTIVE ON WORK-LIFE BALANCE

In 2017, the European Commission decided to take a broader approach to addressing women's underrepresentation in the labour market. The 'New Start' initiative to address the work-life balance challenges faced by working parents and carers, presented in April 2017 as the first legislative deliverable of the European Pillar for Social Rights, was designed to take into account the developments in society over the past decade, and to enable parents and other people with caring responsibilities to better balance their work and family lives, and to encourage a better sharing of caring responsibilities between women and men.

## / WHAT ARE THE MAIN ELEMENTS OF THE NEW EU WORK-LIFE BALANCE DIRECTIVE?<sup>2</sup>

- Paternity leave** - fathers or second parents will be able to take at least 10 working days of leave around the time of birth of a child paid at a level equal to that currently set at EU level for maternity leave (in line with article 11 of Council Directive 92/85/EEC). The right to paternity leave will not be subject to a prior service requirement. However, the payment of paternity leave can be subject to a six-month prior service requirement. Member states with more generous parental leave systems will be able to keep their current national arrangements.
- Parental leave** - an individual right to 4 months of parental leave, from which 2 months are non-transferable between the parents and are paid. The level of payment and the age limit of the child will be set by member states.
- Carers' leave** - a new concept at EU level for workers caring for relatives in need of care or support due to serious medical reasons. Carers will be able to take 5 working days per year. Member states may use a different reference period, allocate leave on a case-by-case basis, and may introduce additional conditions for the exercise of this right.
- Flexible working arrangements** - the right for parents to request these arrangements has been extended to include working carers.

<sup>2</sup> <https://data.consilium.europa.eu/doc/document/PE-20-2019-INIT/en/pdf>

## / THE ETUC'S WORK TOWARDS AN EU DIRECTIVE ON WORK-LIFE BALANCE: ENGAGED AT EVERY STEP OF THE WAY

### KEY ISSUES

Although, the ETUC has welcomed<sup>3</sup> the directive, which was adopted by the Council on 13 June 2019, it continues to demand that Member States be more ambitious than what the directive prescribes. The ETUC has regretted that some important elements such as a payment of parental leave of at least at sick-benefit level and full non-transferability of the leave between parents are lacking from the directive. It has also expressed criticism that the directive has failed to grant the right for flexible working time; instead the directive just provides for the right to ask for it.



### EARLY ARGUMENTS FOR A MORE AMBITIOUS LEGISLATION ELABORATED BY THE ETUC STILL HOLD TRUE AND CAN BE EFFECTIVE FOR ARGUING FOR BETTER LEGISLATION

In its position paper<sup>4</sup> responding in a first stage of consultation of social partners in 2015 regarding the proposal for a new directive on work-life balance, the ETUC elaborated its position around some key issues.

Good work-life balance has a positive impact on the well-being of workers. It can also contribute to achieving major EU policy goals: stimulating employment (especially among women and older workers) and growth; promoting children and youth development; and eventually achieving gender equality.

It was high time that the EU has taken action to promote upward convergence among Member States on work-life balance. There was both a need to modernize existing EU legislation (such as the maternity leave directive), to address shortcomings or lack of legislation in certain areas (such as Paternity and Carers' Leave) as well to strengthen member states' coordination in order to ensure a level playing field regarding the costs and benefits of reconciliation policies.

Investment in public services as well as coherent policies to promote gender equality and family-friendly environments need to be promoted. This includes improving the provision of availability, quality, affordability and accessibility of care (for children, dependants and the elderly). The achievement of Barcelona targets by Member States should be monitored through the EU semester process. Targets on elderly care and care for dependants should be also introduced by the EU Council.<sup>5</sup>

Reconciliation policies must not be considered as benefits for women or parents only but rather as a deeper change in employment policies and functioning of businesses, from which all employees, regardless of their gender and family status, as well as employers can benefit.

<sup>3</sup> <https://www.etuc.org/en/pressrelease/progress-work-life-balance-breathes-life-social-europe>

<sup>4</sup> <https://www.etuc.org/en/document/etuc-position-first-stage-consultation-eu-social-partners-new-start-work-life-balance>

<sup>5</sup> ETUC resolution on trade union involvement in the EU Semester highlights that reinforcing the social agenda of the EU economic governance is imperative. ETUC's affiliates should be involved in the drafting and implementation of the European Semester Country-Specific Recommendations for further coherence between economic and social policies in. <https://www.etuc.org/en/document/etuc-resolution-trade-union-involvement-eu-semester>



The effects of the economic crisis of 2007/2008 are still felt today. Amongst the measures undertaken and documented by ETUC members were: closure of public kindergartens; limiting after school activity; limiting care services for elderly and disabled; reduction in compensation for childcare costs; growing childcare fees; reduced services for the elderly and the disabled; closure of hospitals; governments saving on measures that encourage the equal division of care between women and men, such as paid paternity leave, and parental leave benefits; reduction of maternity leave allowances; savings on child benefits and other care and family related benefits.

Cutbacks in services and family benefits have thus compromised women's economic independence, as benefits often constitute an important source of their income and because they use public services more than men. Lone mothers and single female pensioners face the biggest cumulative losses.

### **THE NEW DIRECTIVE SETS ONLY MINIMUM STANDARDS AND ALLOWS FOR FURTHER IMPROVEMENT**

#### **Where Member States could and should go beyond the minimum standards of the directive:**

The ETUC has highlighted particularly two key elements of the legislation where more ambition is called for: parental and carers' leave must be paid, to avoid it remaining an option only for the well-off. And enhanced paternity leave must create a shared responsibility for childcare and enable women to play a full role in the workplace. *"In transposing the Directive, national governments must recognise the diversity of family life in the 21<sup>st</sup> century and respond to changing labour market realities,"* said Esther Lynch. *"Member States must also take urgent action to provide affordable childcare, because otherwise parents cannot afford to return to work – especially those with children under four years."*

## **/ THE PROCESS OF EU LEGISLATION FROM PROPOSAL TO TRANSPOSITION**

### **EU DIRECTIVE: WORK-LIFE BALANCE**

Agreed on 13<sup>th</sup> of June 2019 – date of transposition 13<sup>th</sup> of June 2022

#### **/ AN EU DIRECTIVE:**

A European Union legal act that needs to be incorporated into national law by EU Member States before a given deadline, with notification to the Commission. It sets out goals that all Member States must achieve, while giving them discretion as to how to reach them. It is not directly applicable.

#### **/ TRANSPOSITION:**

The procedure by which EU Member States incorporate EU directives into their national law in order to make the objectives, requirements and deadlines directly applicable. Member States transposing directives into national law can choose the form and methods for doing so, but are bound by the terms of the directive as to the result to be achieved and the deadline by which transposition should take place.

#### **/ IMPLEMENTATION OF EU DIRECTIVE:**

The procedure by which EU law is applied at national and/or subnational (regional) levels.



**IS YOUR UNION REGULARLY INVOLVED IN CONSULTATION OVER EMPLOYMENT LEGISLATION IN YOUR COUNTRY? IF NOT, THIS IS THE TIME TO ASK TO BE A PARTNER IN THE PROCESS OF TRANSPOSITION AND IMPLEMENTATION OF THIS DIRECTIVE.**

## **/ THE DATA SHOWS THE EXTENT OF WORK-RELATED GENDER GAPS**

**In comparison to men, women still tend to be employed less, are employed in lower-paid sectors, work longer per week than men in total (paid and unpaid) but have fewer paid hours, take more career breaks and face fewer and slower promotions.<sup>6</sup>**

### **ONE OF THE MAIN REASONS FOR THE WORK-RELATED GENDER GAPS IS THE LACK OF OR INADEQUATE WORK-LIFE BALANCE POLICIES.**

Insufficient possibilities to take leaves to care for children/dependent relatives, the design of the leave system which hinders a better sharing of caring responsibilities between women and men, limited possibilities to make use of flexible working arrangements, over-reliance on part-time solutions ("the part-time trap"), and insufficient formal care services have all been shown to exacerbate employment challenges for women. Economic disincentives, including tax policies, further reinforce the unequal sharing of caring responsibilities by women and men.<sup>7</sup>

Women are under-represented in the labour market due to the lack of equal sharing of caring responsibilities.<sup>8</sup> The difference between male and female employment participation rates – the **gender employment gap** – is especially high for mothers and women with caring responsibilities.



**In 2016 more than 19% of the EU inactive women were inactive because of looking after children or incapacitated adults.<sup>9</sup>**



**Informal carers provide over 80% of all care in Europe, with women providing approximately two-thirds of care.<sup>10</sup>**



**Migrant women and single parents (80% of whom are women) face particular barriers entering the labour market.<sup>11</sup>**

<sup>6</sup> DG Justice. 2018 Report on equality between women and men in the EU.

<https://publications.europa.eu/en/publication-detail/-/publication/950dce57-6222-11e8-ab9c-01aa75ed71a1>

<sup>7</sup> Commission Staff Working Document Executive Summary of the Impact Assessment. Accompanying the document Proposal for a Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1494930647639&uri=CELEX:52017SC0203>

<sup>8</sup> Eurofound (2016), The gender employment gap: Challenges and solutions, Publications Office of the European Union, Luxembourg.

[https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef1638en\\_1.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1638en_1.pdf)

<sup>9</sup> DG Justice. 2018 Report on equality between women and men in the EU.

<https://publications.europa.eu/en/publication-detail/-/publication/950dce57-6222-11e8-ab9c-01aa75ed71a1>

<sup>10</sup> <https://eurocarers.org/directive-on-work-life-balance-a-game-changer-for-informal-carers/>

<sup>11</sup> Strategic Engagement for Gender Equality, 2016-2019, European Union, 2016.

[https://ec.europa.eu/anti-trafficking/eu-policy/strategic-engagement-gender-equality-2016-2019\\_en](https://ec.europa.eu/anti-trafficking/eu-policy/strategic-engagement-gender-equality-2016-2019_en)

- ☑ Women in Europe, on average, earn 16 % less than men per hour; this **gender wage gap** results in a **gender earnings gap** which reaches 41% during the active years.
- ☑ Women in the EU are over-represented in industries with low pay levels and under-represented in well paid industries. **This sectoral gender segregation** continues to be one of the most significant contributing factors to the gender pay gap.<sup>12</sup> Women are also severely under-represented in higher employment positions/management, representing a mere 21% of board members of the biggest listed companies.<sup>13</sup>
- ☑ The share of women working part-time in the EU is around 30 %, compared to 8 % for men. While part-time work is an important factor keeping women attached to the labour market, especially after they become mothers.

**Part-time** work is one of the key factors contributing to the existing gender pay gap, therefore hampering equal economic independence. Part-time work is also associated with weakened career opportunities and weakened social protection, such as unemployment benefits or pensions.<sup>14</sup> Indeed, the **gender pensions gap** in Europe means that women receive much lower pensions than men - **on average 40% less**. This contributes to putting women at higher risk of poverty or social exclusion in old age<sup>15</sup>. **Cutbacks in services and family benefits** have further compromised women's economic independence. Lone mothers and single female pensioners face the biggest cumulative losses.<sup>16</sup>

**“Without new action, women are likely to continue to be economically disadvantaged by motherhood during their career and in retirement, in particular as a result of an unequal sharing of care and household responsibilities (working women still devote two and a half hours a day more to parenting and household duties than men)”<sup>17</sup>**

The double burden of paid work and unpaid work within the family, together with a persistent lack and adequacy of support care services can be identified as one of the main barriers to women's full participation in the labour market at all levels.<sup>18</sup>



**WORK-RELATED GENDER GAPS RESULT IN GROSS-ECONOMIC LOSS: THE TOTAL YEARLY COST OF THE LOWER FEMALE EMPLOYMENT RATE IN THE EU IS ESTIMATED TO BE AROUND €370 BILLION.<sup>19</sup>**

<sup>12</sup> DG Justice. 2018 Report on equality between women and men in the EU.

<https://publications.europa.eu/en/publication-detail/-/publication/950dce57-6222-11e8-ab9c-01aa75ed71a1>

<sup>13</sup> Strategic Engagement for Gender Equality, 2016-2019, European Union, 2016.

[https://europea.eu/anti-trafficking/eu-policy/strategic-engagement-gender-equality-2016-2019\\_en](https://europea.eu/anti-trafficking/eu-policy/strategic-engagement-gender-equality-2016-2019_en)

<sup>14</sup> DG Justice. 2018 Report on equality between women and men in the EU.

<https://publications.europa.eu/en/publication-detail/-/publication/950dce57-6222-11e8-ab9c-01aa75ed71a1>

<sup>15</sup> EUROPEAN SEMESTER THEMATIC FACTSHEET WOMEN IN THE LABOUR MARKET. 2017.

[https://europea.eu/info/sites/info/files/european-semester\\_thematic-factsheet\\_labour-force-participation-women\\_en\\_o.pdf](https://europea.eu/info/sites/info/files/european-semester_thematic-factsheet_labour-force-participation-women_en_o.pdf)

<sup>16</sup> ETUC position on first-stage consultation of the EU social partners on a 'New start' for work-life balance.

<https://www.etuc.org/en/document/etuc-position-first-stage-consultation-eu-social-partners-new-start-work-life-balance>

<sup>17</sup> Strategic Engagement for Gender Equality, 2016-2019, European Union, 2016.

[https://europea.eu/anti-trafficking/eu-policy/strategic-engagement-gender-equality-2016-2019\\_en](https://europea.eu/anti-trafficking/eu-policy/strategic-engagement-gender-equality-2016-2019_en)

<sup>18</sup> ETUC position on first-stage consultation of the EU social partners on a 'New start' for work-life balance.

<https://www.etuc.org/en/document/etuc-position-first-stage-consultation-eu-social-partners-new-start-work-life-balance>

<sup>19</sup> Eurofound, The gender employment gap: Challenges and solutions report

SECTION **B**

LOBBYING  
FOR A PROPER  
TRANSPOSITION  
AND  
IMPLEMENTATION  
OF THE DIRECTIVE



THIS SECTION IS DESIGNED TO PROVIDE INFORMATION TO HELP TRADE UNIONS TO PUT PRESSURE ON THEIR GOVERNMENTS TO TRANSPOSE THE DIRECTIVE AND POSSIBLY AIM FOR MORE THAN THE MINIMUM STANDARDS.

## / THE BENEFITS OF A BETTER WORK-LIFE BALANCE

The Directive is good for citizens, business and the Member States economy.<sup>20</sup>

**Parents and carers** will profit from a better work-life balance. Moreover, the foreseen increase in women's employment, their higher earnings and career progression will positively impact their and their families' economic prosperity, social inclusion and health.

**Companies** will benefit from a wider talent pool and productive labour force. The rise in women's employment will also contribute to **addressing the challenge of demographic ageing and** ensuring Member States' **financial stability**.<sup>21</sup>

Reconciliation policies must not be considered as benefits for women or parents only but rather as a deeper change in employment policies and functioning of businesses, from which all employees, regardless of their gender and family status, as well as employers can benefit.<sup>22</sup>

**Good work-life balance has a positive impact on the well-being of workers.** It can also contribute to achieving major EU policy goals: stimulating employment (especially among women and older workers) and growth; promoting children and youth development; and eventually achieving gender equality.<sup>23</sup>

<sup>20</sup> EC 2019. A New Start to Support Work-Life Balance for Parents and Carers.

<https://ec.europa.eu/social/BlobServlet?docId=17583&langId=en>

<sup>21</sup> DG EMPL. Work-Life Balance. <https://ec.europa.eu/social/main.jsp?catId=1311&langId=en#navItem-relatedDocuments>

<sup>22</sup> ETUC position on first-stage consultation of the EU social partners on a 'New start' for work-life balance.

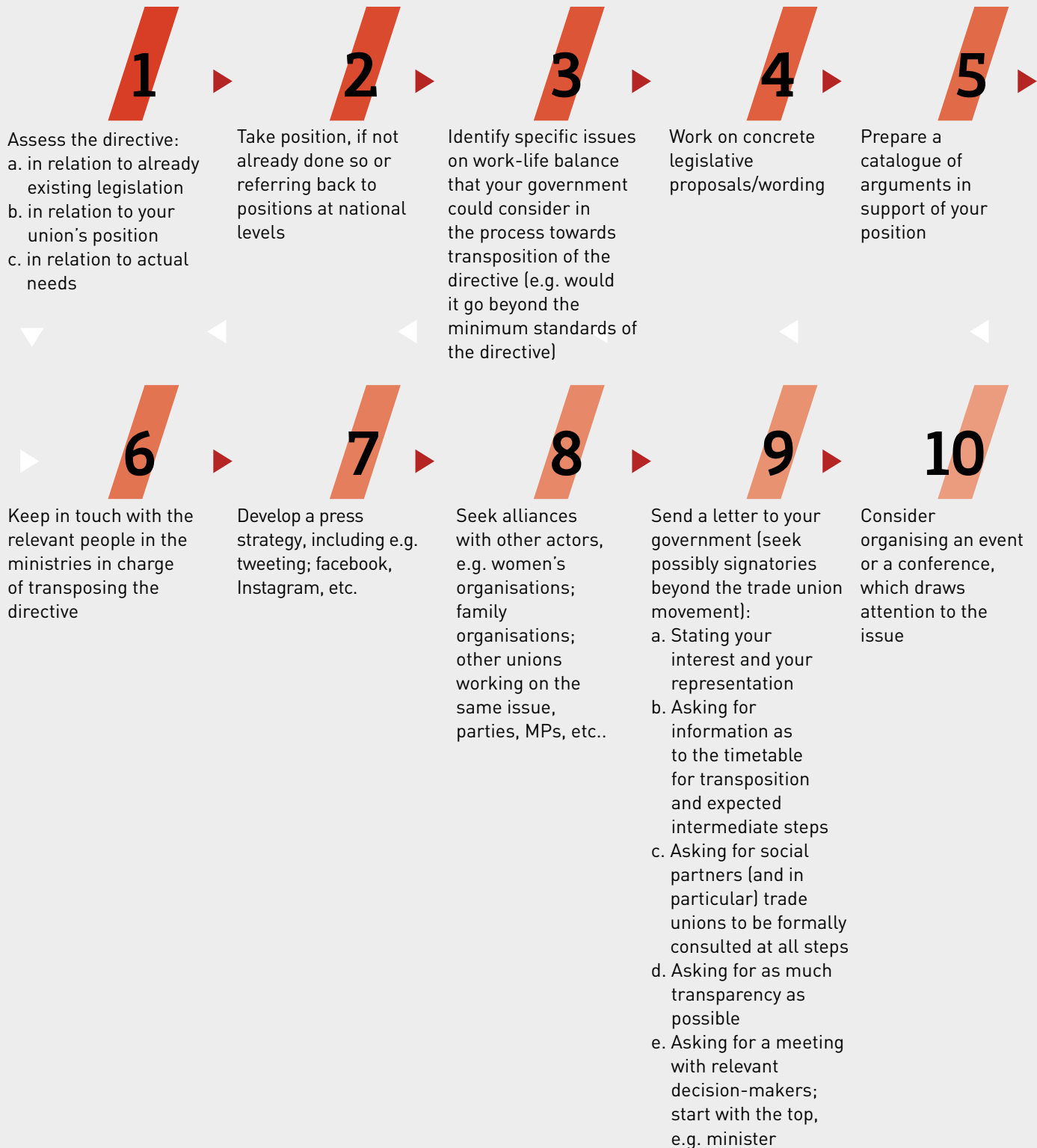
<https://www.etuc.org/en/document/etuc-position-first-stage-consultation-eu-social-partners-new-start-work-life-balance>

<sup>23</sup> ETUC position on first-stage consultation of the EU social partners on a 'New start' for work-life balance.

<https://www.etuc.org/en/document/etuc-position-first-stage-consultation-eu-social-partners-new-start-work-life-balance>

## / A PROPOSAL FOR A 10-STEP STRATEGY: TRADE UNIONS HAVE AN IMPORTANT ROLE TO PLAY IN THE TRANSPOSITION OF THE DIRECTIVE

Without waiting for a proposal by the government on how to transpose the directive, trade unions can start to assess the impact of the directive and take position on what to lobby for. This will be a good starting point for developing a strategy to push perhaps for more than the directive foresees.



## / BE PREPARED FOR THESE BARRIERS TO THE TRANSPOSITION AND IMPLEMENTATION OF THE DIRECTIVE

This section deals with the legal and practical arguments that MS have put forward why it will be difficult to transpose and implement the directive.

### BARRIER 1:

#### LACK OF OR INADEQUATE PAYMENT

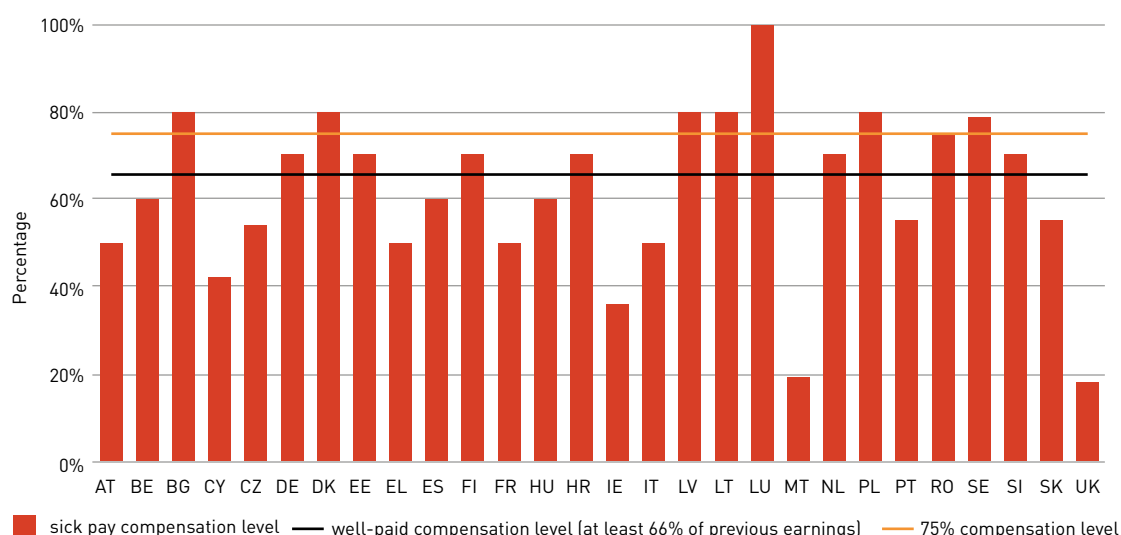


Research widely shows that compensation is key for the uptake of family-related leaves, especially for lower income families and men.<sup>24</sup> The text as initially proposed by the European Commission as the Directive included a level of payment equivalent to what the worker would receive during its sick leave for the three leave schemes – paternity, parental and carers. A strong opposition by a number of Member States lowered this standard and in the final text only paternity leave will be compensated at this level.<sup>25</sup>

According to the new Directive, fathers/equivalent second parents will be able to take at least 10 working days of **paternity leave** around the time of birth of the child, compensated at least at the level of sick pay. However, sick pay compensation levels vary considerably across the EU28, and **only 14 Member States offer sick pay that could be considered as “well paid” (at least 66 % of previous earnings)**<sup>26</sup>. This creates a **strong disincentive for fathers to take paternity leave**. Table 2. Provides an overview of the current sick pay compensation levels at the EU Member States.

FIGURE 1

ONLY HALF OF THE EU28 HAVE SICK PAY COMPENSATION LEVELS THAT ARE WELL PAID<sup>27</sup>



<sup>24</sup> <https://www.epsu.org/article/overwhelming-majority-european-parliament-approves-work-life-balance-directive>

<sup>25</sup> <https://www.epsu.org/article/overwhelming-majority-european-parliament-approves-work-life-balance-directive>

<sup>26</sup> Well paid is defined as at least 66 % of previous earnings. This threshold is set by the European Commission (2010) and indicates that earnings below 66 % create a risk of a low wage trap.

<sup>27</sup> EC 2018. Paternity and parental leave policies across the European Union Assessment of current provision. <https://ec.europa.eu/social/BlobServlet?docId=19932&langId=en>

**As for parental leave, 2 months will have to be compensated “adequately”** according to the Directive, but the level will be set at national level. Introduction of adequate minimum standard of income replacement is an essential measure to promote men’s uptake of the leave.

Many carers cannot manage to remain in employment due to caring responsibilities. The Directive aims to address this challenge by introducing the “right to carers’ leave of five working days per year, per worker”. However, **no compensation is mandatory for carers’ leave. Without a payment or an allowance there cannot be an effective use of this right by workers with caring responsibilities.**<sup>28</sup>



### BARRIER 2:

#### FLEXIBLE WORKING ARRANGEMENTS IN PRACTISE

The directive introduces **the right to request flexible working arrangements** for parents and carers, such as reduction of working hours, change in the time and place of work, and change in the working patterns. This will help reduce and prevent a share of involuntary part-time and the risk of having to drop out from the labour market altogether to provide care, especially for older women workers. However, **the request can be denied and employers cannot be enforced to agree to it.** There are no clear guidelines regarding working time outside of “traditional” working hours or reference to *the right to disconnect*, which is an integral part of the concept of work-life balance.<sup>29</sup> Unless properly implemented, teleworking, for example, can have negative consequences in terms of work-life balance, remunerations and career evolution of women.



### BARRIER 3:

#### ELIGIBILITY CRITERIA

In order to be eligible for the parental leave, parents must have already worked in a company for a period of a year. This will have a negative impact on families where parents are employed with temporary and atypical contracts, as it reduces the chances for them to enjoy their rights.<sup>30</sup> Furthermore, the Directive uses too narrow definitions of people eligible to leaves, such as “equivalent second parents [...] where and in so far as recognised by national law”. This will exclude parents or carers who are in partnerships not recognised under national laws, and does not take fully into account recomposed families, single parent families, and families with special needs.<sup>31</sup>

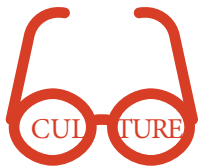
<sup>28</sup> <https://eurocarers.org/directive-on-work-life-balance-a-game-changer-for-informal-carers/>

<sup>29</sup> [https://www.womenlobby.org/IMG/pdf/wlb\\_ewl\\_assessment\\_2019-2.pdf](https://www.womenlobby.org/IMG/pdf/wlb_ewl_assessment_2019-2.pdf)

<sup>30</sup> <http://www.coface-eu.org/wp-content/uploads/2018/06/COFACE-Families-Europe-Assessment-on-the-EU-Work-Life-Balance-Directive.pdf>

<sup>31</sup> [https://www.womenlobby.org/IMG/pdf/wlb\\_ewl\\_assessment\\_2019-2.pdf](https://www.womenlobby.org/IMG/pdf/wlb_ewl_assessment_2019-2.pdf)





#### BARRIER 4:

### CULTURAL NORMS AND PERCEPTIONS ABOUT GENDER ROLES IN CHILD REARING

The culture of presence/availability at the workplace for men and stereotypical division of roles, where men are breadwinners and women carers, are elements that work as disincentives for men's involvement in family and care responsibilities.<sup>32</sup> The Directive is a step to the right direction with potential to strengthen equal opportunities for all and to strengthen the EU social dimension as a whole. It should be taken as a window of opportunity to revise existing national legislation and to lift it towards a more protective framework. Legislation helps a cultural change in mentality, not only of women and men themselves, but also in workplaces and at the level of management.

## / IN MANY CASES, IT WILL BE WORTHWHILE PUSHING BEYOND THE LIMITS OF THE NEW DIRECTIVE

Eventhough there are such formidable barriers to the transposition of the directive, the fact that it has to be discussed at national level and requires action on the part of the government, opens the possibilities of putting pressure for legislation and policies that go beyond the requirements of the directive.

The Directive on work-life balance for parents and carers sets the **minimum** legal standards for all EU countries on *paternity leave*, *parental leave*, *carers' leave* and *flexible working arrangements*. **Nothing prevents Member States from raising the standards**, and therefore, the following should be considered:

#### WELL-PAID LEAVES

Only 17 EU Member States meet the proposed minimum of 2 weeks' *paternity leave* at the time of the child's birth, and only 13 of these offer the leave as well-paid (at least 66% of previous earnings). The European Parliament's Committee on Employment and Social Affairs suggests increasing the compensation level to *at least* the equivalent of 75 % of the worker's gross wage.

The Directive leaves the level of *parental leave* compensation to be set by Member States. Currently, 90 % of fathers across the EU do not use parental leave entitlements. Evidence shows the positive impact of adequate compensation on the take up of leave by fathers' (second parent), and the value of flexible take-up (piece-meal or part-time).<sup>33</sup> The Directive also sets for the first time a legal minimum of five days per year of *carers' leave for workers* to take care of close relatives with serious illness or dependence - but there is no mention of remuneration level. **Family related leave entitlements are not real options for people to use unless the compensation is adequate.** The payments are a key to ensuring non-discrimination of workers based on economic conditions of the family, to rebalance the gender uptake of the leaves and care responsibilities, and to address and prevent poverty of families.

<sup>32</sup> <http://www.coface-eu.org/wp-content/uploads/2018/06/COFACE-Families-Europe-Assessment-on-the-EU-Work-Life-Balance-Directive.pdf>

<sup>33</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. An initiative to support work-life balance for working parents and carers. com/2017/0252 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2017:252:FIN>

## **RIGHT TO WORK-LIFE BALANCE FOR ALL**

Work-life balance policies must be in-line with the realities of working life; leave provisions must be dissociated by the employment status or type of employment. All workers, including self-employed, workers with atypical or temporary contracts and unemployed must be entitled to the same rights as employees with standard contracts.

## **FLEXIBLE WORKING ARRANGEMENTS THAT ACKNOWLEDGE VARIED SITUATIONS**

It should be ensured that leave arrangements and flexible working hours are adjusted to particular needs, such as those of single parents, adoptive parents, parents with a disability, parents with children with a disability, or a long-term illness, or in the case of premature births or multiple births<sup>34</sup>. It is also very important that the workers have the 'right to disconnect'; flexible working arrangements coupled with austerity measures that undermine public health and care services, may lead to the increase of informal work instead of better work-life balance.

## **RECOGNISE THE DIVERSITY OF FAMILIES AND THEIR NEEDS**

The Directive acknowledges family diversity, with the notion of "equivalent second parent". This diversity should be inserted into national legislation via the transposition of the Directive. There should be a mix of universal support and targeted support to different families, many of whom are mentioned in the Directive: single parents, parents with a disability or parents of children with a disability, a mental health problem or long-term illness, adoptive parents, multiple births and premature births, persons in need of care and assistance who do not have any family member left. Family diversity also means recognising the different relatives who are family carers: not only children, parents, or spouse/partner or persons living in the same household (as indicated in the Directive) but also additional relatives, such as sibling and grandparents.<sup>35</sup>

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<sup>34</sup> EPRS. 2018. A new directive on worklife balance.

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614708/EPRS\\_BRI\(2018\)614708\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614708/EPRS_BRI(2018)614708_EN.pdf)

<sup>35</sup> [http://www.coface-eu.org/wp-content/uploads/2019/03/COFACE\\_WLBAassessment-.pdf](http://www.coface-eu.org/wp-content/uploads/2019/03/COFACE_WLBAassessment-.pdf)



## DEVELOPING A STRONG SET OF SUPPORTING POLICY MEASURES

- ☑ Trade Unions are encouraged to explore the situation in their respective countries regarding **supporting policy measures** that complement the EU directive:
- ☑ **Protection against discrimination and dismissal of parents (including pregnant women and workers coming back from a leave) and carers,**
- ☑ **Gender-balanced use of family-related leaves and flexible working arrangements,**
- ☑ **Use of European funds to improve provision of quality, accessible, and affordable formal care services (childcare, out-of-school care and long-term care);** Transposition of the Directive is an opportunity to further develop early childhood education and care (accessible, affordable and high quality, below the age of 3), and long-term care (quality, person-centred, for persons in need of support and/or care and a stream of support for carers who have to leave the labour market)<sup>36</sup>. Strengthening health and care systems through sufficient public funding will reduce the need for informal care thereby contributing to the economic emancipation of women,
- ☑ **Removal of economic disincentives for second earners which prevent women from accessing the labour market or working full-time;**
- ☑ **Detailed analysis of who is actually excluded from work-life balance benefits.**

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<sup>36</sup> [http://www.coface-eu.org/wp-content/uploads/2019/03/COFACE\\_WLBAssessment-.pdf](http://www.coface-eu.org/wp-content/uploads/2019/03/COFACE_WLBAssessment-.pdf)



SECTION **C**

**CHECK LIST**  
FOR THE  
TRANSPOSITION  
AND IMPL-  
EMENTATION OF  
THE DIRECTIVE



**THIS SECTION PROVIDES AN EXTENSIVE CHECKLIST REGARDING ACTIONS THAT MAY BE REQUIRED OR TAKEN IN ORDER TO TRANSPOSE THE DIRECTIVE CORRECTLY AND WHERE POSSIBLE IMPROVE IT EITHER THROUGH FURTHER LEGISLATION OR OTHER POLICY MEASURES.**

## **/ LEGISLATIVE AND POLICY MEASURES CHECKED AGAINST ACTUAL NEEDS**

As outlined above, the Directive consists of different legislative and policy measures that need to come together to be effective. A strategy for the transposition and implementation of the Directive should therefore concern the different parts of the work-life balance puzzle. Trade Unions can explore the situation within their specific countries and to identify gaps that need to be addressed by using the guiding questions in Table 3. The 'Action to be taken' column suggests ways to tackle the barriers for proper transposition and implementation of the Directive, i.e. payments, eligibility, flexibility in working conditions, eligibility to family leaves, and legislation as a way to cultural change.

TABLE 1

## GUIDING QUESTIONS TO PREPARE AN IMPLEMENTATION STRATEGY

Entitlement under the new Directive	What to check?	Information sources	Action to be taken
<b>PATERNITY LEAVE</b> Fathers or second parents (as recognised by national law) will be able to take at least 10 working days of leave around the time of birth of a child paid at a level of sick pay. The payment of paternity leave can be subject to a six-month prior service requirement.	Is there paternity entitlement and if so, how many days is the current entitlement?	<ul style="list-style-type: none"> <li>National legislation</li> </ul> <a href="http://www.leavenetwork.org">www.leavenetwork.org</a>	Ask to make paternity leave mandatory to overcome stereotypes.
	What is the compensation rate?	<ul style="list-style-type: none"> <li>National legislation</li> <li>Social insurance bodies</li> </ul>	When transposing the work-life balance Directive, ensure that the pay is at the level of sick leave pay, and at least 66% of earnings.  Aim for a higher pay in CAs for occupational groups with low wages.  Ensure job-related rights; no loss of social security or pension rights during family leaves.
	Who is entitled to the leave?	<ul style="list-style-type: none"> <li>National legislation</li> </ul>	Insert family diversity into national legislation via the transposition of the Directive (“equivalent second parent”).
<b>PARENTAL LEAVE</b> An individual right to 4 months of parental leave, from which two months are non-transferable between the parents and are paid. Member States will set the level of payment and the age limit of the child.	How much of the leave is non-transferable?	<ul style="list-style-type: none"> <li>National legislation</li> </ul> <a href="http://www.leavenetwork.org">www.leavenetwork.org</a>	Lobby for 4 months of non-transferable leave. Where appropriate, consider lobbying for complete non-transferability of any length of parental leave.
	What is the compensation rate?	<ul style="list-style-type: none"> <li>National legislation</li> <li>Social insurance bodies</li> </ul>	When transposing the work-life balance Directive, ensure that the pay is at the level of sick leave pay, and at least 66% of earnings.  Aim for a higher pay in CAs for occupational groups with low wages.
	Who is entitled to the leave?	<ul style="list-style-type: none"> <li>National legislation</li> </ul>	Insert family diversity into national legislation via the transposition of the Directive (“equivalent second parent”).
	What is the age limit of the child?		Lobby for the limit to be 12 years or higher.

Entitlement under the new Directive	What to check?	Information sources	Action to be taken
<b>CARERS' LEAVE</b> Workers caring for relatives in need of care or support due to serious medical reasons will be able to take five working days per year. Member states may use a different reference period, allocate leave on a case-by-case basis, and may introduce additional conditions for the exercise of this right.	Who is entitled to the leave?	<ul style="list-style-type: none"> <li>• National legislation</li> </ul>	Insert family diversity into national legislation where it does not exist via the transposition of the Directive ("equivalent second parent")  Commit to collective agreements that acknowledge the diversity of families, such as single parent families, adoptive and same sex parents' rights.
	Length of the entitlement?	<ul style="list-style-type: none"> <li>• National legislation</li> </ul>	Lobby for at least 12 working days per year for carers' leave to be taken full-time, part-time or needs-based.
	Compensation rate?	<ul style="list-style-type: none"> <li>• National legislation</li> </ul>	Lobby for a clear reference for payment at the sick leave level, at least, and in any case not lower than 66% of last net earnings.
	Supporting measures to carers?	<ul style="list-style-type: none"> <li>• National legislation; social security system</li> </ul>	Introduce full pension rights for carers' leave, including measures for protection of employment rights and provision of training and certification for persons coming out of a longer career break because of caring for family members.

Entitlement under the new Directive	What to check?	Information sources	Action to be taken
<b>FLEXIBLE WORKING ARRANGEMENTS</b> Right for parents of children and carers to request adjustment of their working patterns, including the use of remote working arrangements, flexible working schedules or reduced working hours. There is no obligation for the employer to grant the requested change.	Until what age of the child the workers have the right to request flexible working conditions?	<ul style="list-style-type: none"> <li>• National legislation/existing CAs</li> </ul>	Lobby for at least 12 years of age with the possibility of an increase in age should the child have a disability or a chronic condition.
	Who is entitled to flexible working arrangements?	<ul style="list-style-type: none"> <li>• National legislation</li> </ul>	Should include as many groups of workers as possible including part-time workers and workers on limited contracts, among others.
	Who uses flexible working arrangements (gender balance)?	<ul style="list-style-type: none"> <li>• <a href="#">Eurostat</a> 'Rise in part-time employment', national level data</li> </ul>	Part-time work is still a very gendered practice and one of the main challenges that women part-timers face is the return to full-time. Therefore, flexible working arrangements should be fully reversible.
	Is the flexibility controlled by workers (e.g. right to disconnect)?		Include the 'right to disconnect' into CAs.
<b>PROTECTION AGAINST DISCRIMINATION AND DISMISSAL RELATED TO CARE LEAVES</b>	How to pursue your rights legally?	<a href="#">EQUINET</a> , the European Network of Equality Bodies, brings together 49 organisations from 36 European countries, which are empowered to counteract discrimination as national equality bodies across a wide range of grounds.	Lobby for a general right not to be discriminated against on grounds of caring responsibility. Consider strategic litigation if necessary
<b>PROVISION OF FORMAL CARE SERVICES</b>	What is the current situation regarding the availability, access and quality of care services?	<ul style="list-style-type: none"> <li>• <a href="#">Barcelona Targets</a></li> <li>• <a href="#">European Social Policy Network (ESPN) Study on long-term care (LTC)</a></li> </ul>	Lobby to improve availability, accessibility, affordability and quality of publicly funded care facilities and services.



Entitlement under the new Directive	What to check?	Information sources	Action to be taken
<b>ECONOMIC DISINCENTIVES</b>	Taxation (e.g. “second earner”)	• National legislation	Lobby for the individualisation of taxation, eg. Change taxation policy away from second earner paying higher taxes.
	Employee benefits		Family leaves should not impact workers’ capacity to come back to work after the leave period or affect negatively their career, wages and pensions rights.
<b>UNCOUPLING RIGHTS FROM WORK STATUS</b>	What are the WLB related rights for self-employed?  Are there any other groups of workers who do not benefit from current and future legislation?	• National legislation	Lobby for social security (pension/ health) to be de-linked from working life.
<b>SINGLE PARENTS</b>	Do single parents “lose out” in terms of care related time off? What are the rights of single parents?	• National legislation	Ensure that CAs include work-life balance measures that have an equity aspect embedded, so that they support all workers (e.g. part-time; blue-collar; single parents).





SECTION **D**

# ANNEX



## THIS SECTION PROVIDES INFORMATION REGARDING WORK-LIFE BALANCE AND GENDER EQUALITY.

IT GIVES A DETAILED OVERVIEW OF EXISTING LEGISLATION ON WORK-LIFE BALANCE, WHICH IS HELPFUL FOR PURPOSES OF COMPARISON. THE SECOND PART OF THE ANNEX PROVIDES LINKS TO RELEVANT SOURCES.

### / EXISTING LEGISLATION ON WORK-LIFE BALANCE IN THE MEMBER STATES

Due to ongoing changes in the Member States, it is important to consult **national legislation** on the different family-related leaves when devising an implementation strategy, to know country level specificities, such as ceilings on the amount of money paid during family related leaves. Other sources for country level information include [The International Network for Leave Policies](#) that provides yearly country updates as well as cross-national tables. [The European Social Observatory](#) (OSE) 2018 overview of measures related to work-life balance in the 28 European Union Member States is also useful. The [EUROFOUND](#) Report on Work-Life Arrangements and Flexible Work, prepared for the EU presidency in 2017 is a valuable resource.

### / PATERNITY LEAVE ENTITLEMENTS IN THE MEMBER STATES

Since 2018, all EU Member States have in place a paid entitlement for fathers to spend time with their children, either in the months around the time of the child's birth and/or after this time. However, this is not an individual right for fathers in all countries but a family right. Sometimes a father's entitlement to it depends on the mother's entitlement. Often, sub-periods of 'parental leave' or 'childcare' are transferable between the parents, and in some cases the mother has to give her consent for the right to be transferred to the father.<sup>37</sup> Table 1. 'Paternity leave entitlement in the EU-28' provides an overview of the situation in April 2018.

<sup>37</sup> Eurofound (2019), Parental and paternity leave - Uptake by fathers, Publications Office of the European Union, Luxembourg. [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef18087en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef18087en.pdf)

TABLE 1

## 'PATERNITY LEAVE ENTITLEMENT IN THE EU-28'

Country	Summary of leave	Length of post-natal leave (weeks or days)	Total Paid	Well paid	Flexibility
<b>Austria</b>					
Private sec	X	-	-	-	-
Public sec	S	4	None	None	None
<b>Belgium</b>	SAP; OB (3 days)	2	2	2*	2,3
<b>Bulgaria</b>	SAP	15 days	15 days	15 days*	None
<b>Croatia</b>	X	-	-	-	-
<b>Cyprus</b>	SAP	2	2	2	3
<b>Czech Republic</b>	SAP	7 days	7 days	7 days	3
<b>Denmark</b>	SAP	2	2	2*	3
<b>Estonia</b>	SAP	2	2	2*	2;3
<b>Finland<sup>38</sup></b>	SAP	9	9	9	2;3
<b>France</b>	SAP	2.2	2.2	2.2*	3
<b>Germany</b>	X				
<b>Greece</b>					
Private sec	SAP	2 days	2 days	2 days	None
Public sec	SAP	2 days	2 days	2 days	None
<b>Hungary</b>	SAP	1	1	1	3;4
<b>Ireland</b>	SP	2	2	None	3
<b>Italy<sup>39</sup></b>	SAP; OB (4 days)	4 days	4 days	4 days	2;3;5
<b>Latvia</b>	SAP	10 days	10 days	10 days	3
<b>Lithuania</b>	SAP	4	4	4*	3
<b>Luxembourg<sup>40</sup></b>	X; [ ]	-	-	-	
<b>Malta</b>					
Private sec	SAP	1 days	1 days	1 days	4
Public sec	SAP	5 days	5 days	5 days	3
<b>Netherlands<sup>41</sup></b>	SAP	2 days	2 days	2 days	3
<b>Poland</b>	SAP	2	2	2	2;3
<b>Portugal<sup>42</sup></b>	X				
<b>Romania<sup>43</sup></b>	SAP	5 to 15 days	5 to 15 days	5 to 15 days	
<b>Slovakia</b>	X				
<b>Slovenia<sup>44</sup></b>	SAP	30 days	30 days	30 days*	2
<b>Spain<sup>45</sup></b>	SAP	8	8	8*	3;4
<b>Sweden</b>	SAP	10	10	10*	3;4
<b>UK</b>	SP	1 or 2 days	1 or 2 days	None	3

<sup>38</sup> Finland: Paid at 70 per cent of earnings, but proportion is reduced beyond a specified level.

<sup>39</sup> Italy: a further one-day Paternity leave can be taken if the mother agrees to transfer these days from her Maternity leave. In addition, fathers may take three months paid leave in exceptional circumstances, e.g. the death or severe illness of the mother.

<sup>40</sup> Luxembourg: there is no statutory paternity leave, although fathers can use ten days well paid leave 'due to extraordinary circumstances'.

<sup>41</sup> Netherlands: 3 days of Parental leave can be taken during the first 4 weeks after birth. This leave is included under Parental leave

<sup>42</sup> Portugal: The law does not refer to Paternity leave, referring only 'Father's-only Parental leave'. This leave is included under Parental leave.

<sup>43</sup> Romania: The statutory leave is granted for five days only but 10 extra days can be granted if the father has completed an infant-care course for the first child only.

<sup>44</sup> Slovenia: paid at 90 per cent of average monthly earnings; not all income on which Parental leave contributions were paid is counted towards the basic earnings (e.g. in-work benefits and other income received in addition to basic earnings).

<sup>45</sup> Spain: Since April 2019, the paternity leave entitlement is 8 weeks. 2 weeks directly after the birth are mandatory, and the remaining 6 weeks can be taken as an uninterrupted period until the child is 12 months.

**KEY: SUMMARY OF PATERNITY LEAVE IN EU-28**

**X** no statutory entitlement

**S**: statutory entitlement but unpaid

**SP**: statutory entitlement, some period paid, but either at a flat rate or (if income-related) at less than 66% of earnings for all or most of period

**SAP**: statutory entitlement, adequately paid for all or most of the period (66% of earnings or more)

**OB**: part or all of the Paternity leave period is obligatory.

**\***: ceiling on earnings-related payment.

**Square brackets [ ]**: fathers may use another type of leave at the time of the birth of a child, but a separate Paternity leave does not exist.

**Total paid**: payment may be flat rate and/or earnings-related. The generosity of flat rate payments relative to individual earnings varies across and sometimes within countries.

**Well paid**: earnings related payment at 66% of earnings or above

**Flexibility**: 1 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 2 – leave can be taken in one block of time or several blocks; 3 – can be taken at any time during a defined period after birth; 4 – additional time for multiple births and large families; 5 – can be extended in case of maternal incapacity or death.



## / PARENTAL LEAVE PROVISIONS IN THE MEMBER STATES

The Directive makes 2 out of the 4 months of parental leave non-transferable from a parent to another and compensated at a level to be set by Member States. Currently, 15 EU countries have a period of leave reserved for fathers. In addition, while 14 Member States offer a well-paid parental leave, only in 10 is this period of well-paid leave equal to or longer than 8 weeks.

The uptake of **parental leave** among fathers is shown to be much higher when leave is their individual and non-transferable right. Table 2. 'Parental leave entitlement in the EU-28' (adapted from leavenetwork.org) provides an overview of the situation in April 2018.

TABLE 2.

### PARENTAL LEAVE ENTITLEMENT IN THE EU-28

Country	Summary of leave	Total amount of post-natal parental leave available to family excluding childcare leave (months)			Type of leave entitlement (leave only, not incl. payment)	Incentive for father to take	Flexibility
		Total	Paid	Well paid			
<b>Austria</b> <sup>46</sup>	SAP	24.0	>>14.0	>>14.0	Family	Partnership bonus if parents share equally (60:40)	1; 2; 3; 5; 7b
<b>Belgium</b>	SP; +	8.0	8.0	x	Individual; non-transferable		1; 2; 5; 6; 7a
<b>Bulgaria</b>	SP	12.0	12.0	x	Family		
<b>Croatia</b> <sup>47</sup>	SP; +	8.0	8.0 to 16.0	x	Individual; partly transferable	Additional 2 months if both parents use	1; 2; 5; 6; 7a
<b>Cyprus</b>	S	18	x	x	Individual; non-transferable <sup>48</sup>		2;6
<b>Czech Republic</b> <sup>49</sup>	SAP	>>36	[6 to 48.0]	[24.0*]	Individual; transferable		3; 7a
<b>Denmark</b> <sup>50</sup>	SAP	11.1	7.4 to 14.7	7.4*	Individual; non-transferable		1; 3; 5; 7a
<b>Estonia</b>	SAP	>>36.0	[>>36.0]	[14.5*]	Family		2; 4

<sup>46</sup> Austria: Since 2017, there is either the income-dependent parental benefit (80 per cent of earnings for 12 to 14 months) or a flexible payment scheme ('Childcare benefit account'), where parents can distribute an overall sum of about €15,449 (if both parents participate, the other parent has to take at least 20 per cent of the overall duration) or €12,366 (if only one parent participates) over a specific time span.

<sup>47</sup> Croatia: In the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to leave until the child(ren) is 36 months old at 100 per cent of earnings; the ceiling for the period from 12 to 36 months is lower than for the first six months of Parental leave

<sup>48</sup> Cyprus: In the cases where one parent has taken parental leave of minimum two (2) weeks, he/she is allowed to transfer to the other parent two (2) weeks from the rest of the total duration of his/her leave.

<sup>49</sup> Czech Republic: Each parent can take leave until their child is 36 months but only one parent can receive Parental benefit, which is paid to all families whether or not leave is taken and until their child is 48 months. Benefit can be paid for the full period at a lower rate or for a shorter period at 70 per cent of earnings, though with a low ceiling

<sup>50</sup> Denmark: Parents can opt for shorter, higher paid Parental leave or longer, lower paid leave; each parent is entitled to 32-46 weeks of Parental leave, but the total period cannot exceed 32-46 weeks per family

Country	Summary of leave	Total amount of post-natal parental leave available to family excluding childcare leave (months)			Type of leave entitlement (leave only, not incl. payment)	Incentive for father to take	Flexibility
		Total	Paid	Well paid			
<b>Finland</b> <sup>51</sup>	SAP; +	6.1	6.1	6.1	Family		1; 2; 6
<b>France</b> <sup>52</sup>	SP	>>36.0	[>>36.0]	x	Individual; non-transferable	Longer period of financial payments if both parents take some leave	1; 6; 7a
<b>Germany</b> <sup>53</sup>	SAP	72.0	28.0	14.0	Individual; non-transferable	Bonus leave if parents share	1; 2; 5; 7a
<b>Greece</b> <sup>54</sup>							
Private sec	S	8.0	x	x	Individual; non-transferable		2; 5; 6
Public sec	S	120 <sup>55</sup>	x	x	Individual; non-transferable		5
<b>Hungary</b> <sup>56</sup>	SAP; +	>>36.0	>>36.0	24.0*	Family		1, 4, 6
<b>Ireland</b>	S	8.4	x	x	Individual; non-transferable		2; 5; 6, 7a
<b>Italy</b>	SP	11	11	x	Individual; non-transferable	Bonus leave if parents share	1; 2; 5; 6; 7a
<b>Latvia</b> <sup>57</sup>	SP	36	18 <sup>58</sup>	x	Individual; non-transferable		3; 5; 7a
<b>Lithuania</b> <sup>59</sup>	SP	>>36.0	>>24.0	>>12.0*	Family		4; 6
<b>Luxembourg</b> <sup>60</sup>	SAP	12.0	12.0	8.0	Individual; non-transferable		1; 3; 7a

<sup>51</sup> Finland: Paid at 70-75 per cent of earnings, but proportion is reduced beyond a specified level

<sup>52</sup> France: If one child in family, payment made until child is 12 months old, if both parents share leave period; if two or more children, payment made until youngest child is 36 months old, if both parents share leave period.

<sup>53</sup> Germany: Earnings-related payment varies between 65 and 67 per cent

<sup>54</sup> Greece: In addition to Parental leave shown here, parents can consolidate right to work reduced hours into fully-paid full-time leave of three<sup>3</sup>/<sub>4</sub> months (private sector) or nine months (public sector); also three months of leave is paid in the public sector in the case of a third or higher order child.

<sup>55</sup> Greece: 5 years per parent.

<sup>56</sup> Hungary: Post-natal leave includes two types of Parental leave, one with a flat-rate payment (up to three years), the other with a higher earnings-related payment (up to two years, followed by flat-rate payment for third year). In families with three or more children, a parent can take low paid leave until the youngest child is eight years; this is not included in 'length of post-natal leave' column. Parents can work after the child is six months of age and still receive benefit payments.

<sup>57</sup> Latvia: Only one parent can receive payment. If a parent chooses to receive the benefit up to a child's first birthday, payment is at 60 per cent of salary. If a parent chooses to receive the benefit until the child is 18 months, they receive 43.75 per cent of salary for this period.

<sup>58</sup> 3 Latvia: Only one parent can receive payment. If a parent chooses to receive the benefit up to a child's first birthday, payment is at 60 per cent of salary. If a parent chooses to receive the benefit until the child is 18 months, they receive 43.75 per cent of salary for this period.

<sup>59</sup> Lithuania: 12 months of leave at full earnings up to a ceiling; or 24 months at a lower earnings-related level (70 per cent for first year, 40 per cent for second year).

<sup>60</sup> Luxembourg: Based on full-time employed parents taking option of full-time leave (there are other options available). Paid at a relatively generous flat rate (not as wage replacement).

Country	Summary of leave	Total amount of post-natal parental leave available to family excluding childcare leave (months)			Type of leave entitlement (leave only, not incl. payment)	Incentive for father to take	Flexibility
		Total	Paid	Well paid			
<b>Malta</b>							
Private sec	S	8.0	x	x	Individual; non-transferable		2; 5
Public sec	S;+	12.0	x	x	Family		2; 5
<b>Netherlands<sup>61</sup></b>	S	12.0	xx		Individual; non-transferable	-	(2); 5; 6; 7a
<b>Poland<sup>62</sup></b>	SAP; +	7.4	7.4	7.4	Family		1; 2; 3; 4; 7a
<b>Portugal<sup>63</sup></b>	SAP; +; OB (15 days)	13.0	13.0	7.0	Family & individual; non-transferable	Bonus month; obligatory days	1; 3; 5; 7b
<b>Romania<sup>64</sup></b>	SAP	12 to 24	12 to 24	12 to 24	Family & individual; non-transferable	1 month must be transferred to the other parent	5; 6; 7b
<b>Slovakia</b>	SP	>>36.0	[>>36.0]	x	Family		3; 6
<b>Slovenia</b>	SAP	8.6	8.6	8.6*	Individual; transferable		1; 2; 4; 5; 6; 7b
<b>Spain<sup>65</sup></b>	S	>>36.0	x	x	Individual; non-transferable		2; 6; 7a
<b>Sweden<sup>66</sup></b>	SAP	>>18.0	15.9	12.9*	Family & individual; partly transferable		1; 2; 3; 5; 6; 7b
<b>UK<sup>67</sup></b>	S <sup>68</sup>	4.2	x	x	Individual; non-transferable		5; 6; 7a

<sup>61</sup> Netherlands: parents are entitled to 26 times their weekly working hours; figure of 12 months based on both parents in a full-time job of 38 hours a week, which gives a leave period of 988 hours (=26 weeks or six months).

<sup>62</sup> Poland: The level of payment during Parental leave can be 80 per cent or 60 per cent of earnings, depending on choices made by the mother during Maternity leave; if a mother opts for 100 per cent payment during Maternity leave, Parental leave payment is 60 per cent; but if she opts for 80 per cent payment during Maternity leave, then Parental leave payment is also 80 per cent. Access to Parental leave also depends on the full six months of Maternity leave being taken.

<sup>63</sup> Portugal: The leave in this table corresponds to what is referred to as Initial, Father's only, and Additional Parental leave in the country note.

<sup>64</sup> Romania: Parents (usually mothers) can choose either a period of 12 up to 24 months of Parental leave (assuming no penalty month and thus that the other parent takes at least one month of leave in the first 12 months), both paid at 85 per cent of earnings; for a child with a disability this extends to 36 months. Both mothers and fathers can benefit from a labour market insertion incentive, which aims to reduce leave length.

<sup>65</sup> Spain: Each parent is entitled to take leave until a child's third birthday

<sup>66</sup> Sweden: Paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g. a parent can take five paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months.

<sup>67</sup> United Kingdom: This does not include the recently introduced 'Shared Parental leave', which is actually a form of transferable Maternity leave, whereby the mother can transfer most of her Maternity leave to a partner, if she so chooses. Only actual Parental leave is included, i.e. leave that is an individual and non-transferable right for each parent.

<sup>68</sup> United Kingdom: Leave entitlement is 18 weeks per parent, but only four weeks of leave can be taken per year, i.e. to take the full 18 weeks means taking four weeks leave per year for three years. The newly introduced 'Shared parental Leave' is not included here as it is actually Maternity leave that the mother can choose to transfer to the father; it is included as such in the comparative table on Maternity leave.



**KEY: SUMMARY OF PARENTAL LEAVE IN EU-28**

**X** no statutory entitlement

**S**: statutory entitlement but unpaid

**SP**: statutory entitlement, some period paid, but either at a flat rate or (if income-related) at less than 66% of earnings for all or most of period

**SAP**: statutory entitlement, adequately paid for all or most of the period (66% of earnings or more)

**OB**: part or all of the Parental leave period is obligatory.

**+**: period of additional 'childcare' or other leave available after end of Parental leave; this leave is not included in subsequent columns but is included in later table on 'total statutory leave'.

**Total amount of post-natal parental leave** available to family: leave may be awarded as either (i) a period of time (e.g. 12 months) or (ii) until a child reaches a certain age (e.g. until a child's third birthday).

**>>** : (ii), e.g. in Austria leave is until a child reaches 24 months; in these cases, where the entitlement is 'individual', then each parent may take leave until the child reaches this age. Where there is no 8 indicated, then leave is (i) and the total amount of leave available to both parents is given.

**Paid**: payment may be flat rate and/or earnings-related. The generosity of flat rate payments relative to individual earnings varies across and sometimes within countries.

**Well paid**: earnings-related payment at 66% of earnings or above.

**X**: not paid or not well paid.

**\***: ceiling on earnings-related payment.

**Square brackets – [ ]**: all parents with a young child get a payment whether on leave or not.

**Type of leave**: there are two dimensions here. First, leave can be a 'family' or an 'individual' entitlement; and an 'individual' entitlement can be non-transferable (i.e. if the individual does not use her/his entitlement, it is lost) or 'transferable' (i.e. the individual can transfer part or all of his or her entitlement to someone else, usually the other parent).

**Incentive for father to take**: 'Father's quota' indicates a basic individual entitlement that only fathers can use (i.e. non-transferable) and which is 'well paid' (see above for definition). 'Bonus months' indicates a period of paid leave additional to the basic paid entitlement, and which becomes available if the basic paid leave is shared by both parents (i.e. if each parent takes at least some of the basic paid leave)

**Flexibility**: 1 – leave can be taken full time or part time (i.e. option to work part-time or other reduced hours); 2 – leave can be taken in one block of time or several blocks; 3 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 4 – leave can be transferred to a non-parent; 5 – all or part of leave can be taken at any time until a child reaches a certain age; 6 – other, including additional leave in case of multiple births or serious illness/disability; 7a – both parents can take all leave at the same time; 7b – both parents can take some leave at same time. Brackets indicate option requires employer agreement. Bracketed numbers indicate an option that can be taken with the employer's agreement.

## / KEY SOURCES OF INFORMATION

### EUROPEAN COMMISSION

- Factsheet: A new start to support work-life balance for parents and carers (2019)  
<https://ec.europa.eu/social/BlobServlet?docId=17583&langId=en>
- Study on the costs and benefits of possible EU measures to facilitate work-life balance for parents and care givers - Final Report (2017) <https://ec.europa.eu/social/BlobServlet?docId=17646&langId=en>
- Impact assessment accompanying Proposal for a Directive on work-life balance for parents and carers (2017) <https://ec.europa.eu/social/BlobServlet?docId=17621&langId=en>  
<https://ec.europa.eu/social/main.jsp?catId=1311&langId=en&moreDocuments=yes>

### EUROPEAN PARLIAMENT

- A new directive on work life balance (2019)  
[https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS\\_BRI\(2018\)614708](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2018)614708)
- Very useful database on all position re. the directive, statistics and arguments for a better work life balance: <https://epthinktank.eu/2016/12/23/work-life-balance-in-the-eu/>

### THE COUNCIL OF THE EU

- Better work-life balance for parents and carers in the EU: Council adopts new rules  
<https://www.consilium.europa.eu/en/press/press-releases/2019/06/13/better-work-life-balance-for-parents-and-carers-in-the-eu-council-adopts-new-rules/>

### EUROFOUND

- Parental and paternity leave – Uptake by fathers (2019)  
<https://www.eurofound.europa.eu/publications/customised-report/2019/parental-and-paternity-leave-uptake-by-fathers>
- Work-life balance and flexible working arrangements in the European Union (2017)  
<https://www.eurofound.europa.eu/publications/customised-report/2017/work-life-balance-and-flexible-working-arrangements-in-the-european-union>
- AD Hoc EUROPEAN ALLIANCE for a Better Work-Life Balance (2018): Lobbying Letter to the European Council  
<https://www.womenlobby.org/OPEN-LETTER-Time-for-the-EPSCO-Council-to-adopt-a-position-on-the-EU-Work-Life?lang=en>
- European Social Observatory (OSE)  
[https://www.etuc.org/sites/default/files/press-release/file/2018-06/etuc\\_wlb\\_country\\_sheets\\_ose\\_final\\_19\\_01\\_2018.pdf](https://www.etuc.org/sites/default/files/press-release/file/2018-06/etuc_wlb_country_sheets_ose_final_19_01_2018.pdf)
- The European Trade Union Confederation ETUC  
<https://www.etuc.org/en/document/etuc-position-first-stage-consultation-eu-social-partners-new-start-work-life-balance>
- The European Public Service Union (EPSU)  
[https://www.epsu.org/sv/search/policies/work-life-balance-o?mefibs-form-autocomplete-search\\_api\\_views\\_fulltext=&mefibs-form-autocomplete-mefibs\\_block\\_id=autocomplete](https://www.epsu.org/sv/search/policies/work-life-balance-o?mefibs-form-autocomplete-search_api_views_fulltext=&mefibs-form-autocomplete-mefibs_block_id=autocomplete)





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