

LIFE WORK BALANCE DIRECTIVE



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PREGNANCY

Unlawful direct discrimination

- **Dekker**
- **Hertz**



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PREGNANCY DISCRIMINATION AND PAY

- *Gillespie*



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Benefits during pregnancy related transfer or leave



- *Parvianinen*
- *Gassmayr*

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THE PREGNANCY DIRECTIVE



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Protective Provisions

Dismissal; Article 10



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Melgar; Direct effects

Dismissal Letter



- Paquay

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Maternity Leave



- Article 33(2) of the EU Charter
- Hoffman
- Syndicat CFTC du Personnel de la Caisse Primaire d'Assurance Maladie de la Moselle

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Parental Leave



- 1996 Directive
- Replaced 2010

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The Life Work Balance Directive



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Scope of the Directive

“All workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements are practiced in force in each Member State, taking into account the case-law of the Court of Justice.”

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Paternity Leave



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Paternity Leave pursuant to the Directive

- 10 days paternity leave
- No service or qualification period
- Paid an allowance equivalent to sick pay but subject to no more than six months' service
- Non transferrable
- Does not apply to adoptive leave
- Parental leave under the new Directive
- Four months
- Two months are non transferrable and paid

“to facilitate the take up of parental leave by both parents”

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Carer's Leave



- Article 6

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Flexible Working Arrangements



- Article 9
- Reduction of working hours
- Changes in working patterns
- Remote working arrangements
- The employer must consider a request
- The employer must give reasons for refusal or postponement
- Can be made subject to service of no more than 6 months

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Case Law on Parental Leave

Maistrellis v Ypourgos Dikaiosis

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Parental Leave and National Service

Osterreichischer Gewerkschaftsund

Distinguishing parental leave and maternity leave

Tribunalul Botoşani

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Parental leave and calculating financial entitlements

Meerts
Riezniece
Praxair



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Parental leave and Probation

H v Land Berlin

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Conclusions



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