



New social rights, consolidation of existing social rights, and some missed opportunities: COFACE's assessment of the Work-Life Balance Directive

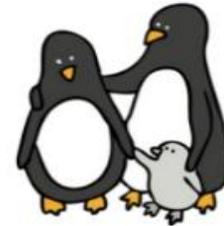
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Barcelona, 8th May 2019

Outline

- I. Background and state of play
- II. Assessment of the Directive
- III. Next steps: guidelines for transposition

EU work-life balance
directive
OUR ASSESSMENT



#IwantWorkLifeBalance

#wlbDirective



I- Background: Road full of hurdles

- COFACE has supported the notion of WLB **for all**, tackling the stereotypical vision of “traditional” roles in parenting and caring.
- Equality between women and men, and sharing of family care responsibilities can only become a reality through comprehensive policies based on a mix of R-S-T to support families and give them the chance to have real options for WLB
- WLB Directive covers aspects of:
 - **Time**: family leaves and FWA
 - **Resources**: through adequate payment for certain leaves
 - Paves the way for **Services**

COFACE's work

- Technical: 50+ meetings in 2018 (with MEPs, political groups, NGOs). Drafting of proposals for Ams to Rapporteurs and 5 political groups.
- Communication: #IwantWorkLifeBalance, campaign(6 key actions since October)
- [VIDEO #IwantWorkLifeBalance](#)

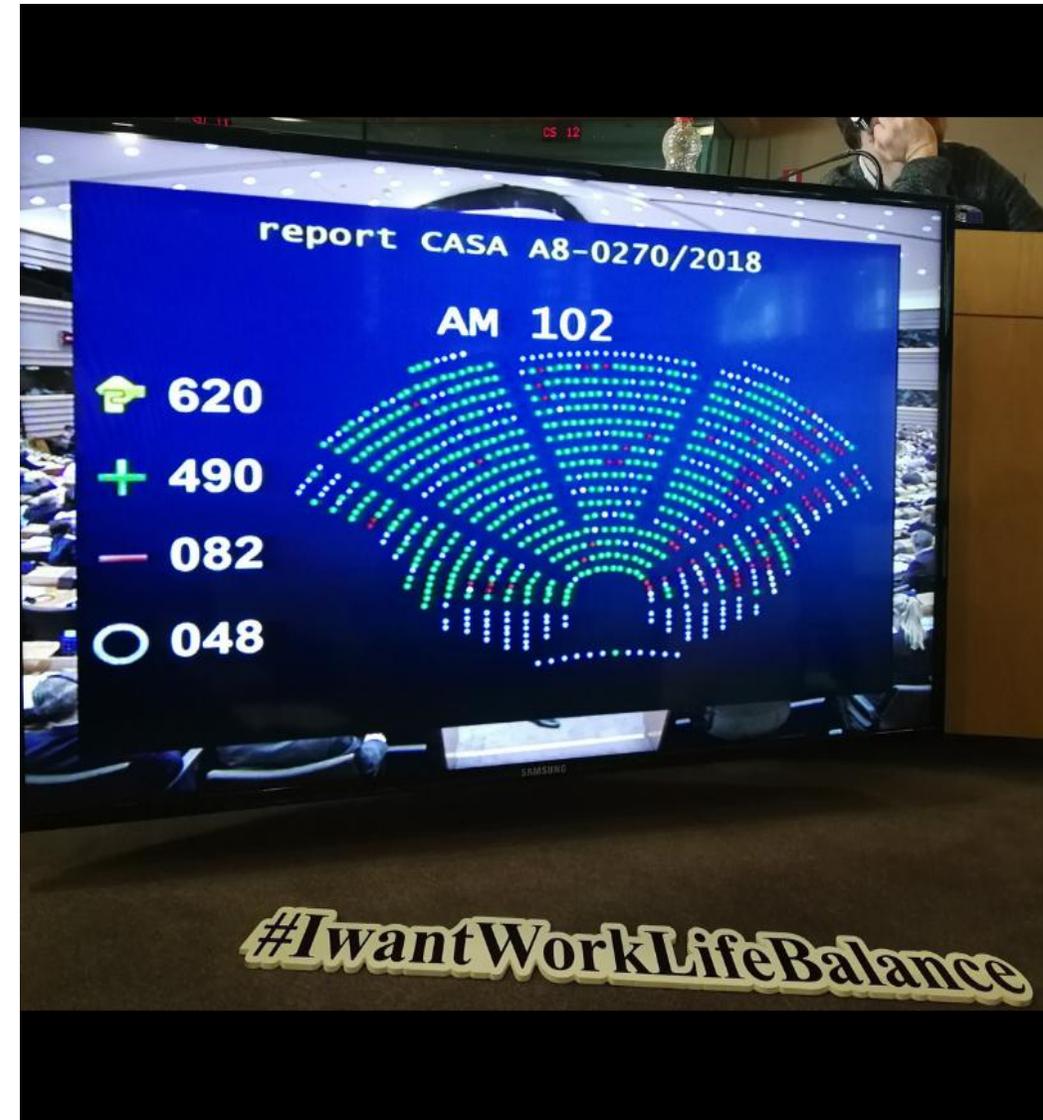
8 MARCH INTERNATIONAL WOMENS' DAY
THE MARCH OF THE PENGUIN



#IwantWorkLifeBalance

#IWD2018

- **June 2018:** Council adopted its position. Trilogues lasted 5 months
- **24th January 2019:** Council and Parliament reached an agreement on the Directive
- **February 2019 :** COREPER endorsed the agreement on the Directive
- **4th April 2019:** the Parliament adopted the Directive with a landslide majority
- **13th June 2019:** Council is expected to formally adopt the Directive



WHAT WILL THE NEW DIRECTIVE IMPROVE?

	CURRENT EU LAW	IMPACT OF THE NEW DIRECTIVE
Paternity Leave 	No minimum standards for paternity leave at EU level.	<p>Working fathers will be able to take at least 10 working days of paternity leave around the time of birth of the child.</p> <p>Paternity leave will be compensated at least at the level of sick pay.</p>
Parental Leave 	<p>At least 4 months per parent, out of which 1 month is non-transferable between parents.</p> <p>No minimum rules on allowance/payment.</p>	<p>At least 4 months per parent, out of which 2 months are non-transferable between parents. Parents can request to take the leave in flexible forms (full-time, part-time or in a piecemeal way).</p> <p>The 2 non-transferable months of parental leave will be compensated at a level set by Member States.</p>
Carers' Leave 	No minimum standards for carers at EU level (except "force majeure" allowing to take short time off for imperative and unexpected family reasons).	All workers will have the right to 5 working days of carers' leave per year.
Flexible Working Arrangements 	<p>Right to request reduced and flexible working hours upon return from parental leave.</p> <p>Right to request part-time work for all workers.</p>	<p>All working parents with children up to at least 8 years old and all carers will have the right to request the following flexible working arrangements:</p> <ol style="list-style-type: none"> 1. reduced working hours 2. flexible working hours 3. flexibility on the place of work

II- Assessment of the Directive

A- Strengthening European values

- First legislative proposal that follows the launch of the European Pillar of Social Rights
- Different definitions are aligned with legal texts that the EU has subscribed + in line with **gender equality, social inclusion, diversity and non-discrimination**
- Right to paternity leave which takes account of one-parent families, recomposed families and rainbow families with the inclusion of “*equivalent second parent*” **acknowledgement of family diversity in the 21st century**
- Specific measures for families in vulnerable situations. This should be further operationalized in the transposition of the Directive in national legislation





B- New European standards for paid family leaves

1- PATERNITY LEAVE

- No period of work qualification is required to access this right. However, the payment may be made subject to previous employment but not more than 6 months (Art.8.1)
- MS can determine if the leave can be taken in “*flexible forms*” + inclusion of the notion of “*equivalent second parent*”
- Sick pay level is a good benchmark but special attention should be paid in transposition into national legislations. Recital 30 encourages MS to align paternity leave on maternity leave payment levels in line with COFACE’s position
- *Well-paid paternity leave*: EC defines it with ~~with~~ at least 66% of previous earnings

2- PARENTAL LEAVE



- Extends from one to two non-transferable months of parental leave, paid at **adequate level** (determined by MS). However, requirement of a **length of service of up to one year**  reduction of eligibility (eg: young people and workers with low job stability)
- This mix should boost women's employment rate and father's involvement as carers.
- **Missed opportunity:** Directive does not refer to a European payment threshold !!!
- **Introduction of adequate minimum standards of income replacement and non-transferability are essential measures to promote men's uptake of leaves.** Number of fathers taking a leave period is still very low. Two key reasons for the latter: **social & economic**
- Uptake of parental leaves is uneven throughout Europe (Eurofound report)
- Need for adequate payments of parental leave to encourage workers to take the leaves



3- CARER'S LEAVE

- Recommends extending the rights available to care for **siblings and grandparents** (Recital 27), as well as mother/father, son/daughter, spouse/partner + **Greater flexibility**
- However, this part of the Directive falls short of COFACE expectations:
 - 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 base on specific needs
 - COFACE expected for an extension of the number of days carers' leave beyond 5 & on an adequate payment threshold for all MS
- **Rec. 29-31**: clear guidelines to **encourage adequate payments of the leaves**, which could have positive impacts for families in vulnerable situations + promoting a more gender-balanced use



C- Employment rights & Flexible work arrangements (FWA): a change in work culture ahead?

- Both are an essential part of achieving Work-Life Balance
- The Directive maintains and extends workers' rights + enlarges the possibilities to request FWA:
 - extension of the rights to working carers (not only to working parents)
 - Working parents have the right to request FWA until the child reaches the age of 8
- MS can define the conditions and the reference period to access to this right (eg: introduction up to 6 months qualification period)
- Types of FWA are not mentioned in the Articles but the Recitals explicitly mention **potential FWA which can be taken in flexible forms, in blocks, reduced working time, remote working arrangements, part-time etc.** (Recitals 19, 21, 34)

- The Directive reinforces workers' rights during the different leaves by protecting them against any potential change in the national laws, abuse from employers, discouragement or any kind of possible lowering condition when they return to their jobs positions, especially to women.
- The Directive introduces penalties or disincentives to actions which could jeopardise these rights (non-discrimination, asking for justification in case of potential abuse from the employer) **in writing**
- COFACE regrets limits of Directive: does not include the **obligation for employers to respond in time and in writing to the employee in relation to FWA.**

D - Derogation clauses: flexibility for countries with higher standards

- The Directive goes in the right direction but COFACE's expectations have not been fully met: missed opportunity to have harmonized welfare standards to pave the way for a truly European Social Union. Only minimum requirements for Europe's families and lack of harmonization of the payment levels for the leaves across the EU.
- **1-Recital 49 & Art.20.7:** flexibility for countries which have significantly higher standards in duration and payment of family leaves. Some countries will be able to take from existing leaves in order to meet minimum requirements of the Directive, without changing their systems
- **2- Article 20.6:** this clause provides derogations in relation to paternity, parental and carers' leave. Member States still retain flexibility in how these thresholds are to be met. This will require further country-by-country assessment.



III- Next steps: Guidelines for transposition to consolidate national policies and legislation

- Commission will publish the Directive on the Official Journal after the Council adoption (around the first half of July). **The Directive will then be formally adopted**, and will entry into force 3 weeks after the publication in the Official Journal.
- Following the adoption, national governments will have to transpose the Directive into national law in the **following 3 years**. However, MS are granted **2 additional years** to implement the last 2-week payment of parental leave
- Member States are obliged to provide the Commission, at latest **8 years from the entry into force of the Directive, a thorough report**

1- Boost investment in services to families as a complementary measure

- Families need adequately paid leaves but they also rely on **care services** every day
- The implementation of measures for working carers in line with the Directive is an opportunity to review existing policies on long-term care

2- Recognise the diversity of families and their needs

- COFACE encourages national legislators to insert the notion of “equivalent second parent” into national legislation via the transposition of the Directive. Support all families without discrimination.



3- Adequate payment of family leaves

- Payment of leaves is a key element to ensure non-discrimination based on economic conditions of the family and also to rebalance the gender uptake of the leaves
- If leaves are not paid, only those who can afford it will take them or, in family economy, the person who earns less will take up the leave to minimise income loss

4- Raise awareness of these new social rights in the media and the role of the EU

- Highlight that the EU strives to support families in their daily lives through strengthened and new social rights which allow them to keep their employment and income

5- The role of social partners

- National social partners have a key role to implement efficient measures and monitor reconciliation measures in workplaces (Recital 50)
- Promotion of best practices and exchanges across countries will be an important contribution for effective reconciliation between professional and private life policies, with support to incentivise SMEs (especially micro-businesses) to promote WLB policies for their employees.

6- EU funding programmes to support innovation and upward reforms

- The non-legislative measures in the WLB package published by the EC in 2017 include **10 broad EU policy actions**, including the use of EU financial instruments like the ESF and the ERDF to support services which includes:
 - Helping family childcare facilities and training
 - Supporting the WLB of young parents
 - Boosting investments in community-based services and independent living of persons with disabilities
 - Respite care for family carers





7- Monitoring and reporting

- Commitment in the Directive to close monitoring by the EC the Directive implementation which requires national governments to collect data on the take-up of leaves and FWA.
- The EC is also expected to further research:
 - Interaction between leaves provided for in this Directive and other types of family-related leaves such as adoption leave
 - Carry out a study on the rights to family leave granted to self-employed persons
- COFACE will continue measuring progress of the implementation of the Directive through the **EU Semester, with strong CSR** to the countries that fall below the minimum requirements + **creation of the WLB Index** as a powerful tool to better monitor MS



Work-life balance part 2: Services for parents and carers

A blue-tinted photograph of President Juncker speaking. He is wearing glasses and a suit. The background is blurred, showing other people in a large hall.

PRESIDENT JUNCKER,
STATE OF THE UNION ADDRESS,
9 SEPTEMBER 2015

“We have to step up the work for a fair and truly pan-European labour market (...). As part of these efforts, I will want to develop a European Pillar of Social Rights, which takes account of the changing realities of Europe's societies and the world of work. And which can serve as a compass for the renewed convergence within the euro area...”

European Pillar of Social Rights

Principle 2:

Gender equality

Equality of treatment and opportunities between women and men must be ensured and fostered in all areas, including regarding participation in the labour market, terms and conditions of employment and career progression.

Principle 9

Work-Life Balance

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.

Principle 17:

Inclusion of people with disabilities

People with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs

Principle 11:

Childcare and support to children

‘Children have the right to affordable early childhood education and care of good quality. Children have the right to protection from poverty. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities.’

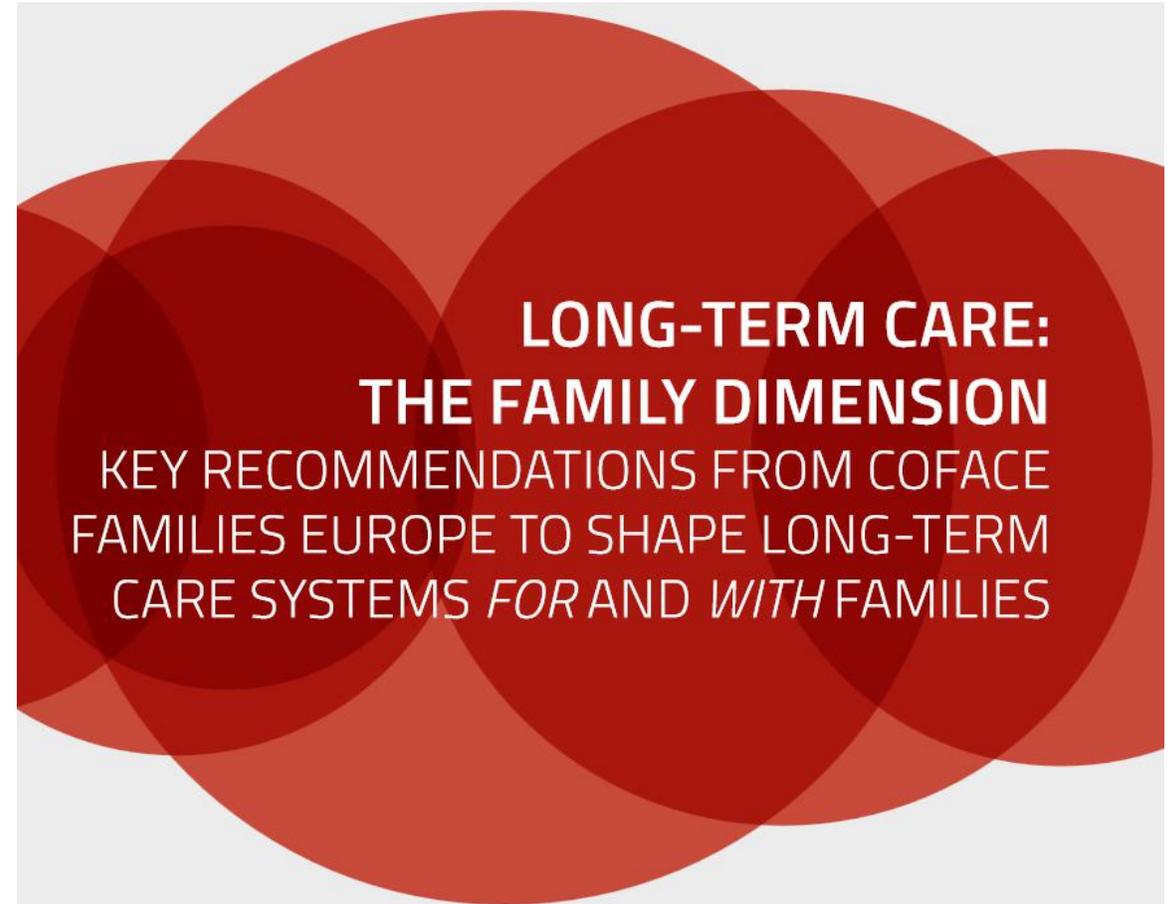
Principle 18:

Long-term care

Everyone has the right to affordable long-term care services of good quality, in particular home-care and community-based services.

Long-term care

- I. COFACE actions on LTC
- II. The challenges and needs of family carers
- III. Recommendations at EU and national level





16 EU countries

1060 answers

27% providing care for more than one person

85 % women aged 35-64

1 every 3 providing care for 56+ hours/week

73% is receiving no financial compensation for their caring work

31% receiving no help in their caring tasks

1 every 3 having an hard time to make ends meet and feeling social isolation

PREFERRED FORMS OF SUPPORT: in-home nursing care, repiste, personal assistance

Person-centred flexible solutions



'Combining work with family care is very complicated. There is a rejection and a total incomprehension for the situation you are suffering from'

'I've lost my job because of the disability of my son'

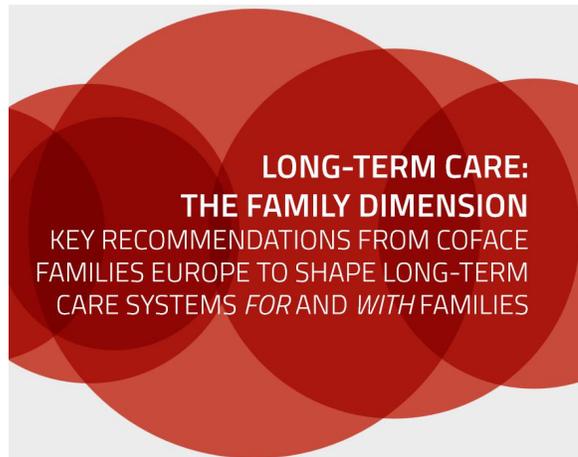
'There's nothing for self-employed, your life is completely suspended and you have no schemes or rights.'

'No job, no recognition from the State, therefore there isn't any remuneration'

'Caring for a person should be regarded as a REAL job even if it is done with LOVE'

'Policy makers must take us seriously, without us, everything collapses'

'The conditions in which my house is, due to the fact that I cannot work and don't have money, seriously contributes to the deterioration of my health'



RECOMMENDATIONS AT NATIONAL LEVEL

1. Provide access to community-based services
2. Right to choice
3. Health prevention
4. Legal recognition and social security
5. Work-life balance policies to address care penalty
6. Improve the working conditions of the long-term care sector
7. Administrative changes to improve access to informations and support
8. Involvement, inclusion and awareness-raising

RECOMMENDATIONS AT EUROPEAN LEVEL

1. Driving policy reform towards a more holistic long-term care
2. Adopt and consolidate legal measures to improve the social protection of family carers and of persons in need of care
3. Research and innovation
4. Legal recognition and social security
5. Monitoring and evaluation of national reforms
6. Transformative EU funding investments

Early childhood education and care

- I. Families and childcare.
- II. The childcare we want.
- III. ECEC2030 Roadmap.



AN EU DEAL FOR
CHILDCARE

I. Families and childcare

- Families rely on care services every day, for a number of different purposes.
- They are crucial for their chances to reconcile the different aspects of their lives such as family, work, care, leisure, education.
- Scarcity of childcare is a common reason for mothers to reduce their paid work.
- Multiple benefits of childcare services: positive impact on child education, healthy development, and social inclusion; and enables carers (often women) to participate in the labour market.
- Childcare part of family policy and support systems.

Childcare part of 21st century family policies

In COFACE's vision, a **reconciliation economy and society** can be achieved by developing family policies around three dimensions:

- Access to **Resources**.
- Access to **Services**.
- Access to **Time**.

Relying on 3 principles:

- Reconciliation **for all** regardless of ethnicity, disability, sexual orientation;
- Involvement of **men** and fathers;
- **Lifecourse perspective** for all generations.

Reconciliation policy mix

Reconciliation Pillar

Measure

RESOURCES ensuring decent living standards

- 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

SERVICES adequate provision of care services

- Affordable, accessible and quality childcare services for children below 3 years, and between 3 and mandatory school age
- Affordable, accessible and quality community-based long-term care services based on person-centered support packages

TIME support for organising working time

- Adequate family leave schemes (maternity, paternity, parental and carers' leaves)
- Flexible work arrangements (job sharing, telework, smart work)

Barcelona Objectives

- MS agreed in 2002 on childcare targets to be achieved by 2010. However, due to their non-binding nature, the achievement of these targets (“Barcelona objectives”) was left to the political will of each country. These objectives aimed to provide childcare by 2010 to:
 - At least 90% of children between 3 years old and the mandatory school age
 - At least 33% of children under 3 years of age
- The EC assessed in a 2018 report that the achievement of these targets have been only partially achieved



Link between family care and professional care: Mind the gap

Family care and professional care:

- Family leaves (maternity, paternity, parental)
- Professional childcare

Coordination between both is **ESSENTIAL** to :

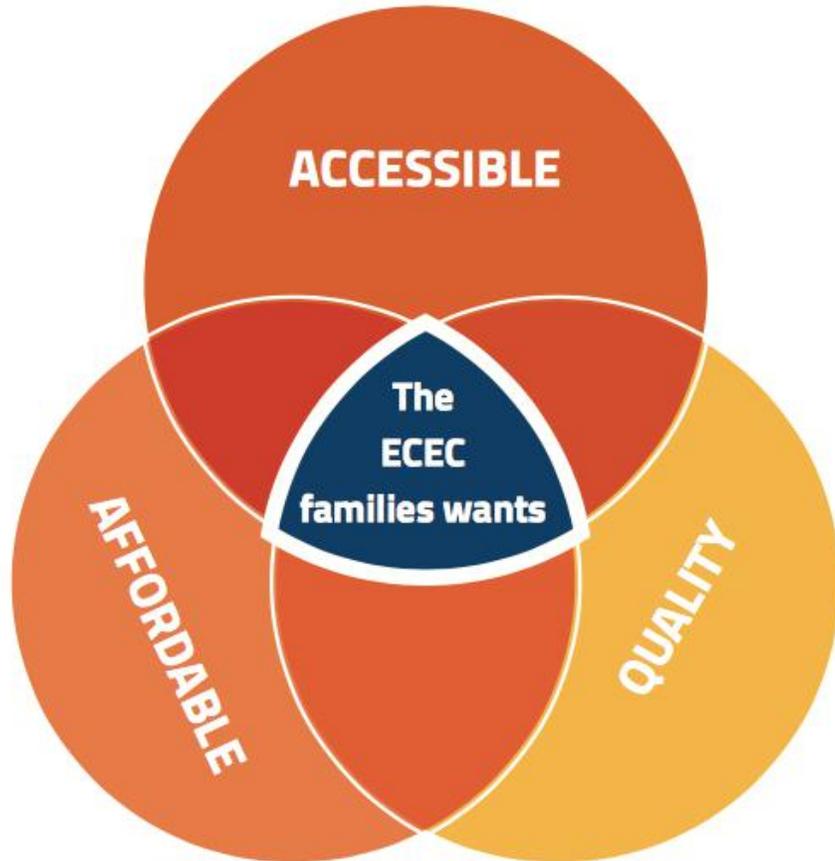
- Early childhood education/care for children.
- Ensure parents are not in a vulnerable position.

II. The childcare we want

Principles:

- Set in a holistic policy framework (RST);
- Two-generation approach: for children and for parents;
- Diverse (emergency, drop-in, multi-purpose, etc);
- Adapted to the emerging realities in the world of work;
- Available for children below 3 years of age;
- Triple measure: for education, social inclusion, employment;
- Accessible, affordable, quality.

Increasing childcare supply is not enough



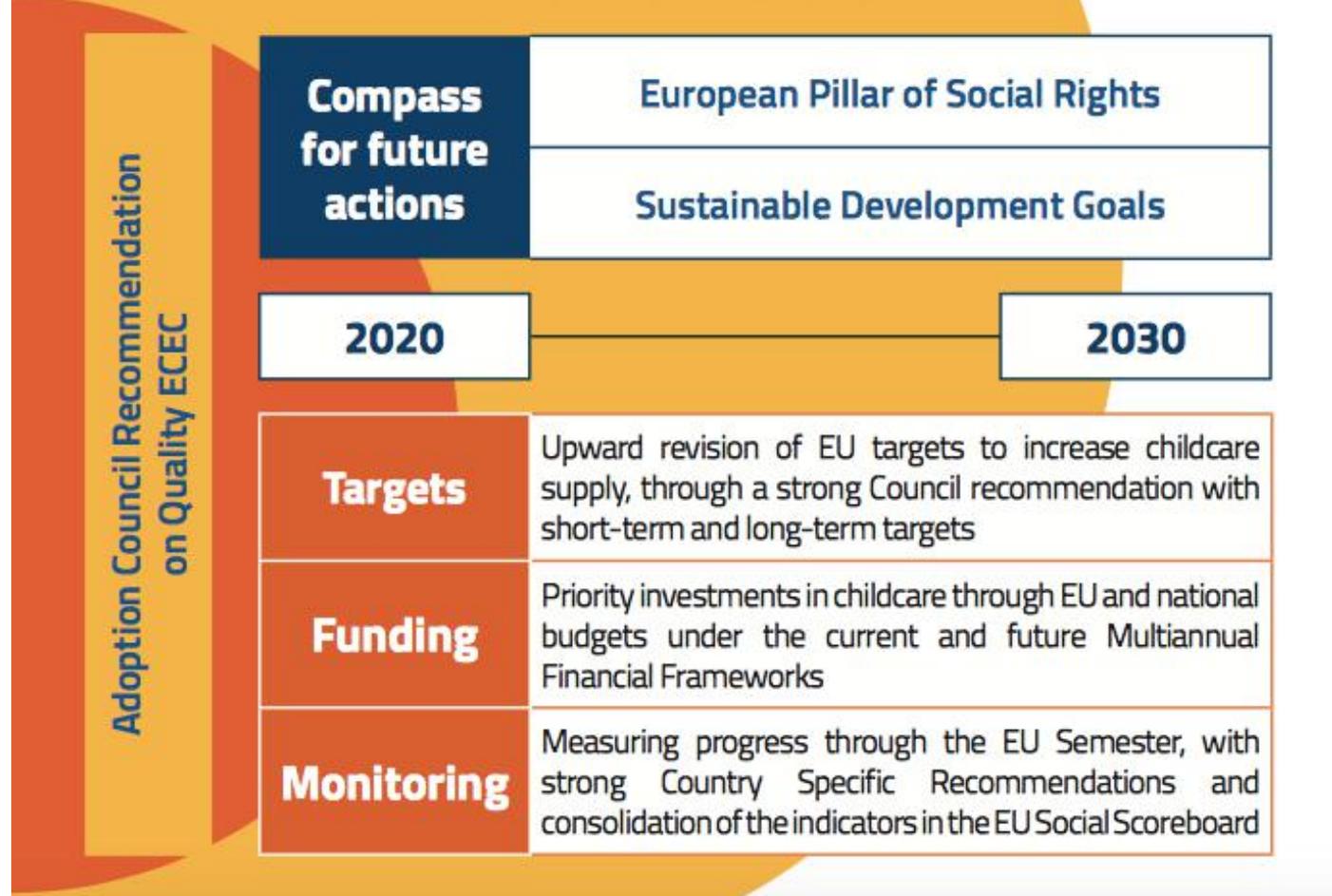
- The service should be **ACCESSIBLE**. Accessibility can be read in two ways: geographic accessibility and under a disability lens.
- The service must be **AFFORDABLE**. If the price parents have to pay is too high, there will be no incentive in using the service, especially if the out-of-pocket component has to be paid upfront and part of it will only be reimbursed via tax benefits.
- The **QUALITY** of the service is essential. No parent will enrol a child into a poor quality service. Many dimensions to quality (trained staff, staff/child ratio, etc)

III. ECEC2030 Roadmap

- Childcare has been present in EU debates for decades, but sadly demands have not yet been met.
- Merging of EU frameworks needed: Barcelona targets, WLB package, Council recommendation on ECEC, Pillar of social rights, MFF
- ECEC2030 mix of policy, targets, funding, monitoring

A new EU deal for childcare

ROADMAP #ECEC2030



Questions...?

