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The University of Dublin

The Right to Request Flexible Working Arrangements Under the Work-Life Balance Directive

Current Reflections on EU Gender Equality Law

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5 December 2022



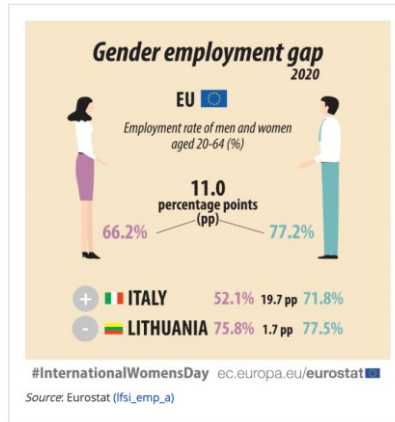
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Contents

- 1. Gender, Employment, and Flexibility**
- 2. The Work-Life Balance Directive**
- 3. The Right to Request Flexible Working Arrangements**
- 4. Flexible Working and EU Employment Law**

1. Gender, Employment, and Flexibility

https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Gender_statistics#Labour_market

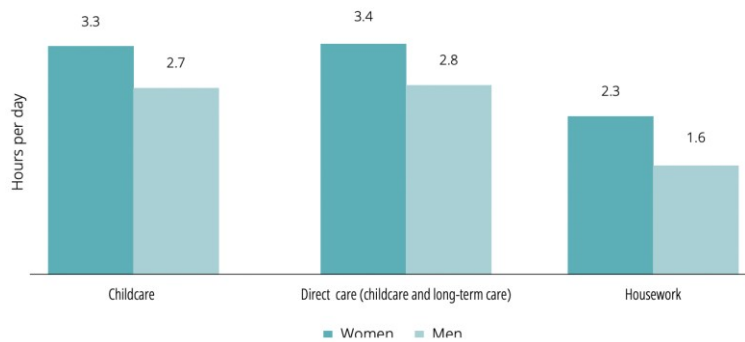


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Gender Inequalities in Care and Consequences for the Labour Market (EIGE 2021)

<https://eige.europa.eu/publications/gender-inequalities-care-and-consequences-labour-market>

Figure 2. Mean time spent on daily unpaid care activities by employed women and men (hours per day, 15+, EU-28, 2015)

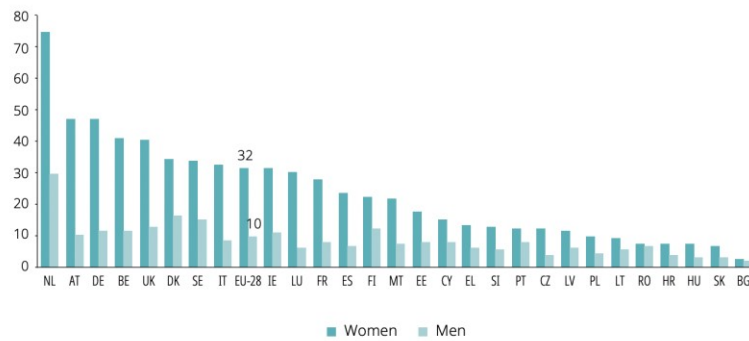


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Gender Inequalities in Care and Consequences for the Labour Market (EIGE 2021)

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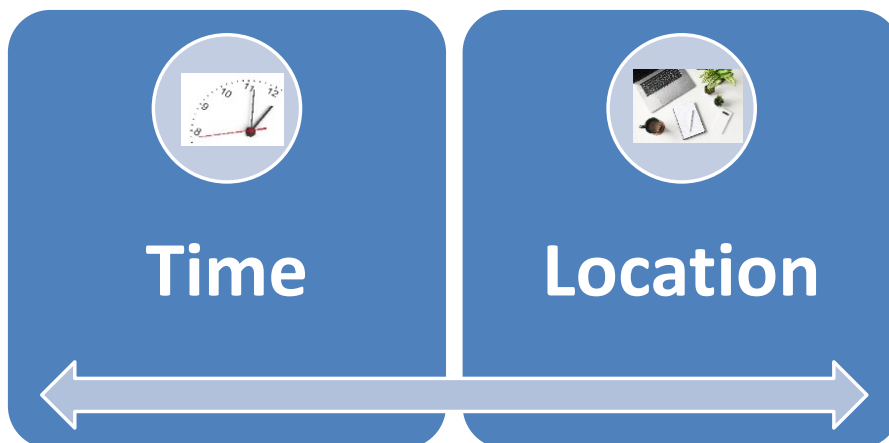
Figure 5. Women and men working part-time as percentages of total employment, by country (% , 15 +, EU-28, 2019)



Source: Eurostat, 2019 (ifsa_epgga).

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Flexible Working and Work-Life Balance



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6

2. The EU Work-Life Balance Directive

- **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.’



- Directive 2019/1158 on work-life balance for parents and carers

- *replaces* the 2010 Parental Leave Directive

- Deadline: 22 August 2022



2. The EU Work-Life Balance Directive

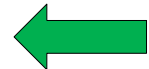
Main Contents



Rights to leave



Right to request flexible working



Protection from discrimination

3. The Right to Request Flexible Working Arrangements

Article 9

Who enjoys this right?

- **Workers with children up to the age of 8 (at least).**
- **Carers**
 - ‘a worker providing personal care or support to a **relative**, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason’ (Art 3(1)(d)).

What are ‘Flexible Working Arrangements’?



**Remote
working
arrangements**

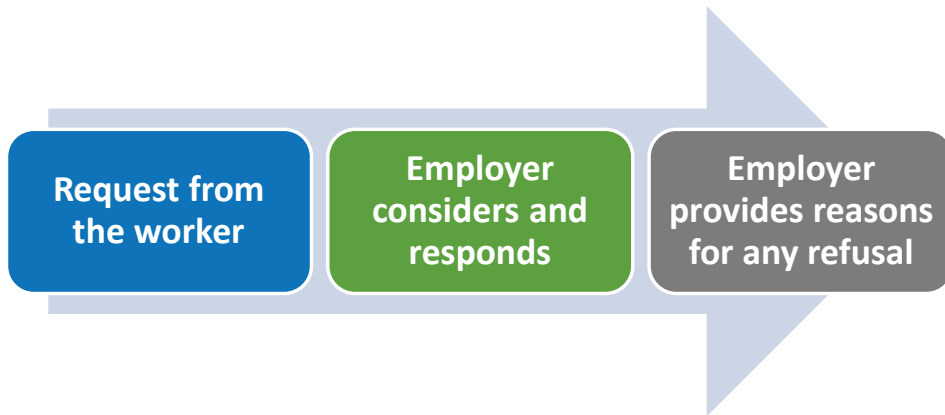


**Flexible
working
schedules**

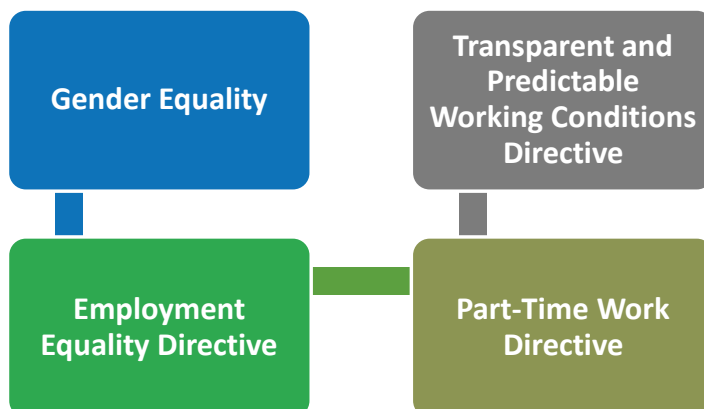


**Reduced
working
hours**

A Right to Request ... for Caring Purposes

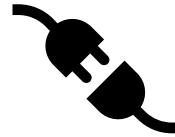


4. Flexible Working and EU Employment Law



Themes for Reflection

- The potential (and limitations) of flexible working as an instrument to advance gender equality.
- The impact of a 'right to request'.
- The emerging experience of remote working.



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Acknowledgement:

Lisa Waddington and Mark Bell
'The Right to Request Flexible Working Arrangements
under the Work-Life Balance Directive – a Comparative
Perspective'
(2021) 12 *European Labour Law Journal* 508.

