


# WORK LIFE BALANCE

EU GENDER EQUALITY LAW SEMINAR FOR MEMBERS OF THE JUDICIARY,  
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## DATA ON WORK & CARE

EMPLOYMENT RATE		Employment rate of women in the EU-27 in 2001 was 56.6%, has grown to 67.3% in 2019 (Eurostat, 2019)
PART-TIME WORK		31.3% of women in employment work part-time, compared with 8.7% of men (Eurostat, 2019)
CARE WORK		Caring responsibilities are the reason for inactivity for 31% of inactive women and for 4.5% of inactive men (European Commission, 2019)
LONG-TERM CARE		The gender gap in unpaid working time ranges from 6 to 8 hours in Northern European to over 15 hours in Italy, Croatia, Slovenia, Austria, Malta, Greece and Cyprus (Eurofound, 2018)
		Estimates suggest that as much as 80% of all long-term care in Europe is provided by informal carers (Hoffmann & Rodrigues, 2010)

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## Employment and gender

The pandemic has disproportionately affected women in employment, leaving them feeling less optimistic about the future



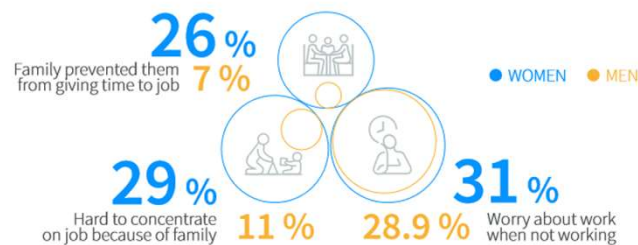
Gender employment gap **11.7** percentage points in 2019,  
costing the EU € **320** billion annually

Infographic by EUROFOUND

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## Work-life balance and teleworking

Increased teleworking during COVID-19 has escalated work-life conflict, particularly for mothers of small children



Infographic and data by EUROFOUND

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## EU LAW PRIOR TO DIRECTIVE 2019/1158

- Charter of Fundamental Rights of the EU Article 33(2) states that 'to reconcile 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.'
- **Pregnancy Directive 92/85/EEC**, protecting the health and safety of pregnant workers and allowing WLB at an early stage. Minimum of 14 weeks of maternity leave. At least 2 of them are compulsory. Maternity leave is compensated at least at the national sick pay level.
- The first Directive (agreement concluded by the Social Partners) was the **Parental Leave Directive 96/34/EC** on reconciling family and working life: taking time off to care for young children; minimum requirements intended to facilitate the reconciliation of family and work responsibilities for working parents; individual right to parental leave (birth or adoption of a child) for at least 3 months, until a given age up to 8 years to be defined by Member States and/or the social partners.
- **Directive 2010/18/EU regulating parental leave** – repealed the latter and is now itself being replaced by the new directive. It provided a non-transferable, to 4 months' unpaid parental leave which can be used until the child has reached the age of 8.
- **Directive 97/81 on Part time workers** and **Directive 99/70 on Fixed Term Work** were not specifically part of the equality or WLB agenda. Supported women with caring responsibilities, who make up the majority of part-time workers.

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## DIRECTIVE 2019/1158

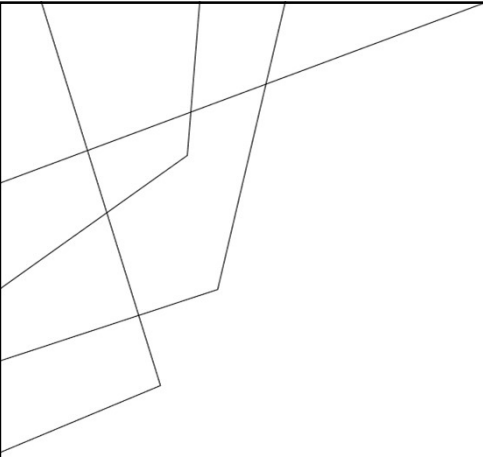
### TRANSPOSITION DEADLINE

Directive was published in 2019, entered into force on August 1, 2019 and has to be implemented in national law by August 2, 2022 at the latest.

### PURPOSE

The purpose is to lay down minimum requirements across all EU Member States in order to achieve equality between women and men with regard to labour market opportunities and treatment at work, and thus enable "the reconciliation of work and family life for workers who are parents or carers".

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## DIRECTIVE 2019/1158 IN A NUTSHELL

- aims at addressing women's lower rates of employment
- encourages an equal sharing of family leaves and flexible working arrangements between women and men
- provides opportunities for workers to be granted leave to care for relatives

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## TERMINOLOGY

### WORKER WHO IS A „CARER”

meaning that such carer provides “personal care and support to a relative or to a person who lives in the same household as the worker”, needing significant care and support for a “serious medical reason”.

### FLEXIBLE WORK ARRANGEMENTS

the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or reduced working hours.

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## FLAGSHIP PROVISION ON PATERNITY LEAVE

10-day paternity leave – previously non-existent under EU law.

Leave must be paid at least at the rate of sick pay, as opposed to normal salary level.

The right to paternity leave ‘shall not be made subject to a period of work qualification or a length of service qualification’.

The right is granted irrespective of marital or family status as defined in national law.

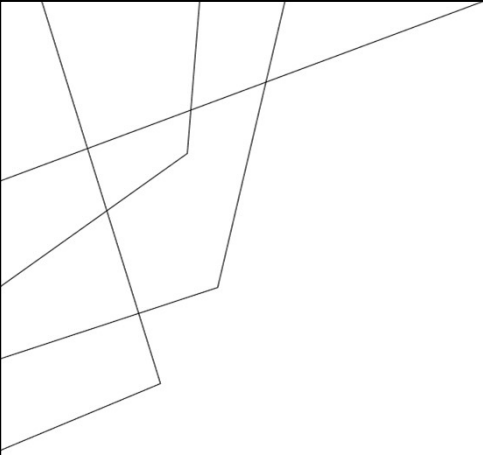
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## Paternity leave

	Number of weeks	Payment
SE *	2	80%
PT	5	100%
DE		
SI	4	90%
BE	2 (3 days mandatory)	† Variable
ES	4	100%
NL	1	100%
LV	1,4	80%
FR	2	100%
AT		
FI *	9	Variable
RO	1	100%
MT	1	100%
LT	4	Postnatal 100%
DK	2	100%
CY	2	72%
LU		
EE	2	100%
IT	1 (4 days mandatory)	100%
EL	1 (2 days)	100%
PL	2	100%
HU	1	100%
CZ	1	70%
HR		
SK		
IE	2	‡ Flat rate
UK	2	§ Variable
BG	2	90%

Infographic by European Parliamentary Research Service, March 2019

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## ENCOURAGING MEN TO TAKE PARENTAL LEAVE

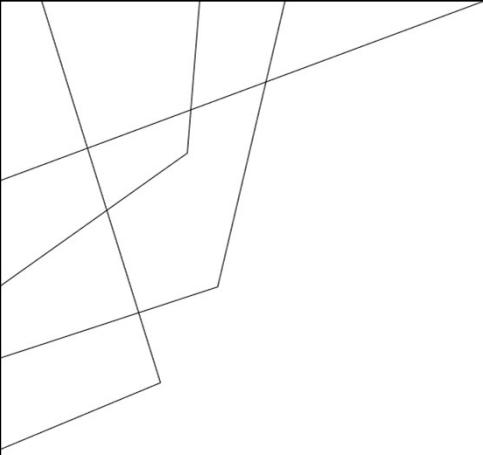
Parental leave still stands at 4 months. 2 of these months may not be transferred to the other parent and will be paid in order to encourage uptake from men.

Each MS is able to make 'the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed 1 year'.

Employees will be able to request flexible uptake, MSs must adopt measures to facilitate this.

Employers are required to consider and respond to such requests, 'taking into account the needs of both employers and workers, and they shall justify any refusal of such a request in writing within a reasonable period following submission of the application'.

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## CARERS' LEAVE

A new carers' leave of 5 days per year.

The directive does not stipulate that leave must be paid. MSs may determine additional details regarding the scope and conditions of carers' leave in accordance with national law or practice.

On implementation of the directive, Member States 'may allocate leave over a reference period other than a year, per person in need of care or support, or per case'.

PURPOSE

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## FLEXIBLE WORK ARRANGEMENTS

Parents and carers of children up to the age of 8 have the right to request flexible working arrangements (reduced or modified hours or teleworking).

At the end of the period of leave, they must be able return to the same or an equivalent job and their original working-time arrangements.

Employers have to consider and respond to requests for flexible working arrangements within a reasonable period of time, taking into account the needs of both the employer and the worker – and they are required to justify any refusal or postponement of such a request. Member States may decide whether this right is subject to a period of work qualification or a length of service qualification, which shall not exceed six months.

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## TIME OFF IN FAMILY URGENCIES

For urgent family cases (accident or illness) in which the immediate presence of the parent or carer is indispensable, the worker may take time off work.

This right was already provided for by the directive on parental leave.

PURPOSE

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## IMPLEMENTATION

Directive expressly provides for the obligation of Member States to lay down in their national legislation **penalties** for employers that infringe the relevant provisions.

Member States must communicate by 2 August 2027 information to the European Commission on the implementation of the Directive.

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## IMPLEMENTATION

Workers who exercise their right to take leave or to request flexible working arrangements enjoy protection from dismissal and any preparatory steps for a possible dismissal on the grounds that they have applied for such leave or that they have exercised their right to request such flexible working arrangements in accordance with the case law of the **Court of Justice, (Case C-460/06 (12))**.

Workers who consider that they have been dismissed on the basis that they have exercised such rights should be able to ask the employer to provide substantiated grounds for the dismissal. Where a worker has applied for, or has taken, paternity leave, parental leave or carers' leave as referred to in this Directive, the employer should provide the grounds for dismissal in writing

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## EU MEMBERS ' NEW LAWS OF WORK LIFE BALANCE

### SLOVENIA

The future legislation includes also the status of a 'Caregiver of a Family Member'. Aims to formally acknowledge the family caregiver who lives in the same household. They will receive partial income replacement, have the right to 14 days of respite care per year, will be covered by social insurance and will receive training and professional advice, also via a care diary (which also aims to keep track of working hours and leisure).

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## BIBLIOGRAPHY

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3. EUROPEAN NETWORK OF LEGAL EXPERTS IN THE FIELD OF GENDER EQUALITY (2015), Parental Leave Directive 2010/18 Implementation of in 33 European

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