



**FAMILIES ON THE EDGE  
BUILDING A  
COMPREHENSIVE  
EUROPEAN WORK-LIFE  
BALANCE REALITY**



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# EXECUTIVE SUMMARY

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Europe is living a number of deep transformations, which have been systematically avoided until now. Demography and the ageing population, youth unemployment and skills mismatch, waste of the professional potential of women and a labour market that seems to be more interested in preserving the status quo, trying to fit contemporary society into an old mould instead of having the courage of rethinking itself, promoting a renewed pact based on protection, rights and trust.

COFACE Families Europe believes it is time to move forward and, as it happened with the green economy, to start thinking in terms of a “reconciliation economy” where economic actors are measured also on the social impact they have in their community. Moreover, there is a clear link between reconciliation policies and poverty: the more we allow families to reconcile, the less workers will drop out of the labour market and the less families will be at risk of poverty because of a reduced available income.

On the policy side and in line with this vision, reconciliation policies should not be seen as benefits for young parents but a right for everyone, a review and improvement of the working environment in order to improve the working conditions and well-being of all employees and workers, as well as a contribution to the productivity of the company.

To realise this, we need a holistic and coherent European Package

of legislative and non-legislative measures. This would not translate into a flat and homogeneous set of rules imposed on the European continent but a more complex combination of measures, including legislation (but not only) that would allow room for local and national diversity in its application. The aim is an upward convergence towards an inclusive and sustainable growth in the EU based on a fairer economy.

## The key principles on which this vision is based are the following:

- Reconciliation measures as a safety net for all families, regardless of the ethnicity, migrant background, disability or socio-economic status of its members
- Involvement of men and fathers: reconciliation aims at gender equality but it is not a women’s issue only
- Life course perspective: reconciliation legislation and policy has to respond to the needs of all generations

We believe the best way to operationalise the vision, paving the way to achieve a reconciliation economy and society, is through a policy mix of legislative and non-legislative measures, based on three main pillars:

✓ RESOURCES

✓ SERVICES

✓ TIME

✓ The first pillar is availability of resources for families. This pillar is made of a number of elements that can all support working families to have decent living standards that would allow them to live in dignity and avoid the risk of poverty.

✓ Next to the pillar of available resources, another extremely important area making it possible for families to reconcile their work with family, care and private life is an adequate provision of care services.

✓ The third and last pillar is time in work organization, meaning both leave schemes and flexible working arrangements. Leave schemes refer to periods of time off from work for employed parents or other relatives and flexible working arrangements can take different forms like job sharing, tele-work, smart work, compressed working hours, possibility to swap shifts among employees... Having access to generous, flexible and paid leaves, plus flexible working arrangement can be very beneficial for allowing workers to better reconcile their work, family and personal life.

In this paper, we detail our demands for leave schemes, as an urgent legislative set of measures to be taken at EU level:

## MATERNITY LEAVE

COFACE Families Europe calls for a revision of the Maternity Leave Directive, to extend length, increase pay and increase protection of women when they return to work. However, this seems beyond feasibility in the current EU political climate. Nevertheless, there are areas where change is feasible and a response at EU level could stop at the source the numerous discriminations that happen across Member States. To this end, COFACE Families Europe calls for the Directive to be amended to ensure that:

- Employers have to guarantee the same or an equivalent job to women returning from maternity leave as regards the salary and the responsibilities/duties on the job
- Employers have to guarantee a protection against dismissal for 6 months after return from maternity leave, reasons for dismissal must be given in writing and the probationary period for newly returned workers extended to twelve months in order to avoid potential indirect discrimination.

## PATERNITY LEAVE

COFACE Families Europe calls for the introduction of an EU paternity leave directive, of two weeks fully paid to be taken in the first month of birth of baby or adoption of a child under 12 months. Paternity leave must not be transferrable. In the event of stillbirth, fathers or mothers' partners should be entitled to the same amount of leave. In cases where the father or the mother's partner is not present (e.g. single mothers, transnational families, father not living with the mother..), this provision should be transferred to another relative chosen by the mother.



## PARENTAL LEAVE

COFACE Families Europe believes that parental leave must be extended for parents to take for each child up to the age of 12 years old. An extra prolongation should be granted to those families with children with disabilities or long-term illnesses. In these cases, parents should be allowed to use parental leave provision also for their children above 12 years old. In case of adoption the same rights should apply. If the child lives with a non-biological parent, may it be a foster parent, the mother's/father's (new) partner, he/she should be entitled to enjoy parental leave provisions. Parental leave should be for a period of at least 6 months per parent per child, to be taken full time, part time, or needs based. Parental leave provision must be remunerated at minimum 70% of previous income or at sick leave level. Parental leave is an individual right and to support fathers in taking their leave period, the principle of "take it or lose it" must be applied. COFACE Families Europe calls for the leave period to be distributed in 3 blocks, one allocated specifically to one parent (mother or father), another to the other parent and a third to be taken as the family chooses, by any or both of the parents. Employers must inform and support fathers taking up their paternity and parental leaves.

## CARERS' LEAVE

COFACE Families Europe calls for the introduction of a EU Directive on carers' leave based on some key principles: Carers' leave should be paid at least at the level of sick leave and carers should have the choice to take the leave full-time, part-time or based on specific needs. Short-term and long-term leaves should be provided, to fulfill the needs of the person cared for. The person in need of care should be allowed to choose his/her carer, and this person should be entitled, even if he/she is not a first degree relative or family member at all to access the carers' leave scheme. Carers leave should not be categorised with other career breaks, such as leaves for further education, personal development, etc. Special awareness raising actions should be initiated to promote men's take up of carers' leave

# A VISION FOR A RECONCILIATION ECONOMY AND SOCIETY

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Europe is living a number of deep transformations, which have been systematically avoided until now. Demography and the ageing population, youth unemployment and skills mismatch, waste of the professional potential of women and a labour market that seems to be more interested in preserving the status quo, trying to fit contemporary society into an old mould instead of having the courage of rethinking itself, promoting a renewed pact based on protection, rights and trust.

COFACE Families Europe believes it is time to move forward and, as it happened with the green economy, to start thinking in terms of a “reconciliation economy” where economic actors are measured also on the social impact they have in their community. Every action has consequences and every economic activity has an impact on employees and their families, their need or use of services like childcare, their habits and time organisation. Ultimately, this has an impact on the community where these families live, driving demand and influencing change in the offer. Imposing long and unpredictable working hours, for example, could lead families to incur unbudgeted expenses, sometimes very high, for extra childcare or other care services, if available at all. In the long run, this could invert the balance and make work not pay enough and induce the second earner, often the women, to drop out of the labour market to care for children or other family members in need of care. This, however, does not have to be a vicious circle but become an opportunity of investment that could benefit companies, workers and their families. To make this change happen, it is necessary to start considering the social impact of economic actors and rebuild a new pact based on mutual trust, protection and rights. The social

impact would need to be measured and companies with a low or positive social impact on employees and the community could be awarded with incentives, including fiscal ones.

On the policy side and in line with this vision, reconciliation policies should not be seen as benefits for young parents but a right for everyone, a review and improvement of the working environment in order to improve the working conditions and well-being of all employees and workers, as well as a contribution to the productivity of the company.

This would not translate into a flat and homogeneous set of rules imposed on the European continent but a more complex combination of measures, including legislation (but not only) that would allow room for local and national diversity in its application. The aim is an upward convergence towards an inclusive and sustainable growth in the EU based on fairer economy.



**THE KEY PRINCIPLES  
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- Reconciliation measures as a safety net for all families, regardless of the ethnicity, migrant background, disability or socio-economic status of its members
- Involvement of men and fathers: reconciliation aims at gender equality but it is not a women's issue only
- Life course perspective: reconciliation legislation and policy has to respond to the needs of all generations

# A RECONCILIATION POLICY MIX: RESOURCES, SERVICES, TIME

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We believe the best way to operationalise the vision, paving the way to achieve a reconciliation economy and society, is through a policy mix of legislative and non-legislative measures, based on three main pillars:

## ✓ RESOURCES    ✓ SERVICES    ✓ TIME

To make reconciliation policies work, they must be a policy combination that consider families in their diversity and stop seeing work-life balance as a privilege and a benefit for young parents or managers. Reconciliation must work as a safety net for all families and individuals across their life cycle: supporting younger generations who are caught up in precarious situations and older generations who are, on the other hand, forced to be the financial and care supporters for the rest of the family. There is a clear link between reconciliation policies and poverty: the more we allow families to reconcile, the less workers will drop out of the labour market and the less families will be at risk of poverty because of a reduced available income.

The first pillar is **availability of resources for families**. This pillar is made of a number of elements that can all support families to have decent living standards that would allow them to live in dignity and avoid the risk of poverty. There are a number of elements that can contribute to this end and, in this case as well, it is the combination or the possibility to access several of these elements that enables families to have decent economic resources. Taxation and family fiscal policies are in the hands

of Member States and the power of the EU can be limited. Moreover, these instruments are a reflection of the culture and history of countries, and national governments use these policies to express their vision, design the society they want within their borders. However, even without entering into details or comparing national systems, it is important to recall some of the transversal elements that make, or can make, the difference for families in terms of economic resources:

## Labour related income: access to decent wages and tackling the gender pay gap

All workers should have access to decent wages. Non-standard and precarious forms of employment like zero-hour contracts, on call jobs, mini jobs, abuse of temporary contracts, bogus self-employment reduce employment security and can have a direct and concrete impact on families. Lack of secure minimum wages in some countries can affect the ability of families to live in dignity and force them into economic instability. Women continue to be less included in the labour market in comparison to men and the gender pay gap remains at 16,7%

throughout Europe (Eurostat, 2016). This disparity discourages an equal share of household work, deepening the segmentation between a male, white-collar dominated labour market and a female labour market with a wide use of part-time, short-term and/or precarious contracts in low-paid sectors with lower salaries. Women tend to have less access to in-work training, which constrains their career opportunities and locks women into low-wage sectors and lower positions in companies' hierarchies. In the context of the recent crisis, female employment has actually even decreased in terms of the number of hours worked. (Eurostat, 2016)

### HOW TO MAKE THE DIFFERENCE?

- Labour related income: access to decent wages and tackling the gender pay gap
- Fairer and more equitable tax systems
- Removing implicit bias also from indirect taxation (e.g. VAT)
- Income Support: benefits and allowances

## Fairer and more equitable tax systems

Tax and benefit systems should be gender neutral: they should provide broadly similar financial incentives to work and the same level of coverage to all individuals, independently of gender and marital status. However, some of the measures that may look gender neutral are, on the contrary, gender blind, and affect men and women differently. The OECD (2012), in a study covering 30 countries over the period 1980-2007, confirmed that higher tax rates on secondary earners (generally women) reduce their labour force participation. This is because the degrees of progressivity and joint/individual tax systems are key factors in defining whether second earners will be returning to work from inactivity (e.g. time spent caring for children/elderly out of employment) or increasing their work hours. (European Commission, 2015). The European Commission also in its Taxation Paper (2013) reiterated that "second earners sometimes face specific disincentives to returning to work from inactivity or to increasing the number of hours worked. Such disincentives are to some extent due to the benefits system, but taxes often play an important role". A higher tax-burden on secondary workers may therefore have a negative effect on their employment outcomes. Considering that second earners are mainly women, it is important that local, national and EU budgets consider the impact that any economic and fiscal measure can have on women and men, mainstreaming gender equality across their decisions.

## Removing implicit bias also from indirect taxation (e.g. VAT)

Indirect taxation and consumption taxes have no explicit gender bias because it applies in relation to the sale of a certain good or service. However, saying it does not have an explicit gender or family bias is not equivalent to being gender or family neutral. They may have, indeed, implicit bias. The VAT rate applied to a certain product or service, for example, can bear direct effects on women and families. (COFACE 2012, IMF 2016) For instance, applying reduced VAT rates on childcare items, such as diapers, has no impact on the internal market but can bring real benefits to families. Many childcare items, such as diapers, clothing and shoes, feeding bottles and soothers, strollers and child bicycles are necessity goods that can cumulatively have a significant impact on the budgets of families in the first few years of family life.

## Income Support: benefits and allowances

Child and family benefit and any other form of income support given to families to enable them to face a number of expenses (e.g. high costs of childcare, school books and other materials, medical and healthcare costs for children, elderly or family members with disabilities or affected by chronic illnesses...) constitute an important measure for families. These instruments vary largely from country to country and we will not, in this paper, detail all possible measures. However, it is important to recall that all families, without discrimination, should be able to access the income support they need. Families with a low income or (temporarily) in a vulnerable situation

(e.g. migrant background, presence of family member with disabilities or support needs, living in a remote area...) should receive extra ad hoc support.

Next to the pillar of available resources, another extremely important area making it possible for families to reconcile their work with family, care and private life is an **adequate provision of care services**. Childcare services have for a long time been considered a strategic instrument to promote reconciliation and allow women to re-enter the labour market after the birth of a child, as well as having positive outcomes on the social and health development of children. On the other hand, provision of long term care for elderly family members and persons with disabilities has not been seen as a priority and included in the broader framework of initiatives to support families to reconcile their work and care responsibilities. With the current demographic trends, the ageing population, the increase in dual earner households with dual care needs (for children and older parents), the time to create a plan for care services provision has come.

## Childcare

At EU level the so-called Barcelona objectives aimed to increase the availability of childcare facilities. They were set in 2002 by the European Council: “[...], to provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age, and at least 33% of children under 3 years of age”. EU-SILC data from 2013, three years after the due date for the achievement of the objectives, show that only nine Member States met the objective of 33% coverage rate for children under three years of age in 2013, and eleven met the objective of

90% coverage rate as regards children between three years old and the mandatory school age. (EU-SILC 2013).

Despite a slow improvement of availability, in most countries, parents’ needs for available childcare places are not being met. There are two dimensions to this aspect, on the one hand each child should have the right to a place if the family needs one (universalism), and on the other the type and opening hours of the service must also be differentiated enough to cater for the needs of parents and ensure the well-being of the child (taking a two-generation approach to childcare). Promoting the development of a single type of childcare provision like nurseries/crèches that are often only open during «standard» office hours is nowhere near enough since they do not offer care schemes for unpredictable working hours and are therefore not meeting the needs of a substantial part of the parents. A more comprehensive list of types of childcare was published by COFACE Families Europe in 2014 in its [policy position on ECEC](#).

Availability is closely linked to accessibility and all facilities must be accessible. Families living in rural or remote areas or with a child with disabilities should not be discriminated against and should be entitled to the same right to childcare. The lack of early childhood care and education (ECEC) may lead to institutionalisation of children from a young age, and have devastating long-term effects, including the risk of poverty and social exclusion. Moreover, childcare must be affordable and its costs should not be an obstacle for the family to find a childcare place locally. Public authorities must ensure sufficient available places for families who need them.

Measures to help vulnerable families gain access to childcare should in no way compromise the quality of childcare. It must be emphasised that formal childcare cannot be just a sort of formalised child minding or babysitting service that merely enables parents to work but it has an important role to play in child development. Therefore, quality of service and staff training and qualifications are of a pivotal importance (EPSU, 2016)

Finally, when designing ECEC services, it would be appropriate to consider two-generation programmes, engaging children but also their parents. These offer long-term perspectives and solutions for social, employment, economic challenges, and must form integral parts of any investment related strategies. They are also examples of service coordination that promote social inclusion and maximise the results of active inclusion programmes.

COFACE Families Europe believes that the EU should put in place adequate measures to meet parents' demands for childcare. Moreover, to set the pace for a full coverage of childcare facilities, there should be an upward revision of the Barcelona targets and constant monitoring of progress through the EU Semester. If the EU launches a European Child Guarantee in the near future, it should include an objective on childcare. Finally, ECEC should be adequately funded under the current European Structural and Investment Funds (namely under the social and health infrastructure objectives of the European Regional Development Fund), and made a key priority under the new programming period post-2020.

## Long-term care

The EU does not have a regulating framework for long-term care, nor objectives to be achieved as for childcare. However, in 2013 the European Commission published a document on "Long Term Care in ageing societies"; in its Social Investment Package. In this staff-working document, long-term care services are described as "a range of services and assistance for persons who over an extended period of time are dependent on help with basic activities of daily living (ADLs) and/or instrumental activities of daily living (IADLs)". (European Commission, 2013)

Families are greatly affected by current social and demographic changes, such as the growing ageing population, changing family structures, the situation of intergenerational families, or women's increased participation in the labour market. When service provision is lacking or inadequate, the full responsibility of caring for an elderly parent or a family member with disabilities falls on families, and very often to women within the family (COFACE, 2015; EYF, 2016; ESPN, 2016; EuroFound, 2016). Leaving family carers to provide all the care for dependent elderly people, or their relatives with disability, undermines the social inclusion (poverty risk), health (physical and/or mental exhaustion) and gender equality (most family carers are still women) of these families. However, COFACE Families Europe believes the services provided to families and their vulnerable members must move away from institutional forms of care, towards community-based and home-based packages of support services to ensure that people with support or care needs can choose to stay close to their families and communities. As part of the European Expert Group on the Transition

from Institutional to Community-based Care, COFACE Families Europe is advocating for the investment in community-based services that would provide person-centered support, instead of maintaining institutional forms of care. This is in line with legislation on the European Structural and Investment Funds which includes a requirement (ex-ante conditionality 9.1) for Member States to have a strategic policy framework for the shift from institutional to community-based care ([EU regulation 1303/2013](#)).

The provision of community-based services has to be considered an investment and not only a response to a need but also a prevention safety net for individuals and families. Finally, COFACE-Disability published the European Charter for Family Carers in 2007 (currently under review), a reference tool for promoting the reconciliation of family and working life by allowing the person with care needs and the carer too make informed choices, providing them with adequate financial compensation, as well as social rights and benefits (pension, respite care and more).

The third and last pillar to be considered is **time in work organisation**, both as leave schemes and flexible working arrangements.

Leave schemes refer to time off from work for employed parents or other relatives to stay at home and look after a new-born, a baby, an older child, or an ageing or disabled family member. The generosity of leaves (length and level of payment during the leave) varies greatly across the European Union, and this variety has its roots in the history, culture, ideology and economics of the different countries, as well as the role and place of women and men in society.

Leaves are still often ground for discrimination and despite existing legislation on the protection of pregnant workers, women continue to be discriminated on the grounds of childbirth (ILO, 2015). The perception of women as potential pregnant workers is one of the reasons why younger women, in comparison to younger men, find it harder to enter the labour-market or find a quality job.

Carers who return to the labour market from their caring responsibilities face significant challenges in finding a job in line with their qualifications, given that the labour market tends to penalise non-work periods very quickly. Unemployment agencies and life-long learning facilities have to offer these women a tailor-made path to work, including the possibility to follow a training with qualifications after long carer's leaves in order to allow women to reintegrate the labour market. In some countries, these facilities are only available for formerly unemployed workers, not for people reintegrating the labour market after a family break, reducing women's possibilities to find employment after a leave period.

Leaves are still taken predominantly by women, because of economic and societal reasons. Men should be encouraged, by law, policy or practices at the workplace to take up more leaves in order to rebalance the disparity and trigger a positive change. This will have a long-term impact on women's employment but also on children and other family members in need of care and support. Ultimately, this will promote a culture of more equal share of care responsibilities within the family.

A description of leave schemes will be presented in the next section of this paper as an urgent legislative set of measures to be taken at EU level.

**Table 1. Reconciliation Policy Mix**

Reconciliation Pillar	Measure
<p><b>RESOURCES</b> ensuring decent living standards</p>	<ul style="list-style-type: none"> <li>■ Labour related income: access to decent wages and tackling the gender pay gap</li> <li>■ Fairer and more equitable tax systems</li> <li>■ Removing implicit bias also from indirect taxation (e.g. VAT)</li> <li>■ Income Support: benefits and allowances</li> </ul>
<p><b>SERVICES</b> adequate provision of care services</p>	<ul style="list-style-type: none"> <li>■ Affordable, accessible and quality childcare services for children below 3 years, and between 3 and mandatory school age</li> <li>■ Affordable, accessible and quality community-based long-term care services based on person-centered support packages</li> </ul>
<p><b>TIME</b> support for organising working time</p>	<ul style="list-style-type: none"> <li>■ Adequate family leave schemes (maternity, paternity, parental and carers' leaves)</li> <li>■ Flexible work arrangements (job sharing, telework, smart work)</li> </ul>

Flexible working arrangements can take different forms like job sharing, tele-work, smart work (see also COFACE Families Europe policy brief on [smart work](#)), compressed working hours, possibility to swap shifts among employees... and are proven to be beneficial for the employees, and also for the company as it encourages employee loyalty, increases dedication and reduces turn-over. (OECD, 2016)

Legislation has a primary and essential role to ensure that all workers can benefit from proper reconciliation measures, but a significant and complementary role can be played by workplace agreements and initiatives. These, building on strong sectorial or national agreements, can be tailored on the context of the company and be able to respond to specific needs of employees. Moreover, the involvement of employees and their representatives is crucial to design the most appropriate measures that avoid transforming flexibility measures into full employee availability for the company. Participation in planning of measures is also key to avoid further hitting the most vulnerable workers (those non-unionised, on short-term and precarious contracts...).

Reconciliation measures are key to make women access but also stay in employment. Keeping women in employment, together with increasing flexibility for men and women can have an impact on both an increased share of household work done by men (around 40% of men would like to have the possibility to work shorter hours) and an increased share of women in quality jobs (EuroFound, 2012)

Finally, flexible working provides benefits for all and arrangements should not serve only working parents or workers with care responsibilities but

should be designed and made available to all workers, regardless of their gender or family status (COFACE, 2015).

When presenting work arrangement it is, however, also important to recall part-time work: by far the most widespread form of non-standard work, with nearly one in five workers working part-time in the EU-28 in 2015 (Eurostat, 2016), most part-timers being women.

Eurofound suggests that part-time jobs are on average of low quality, predominantly in traditionally female professions and do not support career progression. In particular, part-time workers are in general doing more basic and lower paid work than full-time workers, define themselves as working below their potential and are at a disadvantage in terms of access to training and development opportunities (EuroFound, 2012).

Therefore, part-time work is not a bad thing per se but it must be accompanied by provisions that would ensure the quality of part-time jobs and the possibility for a worker to request (and obtain) to move from a part-time into full-time employment and not only from full-time to part-time.

# AN EU LEAVES PACKAGE: AN ESSENTIAL FIRST STEP

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**Our vision for achieving reconciliation for families includes providing a role for Europe to ensure consistency of policies and services across countries, firmly guided by the long-term goals on “gender equality and work-life balance” put forward in the framework of the European Pillar of Social Rights.**

Leaves are one part of the bigger framework that would enable families to reconcile work, family and private life, together with access to quality and affordable services and adequate financial resources. The four leaves presented below (maternity, paternity, parental and carers' leaves) are essential to ensure protection and respond to families' needs along the life cycle. Families are diverse and each family is a living entity and has needs of its own, that change over time, together with the life of its members. While it is crucial to provide for support during some very defined transition times, like childbirth and early childhood, it is important to recall that there may be other transition phases, during childhood or even adulthood where families may require support and time. These may range from support to children during adolescence, a separation or an accident in adulthood, to the need of care of an elderly parent. Therefore, leave schemes should encompass this complexity and be one of the tools on which families can count all along their lives. Being able to create a safety net around families, using also leave schemes is one of the major and urgent challenges the EU and Member States have to face, as the ageing society is no longer a myth but a vivid reality in Europe.

## To be able to respond to the needs of families, leave provisions must be:

contract is growing and – while designing policy to revert this trend – it is crucial to cover all these workers with regulated leave benefits, to avoid an even greater discrimination.

### Dissociated by the employment status or type of employment

All workers, including self-employed, workers with atypical or temporary contracts and unemployed must be entitled to the same rights as employees with standard contracts. Periods of leave should not count as weeks of unemployment for the calculation of benefits and for any other unemployment requirements. The number of workers with an atypical

#### LEAVE PROVISIONS MUST BE:

- Dissociated by the employment status or type of employment
- Flexible: full-time, part-time or needs based
- Adequately paid
- EU level legislative measures
- Accompanied by service provision, and not an alibi for not creating the service infrastructure
- The right balance to offer time to families and not to exclude from the labour market

## **Flexible: full-time, part-time or needs based**

A person entitled to a parental or carers' leave must be free to choose to take his/her leave period altogether or in fractions, full-time, part-time or needs based. Allowing workers to take their leave part-time (regular reduction of working hours for a given period) or based on their needs (with a procedure for requesting the leave regulated nationally, by sector or at company level by social partners) will produce a win-win situation. Workers will be able to better balance their care and parent responsibilities and employers will have a reduction of "emergency" requests for days off and reduced turnover due to long absence of staff.

## **Adequately paid**

A leave period, to be an effective reconciliation measure, must be adequately paid to encourage workers with care responsibilities to stay in the labour market. Poorly (or non-) paid leaves will only lead to the counter-productive effect of pushing people, especially women, out of the labour market or into "unwanted" part-time employment from which they will have a hard time to escape to go back to full-time. Adequately paid leaves are also a powerful instrument to promote gender equality and close the so-called "care gap". Until leaves will not be

adequately paid, families will continue to choose which parent will take time off only based on the family economy and trying to reduce at the minimum the income loss deriving from the leave. Therefore, since women continue, in average, to earn less than men, poorly paying leave periods is an indirect policy measure to induce families not

to share equally and /or choose freely how to share leaves. Moreover, only if adequately paid, leaves will constitute a reasonable solution for single parents or families on a low income, because if leaves are not paid or not paid enough, single parents and families on a low income will not be able to bear the income reduction.

## **EU level legislative measures**

Common EU legislation is the most suitable option to ensure that all families in Europe can have access to (at least) the same standards in terms of leave provisions across countries. Bearing in mind national differences present in the European Union, it is nevertheless possible to state that legal measures have a clear impact on choices of families in terms of leave uptake (especially for fathers) and the mere existence of leaves and father's quota are more important than national or family tradition and culture in today's Europe. Furthermore, research findings on variation in adoption of workplace work-family arrangements show that when the development of work-family arrangement is left mainly to the market, employers often do not counterbalance the absence of public provisions. On the other hand, regulatory measures (e.g. EU level legislative measures), help create a climate in which the possibility of reconciling work and family is perceived as a right and an entitlement. This is not only in accordance with the EU Charter of Fundamental Rights, but also helps create an environment in which also employers may look for ways to positively respond, raising standards and proposing more favourable conditions.

## **Accompanied by service provision, and not an alibi for not creating the service infrastructure**

Culturally, across the EU, Member States have adopted different models, with different durations and balances among maternity and parental leave for mothers and fathers. Furthermore, the Barcelona objectives are still, for the majority of Member States, to be achieved. Long leave schemes and economic incentives for parents to care for their own children must not be used as an alibi for Member States not to build, upscale and ameliorate care services across their country.

## **The right balance to offer time to families and not to exclude from the labour market**

To be effective, leave schemes must strike the right balance in length, payment and coherence among all leave schemes. While allowing families to have time to care for their children, elderly and relatives with a disability is fundamental, it is also true that staying out of the labour market for too long can reduce future employment possibilities, especially for women.

Adequately paid generous provisions become very manageable if taken part-time or on a needs base, they reduce the risk of exclusion from the labour market, promote the take up of leaves from fathers as income loss will be reduced and allow companies to have a stable working force. Increasing access to quality and affordable services will also complement the care needs of families and it would also support the transition of a high number of

undeclared care workers towards formal employment.

Finding the right balance is challenging but crucial, this is why, to avoid useless, and dangerous trade-offs, the principle outlined above becomes the cornerstone for a fair and integrated policy development.

## Current EU legislation

Maternity leave is regulated in the EU with Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. This Directive provides for the obligation of at least 14 continuous weeks of maternity leave, two weeks of which are compulsory before or after childbirth.

In 2008, the European Commission proposed an amendment to the above mentioned directive, extending the duration of leave from 14 to 18 weeks. The revision also included that preparations for a possible dismissal during the period of leave would be prohibited, aligning with the case of of the European Court of Justice. The European Parliament adopted the proposal in the first reading in October 2010, extending the leave period to 20 weeks, introducing a non-transferable period of 2 weeks for fathers and increasing wage replacement to 100% for 16 weeks. The Council of the EU, despite its obligations and a number of calls from the European Parliament and Civil Society, never discussed the proposal, that stalled until 2015, when the European Commission decided to withdraw it. Therefore, the applicable legislation is still the Directive from 1992 (92/85/EEC).

# MATERNITY LEAVE

## Current implementation in Member States

Duration: the average maternity leave duration in the EU Member States is 23 weeks: the shortest corresponding to the Directive in force, 14 weeks, and the longest 58,6 weeks.

Germany and Sweden (14 weeks), Slovenia and Belgium (15 weeks), the Netherlands, Spain, Luxembourg, Latvia, France and Austria (16 weeks), Finland (17 weeks), Romania, Malta, Lithuania, Denmark, Cyprus (18 weeks), Italy, Greece, Poland and Estonia (20 weeks), Hungary (24 weeks), Czech Republic (28 weeks), Croatia (30 weeks), Slovakia (34 weeks), Ireland (42 weeks), United Kingdom (52 weeks - of which a part can be transferred to the father), Bulgaria (58 weeks). (European Parliament data 2016)

Payment: allowances during maternity leave are, in around half the Member States, conditional upon previous employment or payment of social security. A few countries apply a flat rate and /or a decreased fraction along the duration of the leave. (Eurofound 2015 - data)

## WHAT COFACE FAMILIES EUROPE STANDS FOR

Maternity leave is a break from employment taken by mothers just before and after childbirth to protect maternal and infant health and safety. Maternity leave provisions should be granted to all women, employed, self-employed or unemployed.

Duration of the leave must cover periods necessary to ensure the health and safety of the mother and the baby, before and after childbirth. COFACE Families Europe believes that a reasonable duration would be 20 weeks minimum. This duration is what we believe necessary for the period immediately preceding childbirth and for full recovery from delivery. However, mothers should be able to choose whether to return to work earlier, either full-time or part-time.

In cases of pre-birth pregnancy complications, the time off work should not be taken off from the total amount of maternity leave, but considered to be sick leave or incapacity for work. In the case of the birth of a child with disabilities, mothers should be entitled to an additional 8 weeks of maternity leave, while in the event of still-birth, women should be entitled to 8 weeks maternity leave.

Women who breastfeed beyond the maternity leave should be encouraged and permitted to do so by adjusting working conditions or by granting a prolonged maternity leave.

The parent adopting a child under 12 months should be entitled to the same rights and conditions for maternity leave as biological parents.

The minimum pay during the leave period should be set at at least 85% of the last gross salary and the amount calculated based on the last full month's salary for the total length of the leave period. For those women who are not in employment, a minimum financial provision should be set.

Beyond duration and pay, there are other areas of the current legislation that would require urgent modification, because they are a source of continuous discrimination across Member States. Therefore, the Directive should be amended to ensure that:

- Employers have to guarantee the same or an equivalent job to women returning from maternity leave as regards the salary and the responsibilities/duties on the job
- Employers have to guarantee a protection against dismissal for 6 months after return from maternity leave, reasons for dismissal must be given in writing and the probationary period for newly returned workers extended to twelve months in order to avoid potential indirect discrimination.

# PATERNITY LEAVE

## Current EU legislation

There is no legislation on paternity leave at EU level.

## Current situation in Member States

23 Member States offer paternity leave. Cyprus, Czech Republic, Germany, Ireland and Slovakia do not have paternity leave.

Duration of paternity leave offered varies considerably, from 1 day in Italy to 64 days in Slovenia. The average is 12,5 working days.

17 out of 23 Member States that offer paternity leave, have allowances of 100% of previous income. All Member States that offer up to 7 working days have an allowance of 100% of previous income. (European Parliament 2015, data)

In Belgium, Denmark and the UK where allowances are paid by the employers and the State, in Croatia, Greece, Luxembourg, the Netherlands and Romania employers are responsible for the full payment of the leave benefits. In the other Member States, paternity leave benefits are paid by the national social security systems. Paternity leave is, in the majority of Member States, voluntary.

## WHAT COFACE FAMILIES EUROPE STANDS FOR

to the still-existing stigma linked to men taking breaks from work to care for children or persons in need of care.

COFACE Families Europe calls for an EU paternity leave directive, of two weeks fully paid to be taken in the first month of birth of a baby or adoption of a child under 12 months. Paternity leave must not be transferable.

Concerning the payment of paternity leave, COFACE Families Europe believes that it should be paid from a minimum of the equivalent of maternity leave to 100% of previous income. Data from the research department of the European Parliament and from Eurofound indicates that 17 out of 23 Member States that offer paternity leave have allowances of 100% of previous income and that all Member States that offer up to 7 working days have an allowance of 100% of previous income. Based on this data, COFACE Families Europe feels that the expenditure needed to ensure that the 10 working days is fully paid for all fathers, would be economically and financially feasible.

Paternity leave is a break from work generally available to the fathers or mothers' partner, usually to be taken soon after the birth of a child, and intended to enable the father or mother's partner to spend time with his/her partner, new child and older children and take up a bigger part in the household, while the mother recovers from giving birth. In cases where the father or the mother's partner is not present (e.g. single mothers, transnational families, father not living with the mother..), this provision should be transferred to another relative chosen by the mother. In the event of stillbirth, fathers or mothers' partner should be entitled to the same amount of leave.

Being away from employment because of the birth of a child is still too often linked only with maternity and there is still a stigma in taking days off work for paternity (and later parental) leave. Younger generations of men are expressing a higher interest in spending time with their children and being more active with their house and care responsibilities (Eurofound, 2012). However, the take-up of paternity leave by fathers is still low, due also

# PARENTAL LEAVE

## Current EU legislation

Parental Leave is regulated in the EU by Directive 2010/18/EU, that repealed Directive 96/34/EC and implemented the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC. This Directive states that all workers, irrespective of their employment contract, are entitled to parental leave of at least four months for the birth or adoption of a child. The Directive, however, does not set a minimum amount of pay for the leave period.

## Current situation in Member States

Because of the existing EU legislation, all 28 EU Member States have statutory provisions for parental leave, however, duration and pay varies significantly across the Union.

**Duration:** the average number of weeks for parental leave for both parents combined is 86,9. The shortest is in Cyprus with 18 weeks and the longest in Greece (public sector only) with 208,7 weeks. In a number of countries, the duration depends on the uptake of the other parent, meaning that if both parents take their individual shares, an extra period of leave is made available (European Parliament, 2015).

**Payment:** the average compensation rate of previous income during parental leave is at 50%. 7 Member States (Cyprus, Greece, Ireland, Malta, the Netherlands, Spain and the UK) do not offer any allowance. 6 Member States (Austria, Belgium, France, Luxembourg, Poland and Slovakia) offer a flat rate payment, ranging from 139EUR in Poland to 1778 EUR in Luxembourg (European Parliament, 2015).

**Fathers take-up:** there are no harmonised and comparable data on the take-up of leaves by fathers. Eurofound suggests, from national data collection, that the take-up rate is increasing in most Member States, but still generally quite low (Eurofound, 2015). The European Parliament, from a collection of national data, estimates that the average percentage of fathers who take up parental leave in the EU is 10,1%. Eurofound links low rate of take-up from fathers to a number of factors, intertwined: information about the leave, duration, compensation and pay disparities among women and men and flexibility.

Stigma and attitudes of the workplace towards men taking leave also play a role. In data from the OECD Family Database, show the distribution of responses to the question «Consider a couple who both work full-time and now have a newborn child. Both are in a similar work situation and are eligible for paid leave. How should this paid leave period be divided between the mother and the father?» (2012).

## WHAT COFACE FAMILIES EUROPE STANDS FOR

Parental leave is a break from work, that can be taken altogether or in fractions, for parents with children under a certain age. Currently, EU legislation allows parents to take the leave until their child is 8 years old. COFACE Families Europe believes that parental leave must be extended for parents to take for each child up to the age of 12 years. An extra prolongation should be granted to those families with children with disabilities or long-term illnesses. In these cases, parents should be allowed to use parental leave provision also for their children above 12 years old. In case of adoption the same rights should apply. If the child lives with a non-biological parent, may it be a foster parent, the mother's/ father's (new) partner, he/she should be entitled to enjoy parental leave provisions.

In terms of duration, parental leave should be for a period of at least 6 months per parent per child, to be taken full time, part time, or needs based. Single parents should be entitled to decide whether they want to take the full leave provision for both parents or designate a person who could take up the share of parental

leave normally allocated to the second parent, in order to avoid having to stay out of the labour market for too long if they do not want to.

COFACE Families Europe calls for the leave period to be distributed in 3 blocks, one allocated specifically to one parent (mother or father), another to the other parent and a third to be taken as the family chooses, by any or both of the parents.

Moreover, to promote a more equal share of care responsibilities and to avoid women staying out of the labour market for too long if they do not want to, parental leave should be an individual and non-transferable right. To support fathers in taking their leave period, the principle of "take it or lose it" must be applied and employers must inform and support fathers in taking up their paternity and parental leaves.

The minimum level of payment of parental leave should be set at European level and should serve as an adequate replacement of previous income of at least 70% of the monthly gross earnings or at sick leave level. Adequate income replacement has a positive correlation with take-up rates (OECD, 2016). With an average gender pay-gap at 16% in the EU, an adequate paid leave will also increase the chances of men to take up their leave period without fearing an excessively high impact on the family economy.

# CARERS' LEAVE

## Current EU legislation

There is no legislation on carers' leave at EU level. Under the Parental Leave Directive (2010/18/EU) there is a limited and insufficient right to take time off on grounds of force majeure for urgent family reasons.

## Current situation in Member States

In general, many EU countries allow parents to take long term leave, as "extra leave time" to care for children with disabilities. However, the rights of carers of adults with disabilities and of ageing relatives with complex support needs are less developed than those for parents of children with disabilities. The recent study by the European Social Policy Network (ESPN, 2016) for the European Commission "Work-Life balance measures for persons of working age with dependent relatives in Europe" shows how countries have different approaches in supporting carers and how the level of support greatly differs across Europe.

Duration: regarding the length of leave, the ESPN report refers to three main trends:

1. Countries providing both short-term and long term leave (AT, BE, DE, DK, ES, FI, FR, HR, HU, IE, IT, MT, PT, RO, SE, SI, SK) where short term can vary from a couple of days to a couple of weeks and long term from a month to more than a year;
2. Countries providing only short term leave (BG, CZ, CY, EE, EL, LT, LV, LU, PL) allowing care of a sick person regardless of the sickness related reason. It can vary from a couple of days to 2-3 weeks. In some

countries (e.g. EE, LT, LV) the carers' leave is only to care for children and where it is also provided to care for adults, its duration is shorter.

3. Leave schemes of unspecified duration (e.g. NL, SE, UK). In the UK, for example, the duration is left up to a negotiation with the employer.

Pay: many countries provide both paid and unpaid leaves. Generally, where payment exists, it is based on previous earnings and it is set around 70-80%, sometimes with a ceiling. Some countries pay short-term leaves at a rate of 100% of previous earnings (e.g. ES, IT, LU, SI) and others apply a flat rate payment or calculate the payment on the basis of sickness benefits.

Availability: some countries allow the carer to take the leave in a fragmented way, for instance a couple of days every month or over a long period of time, whereas other countries require the leave to be taken all in one go.

## WHAT COFACE FAMILIES EUROPE STANDS FOR

all offer a better balance between work, private life and caring duties. Men's involvement in family and caring responsibilities is key to achieving gender equality.

Therefore, COFACE Families Europe calls for an EU Directive on Carers' leave based on some key principles:

With the ageing population in Europe and an increasing number of women belonging to the so-called "sandwich generation" (caring for both grandchildren and older parents), a concrete response to the need of carers and families can no longer wait. However, it is undeniable that the approaches and features of support for carers across the EU greatly differ. As a first step it would be necessary to put forward a system that would be strong enough to provide protection and support to carers and their families, but also be flexible enough to allow national differences to temporarily exist while moving toward an upward welfare convergence.

With an eye to the life-cycle of families, this must be an EU initiative that would lay down standards for recognition of unpaid care work in order to increase gender equality and deliver more uniform protection for workers. For carers, such leave schemes would enable a better compatibility between their paid work and care responsibilities, to prevent long-term unemployment, isolation, and therefore it would improve their well-being, reduce stress and above

- Carers leave should be paid at least at the level of sick leave;
- Carers should have the choice to take Carers' leave full-time, part-time or based on specific needs and short-term and long-term leaves should be provided, to fulfill the needs of the person cared for;
- Choice of carer: the person in need of care or support, should be allowed to choose his/her carer, and they should be entitled, even if they are not first degree relatives or family members at all, to access a carers' leave scheme;
- Carers leave should not be categorised with other career breaks, such as leaves for further education, personal development, and other;
- Special awareness raising actions should be initiated to promote men's take up of carers leave.

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**Join us.** If you would like to join or support our European movement, now is the time. Brussels welcomes you with open arms!



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