



WORK-LIFE BALANCE

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Work-life balance



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1) INTRODUCTION

- Work-life balance (WLB)
 - To make compatible professional and personal life
 - Family life as a priority
- Complementary measures
 - Family-related leave
 - Flexible working arrangements (FWA)
 - Care services
- WLB and gender equality



1) INTRODUCTION

- The EU has accompanied Member States' action since the '90s
 - Directives: minimum standards
 - Soft law and policy measures, including policy coordination



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2) EU LAW BEFORE THE WLB DIRECTIVE

- Directives 92/85 and 2010/41 on maternity leave
 - Employees and self-employed workers
 - Delivering mother
 - 14 paid weeks



2) EU LAW BEFORE THE WLB DIRECTIVE

- Directive 2010/18 on parental leave
 - Employees
 - Each biological and adoptive parent
 - 4 unpaid months (1 non-transferable), plus right to request FWA after parental leave



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3) THE WLB DIRECTIVE

- Directive 2019/1158
- Objective
 - To improve the situation of women in the labour market [Article 153(1)(i) TFEU]
 - Through better and more equally shared WLB measures



3) THE WLB DIRECTIVE

- Main novelties
 - Specific focus on fathers' rights and effective incentives for fathers to take leave
 - Life-cycle approach

3) THE WLB DIRECTIVE

- Personal scope: employess
 - As defined by national law
 - Taking into account the case law of the CJEU
- Material scope
 - Paternity leave (new)
 - Parental leave (strengthened)
 - Carers' leave (new)
 - Right to request FWA (strengthened)

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3) THE WLB DIRECTIVE

Paternity
Leave



- New right at EU level
- 10 working days
- Compensated at sick pay level

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3) THE WLB DIRECTIVE

Parental Leave



- 4 months (as before)
- 2 months non-transferable between parents (before only 1 month)
- 2 months compensated at an adequate level
- Right to request flexible uptake

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3) THE WLB DIRECTIVE

Carers' Leave



- New right at EU level
- 5 working days/year/worker
- Possible alternative design
- No compensation

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3) THE WLB DIRECTIVE

Flexible
Working
Arrangements



- For parents of children up to 8 and carers (before only after parental leave)
- Right to request:
 - Reduction of working hours
 - Flexible working schedules
 - Remote working
- Employers must consider the request and provide reasons for any refusal

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3) THE WLB DIRECTIVE

LEGAL
PROTECTION



- For those who request or take leave and flexible working arrangements
 - Protection against dismissal
 - Protection against discrimination
- Job and previous rights maintained

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3) THE WLB DIRECTIVE

- Special clauses
 - “Paserelle” clause [Article 20(6)]
 - “Bonus” clause [Article 20(7)]
- Implementation period
 - Ordinary: by 2 August 2022
 - Extraordinary: by 2 August 2024 for the compensation of the last 2 weeks of parental leave

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3) THE WLB DIRECTIVE

IMPACT ON MEMBER STATES	Paternity leave	Parental leave	Carers' leave	Right to request FWA
Low			X	
Intermediate	X			
High		X		X

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4) IMPACT OF THE DIRECTIVE ON SPANISH LEGISLATION

- Spanish system of WLB
 - Each biological and adoptive parent:
 - 16 weeks: non-transferable and compensated at 100%
 - Up to 3 years: non-transferable, but without compensation
 - FWA:
 - Absolute rights (to obtain)
 - Relative rights (to request)
 - Carers' leave:
 - Short-term leave
 - Long-term leave

4) IMPACT OF THE DIRECTIVE ON SPANISH LEGISLATION

- In general, low impact or no impact
- Intermediate impact for the compensation of parental leave
 - 16 paid weeks are not enough for the delivering mother (23 weeks are required)
 - ¿Will Spain maintain the same duration (23 weeks) for the biological father and the adoptive parents?

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4) IMPACT OF THE DIRECTIVE ON SPANISH LEGISLATION

PAID LEAVE	Spain (A)	EU minimum requirements (B)	Difference (A-B)
Delivering mother	16 weeks	14 weeks + 2 months (23 weeks)	- 7 weeks
Biological father	16 weeks	2 weeks + 2 months (11 weeks)	+ 5 weeks
Adoptive parents	16 weeks each	2 months (9 weeks) each	+ 7 weeks

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5) CONCLUSIONS

- Limitations of the pre-WLB Directive framework
- The WLB Directive as an important milestone
- In most Member States it will imply more WLB rights for fathers
- Paradoxically, it will force Spain to increase the paid leave for the delivering mother



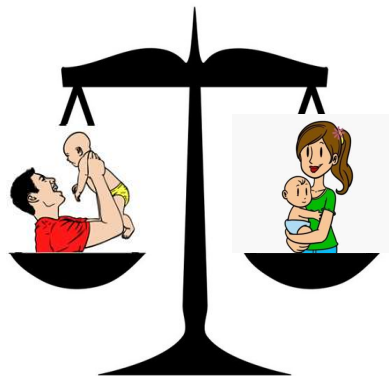
5) CONCLUSIONS

- Towards more gender equality at home and at work?
- Better legislation alone is not enough...
 - Change in gender roles
 - Friendly workplaces
 - Care services

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Thank you for your attention!



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