

Work-life balance

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What is work-life balance?

What is work-life balance?

- The equilibrium between personal life and career work
- The ability to successfully combine work, family commitments and personal life

- A daily challenge for workers
- A necessity

Obstacle to successful work-life balance

- Long-hours work culture, overwork
- Inflexible working time
- Lack of care facilities
- Short school hours
- Unpaid or low paid parental leave

Why is work-life balance important?

➤ **Benefits for workers**

Reduces risk of health-related complications and of stress or life-style related disorders. Increases well-being and sense of fulfillment.

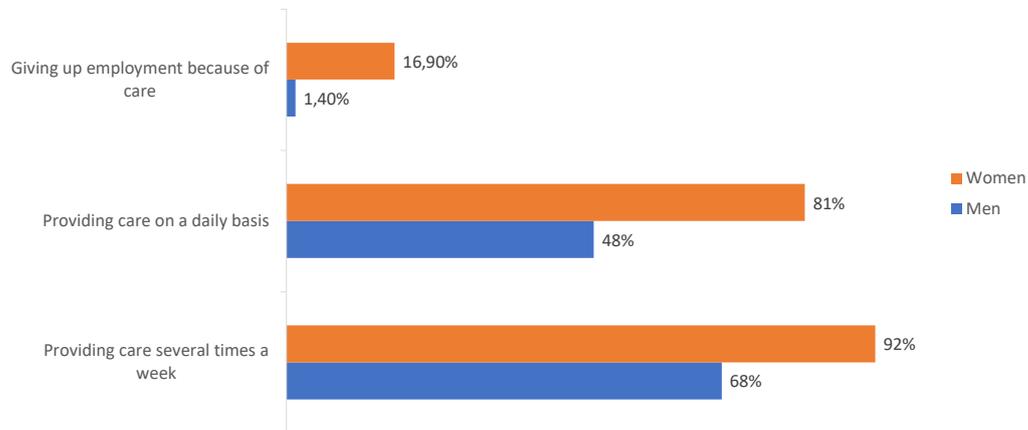
➤ **Benefits for the employer**

Poor work-life balance leads to stress-related absenteeism, poor retention levels, low creativity, has a direct influence on the attitude of employees and an indirect influence on the success of the company.

Greater work-life balance improves employee productivity, performance and motivation at work, retention of employees, and attractiveness of the organization.

Why is work-life balance a question of gender (in)equality?

Work-life balance and gender inequality



Source: EIGE, *Gender inequalities in care and pay in the EU, 2020*

Work-life balance and gender inequality

Women perform most unpaid work within the family – face more problems to reconcile paid employment and care.

Poor work-life balance for women:

- **Limits options for decent work:** fosters women's financial dependence
- **Labour market segregation:** women in part-time work, low-skilled and low-paid occupations because of care obligations
- **Restricted participation in public and social life**
- Women face **discrimination** in recruitment, promotion and working conditions on the basis of their reproductive role (the "motherhood penalty")
- **Pay and pensions** inequalities

➤ Reorganization of work is necessary to achieve gender equality

The impact of COVID-19 on work-life balance

- **Gender differences in unpaid care work have been exacerbated by the COVID-19 pandemic**, due to closure of workplaces and school increasing women's share of unpaid care work, limited access to care services
- A new form of unpaid care work: helping children in virtual classrooms
- Particularly difficult for lone parents, most of which are women
- Is teleworking a new opportunity?

Work-life balance and the law

- Although care is a universal experience, a necessary contribution to the economy and human development, it is perceived as a private matter
- Unpaid care work has remained for a long time invisible in public policy and EU law
- Attention to the problem in recent years

Work-life balance and EU law

Work-life balance and EU law

- I) Soft law
- II) EU case-law
- III) EU legislation

I) EU “soft” law

Development of a “care discourse” in EU law (Caracciolo di Torella & Masselot, 2020)

Council Recommendation on Childcare 1992

- Importance of providing childcare facilities and leaves to parents
- More family-friendly working environment
- Sharing of childcare responsibilities between parents

I) EU “soft” law

- **European Employment Strategy (EES):** from the end of 1990s, recognizing women’s difficulty in reconciling their professional and family life, focuses on work-life reconciliation policies
- **Resolution on the Balanced participation of women and men in family and working life (2000):** argued for the equal sharing of caring responsibilities between working fathers and mothers
- **Open Method of Coordination and European Semester:** policy support and information sharing concerning long-term care
- **EU Charter of Fundamental Rights, Article 33, Family and professional life**
“Everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child”

I) EU “soft” law

- **European Pillar of Social Rights, 2017, Principle 9:**

“Parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way.”

II) EU case-law

European Court of Justice:

- The aim of Community policy is to *“encourage and, if possible, adapt working conditions to family responsibilities”* (Hill 1998)
- Work-life reconciliation is a *“legitimate social policy objective”* (Hill 1998, Sass 2004, Küçük 2012)

III) EU law: the Work-life balance Directive (2019)

1. Maternity leave and parental leave
2. Right for fathers
3. Carers' leave
4. Flexible working arrangements
5. Protection against dismissal and discrimination for carers

1. Maternity and parental leave under EU law

- Individual entitlement to parental leave
- Two months non-transferable leave
- Payment

2. Right for fathers

- 10 days parental leave
- Payment?

3. Carer's leave

- 5 days carers' leave per year for workers in order to care for a relative or person living in the same household

4. Flexible working arrangements

- Right to request flexible working arrangements for caring purpose

5. Protection against dismissal and discrimination for carers

- for those applying for or making use of family-related leave and flexible working arrangements

Work-life balance Directive - Main issues

- Inclusiveness
- Parental leave not strengthened enough
- Only a *right to request* flexible working arrangements

The transposition of the work-life balance Directive

Implementation deadline: **August 2022**

Main barriers:

- 1) Lack of or inadequate payment
- 2) Flexible working arrangements in practice
- 3) Eligibility criteria for parental leave
- 4) Cultural norms and perceptions about gender roles in child rearing

The transposition of the work-life balance Directive in Member States

The example of Italy

Conclusions: work-life balance and EU law

- EU law challenging gender roles... in a symbolic way?
- Impact of the COVID-19
- Future policy directions?