

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

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„ Work-life balance policies should contribute to the achievement of gender equality by promoting the participation of women in the labour market, the equal sharing of caring responsibilities between men and women, and the closing of the gender gaps in earnings and pay. Such policies should take into account demographic changes including the effects of an ageing population. “

(from the Directive 2019/1158 on work-life balance for parents and carers, recital 6 of the Preamble)

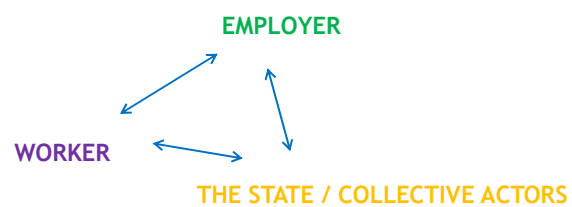
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- ▶ Introduction
- ▶ Developments before the WLB Directive
- ▶ The WLB Directive
- ▶ Questions for discussion
- ▶ Conclusions

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Introduction

- ▶ What is Work-life balance?
- ▶ Why is a special legal regulation needed?
- ▶ The role of various actors :



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Developments before the WLB Directive

- ▶ **1996:** the first Parental Leave Directive (Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC)
- ▶ **2010:** the revised Parental Leave Directive (Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC)
- ▶ **2019:** the current WLB Directive (Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU)

Broader context: other directives relevant (Maternity protection directives, Anti-discrimination directives, Non-standard forms of employment directives, e.g. Part-time work dir., etc.)

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The WLB Directive

- ▶ Introduction
- ▶ Family-related leaves
- ▶ Flexible working arrangements
- ▶ Employment rights and protection against discrimination
- ▶ Other relevant issues

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Introduction

- ▶ Material scope (*Article 2*)
- ▶ Personal scope (*Article 1*)

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Family-related leaves

- ▶ Parental leave (*Article 5, Article 8*)
- ▶ Paternity leave (*Article 4, Article 8*)
- ▶ Carers' leave (*Article 6*)

- ▶ Time off from work on grounds of *force majeure* (*Article 7*)

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Parental leave

- ▶ each worker has an individual right to parental leave
- ▶ 4 months, 2 months non-transferable
- ▶ compensated at an adequate level („... *in such a way as to facilitate the take-up of parental leave by both parents...*“)
- ▶ flexible take-up

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Paternity leave

- ▶ fathers or, where and insofar as recognised by national law, equivalent second parents
- ▶ granted irrespective of the worker's marital or family status
- ▶ 10 working days
- ▶ compensated at sick pay level

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Carers' leave

- ▶ leave from work for workers in order to provide 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
- ▶ 5 working days per year

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Time off from work on grounds of *force majeure*

- ▶ each worker has the right to time off from work on grounds of *force majeure* for urgent family reasons in the case of illness or accident making the immediate attendance of the worker indispensable

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Flexible working arrangements (*Article 9*)

- ▶ possibility for workers to adjust their working patterns:
- ▶ reduced working hours
- ▶ flexible working schedules
- ▶ remote working arrangements

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Employment rights and protection against discrimination (*Articles 10, 11, 12*)

- ▶ Protection of rights that have been acquired or that are in the process of being acquired by workers
- ▶ Right to return to their previous jobs or to equivalent posts...
- ▶ Protection against dismissal
- ▶ Prohibition of less favourable treatment

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Other issues

- ▶ Effective enforcement of rights
- ▶ Directive sets minimum requirements
- ▶ 'Passerelle' clause (*Article 20.6*)
- ▶ 'Bonus' clause (*Article 20.7*)

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Questions for discussion

- ▶ level of compensation, payment
- ▶ blurring the boundaries between working time and private/family life
- ▶ other measures promoting better WLB and gender equality
- ▶ special WLB measures vs. general worker-friendly regulation of employment relations
- ▶ the role of social partners and collective agreements

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THANK YOU FOR YOUR ATTENTION !
Questions, comments...