

EU work-life balance directive transposition: A mixed picture

FROM NON-COMPLIANCE AND BASIC MINIMUM STANDARDS TO
AMBITIOUS REFORMS FOR MODERN GENDER-RESPONSIVE
FAMILY POLICIES

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*COFACE Families Europe assessment of the
EU Work-life Balance Directive transposition*

EU Work-life Balance Directive transposition in action: A mixed picture

From non-compliance and basic minimum standards to ambitious reforms
for modern gender-responsive family policies

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I. Introduction to the EU Directive on Work-life balance

COFACE Families Europe, a civil society network of 50+ family organisations spanning 23 countries, intensively promoted and advocated for specific EU measures on Work-Life Balance for years and campaigned over the last decade to EU law makers highlighting the challenges that families and carers face in reconciling their professional and private life. COFACE has supported the notion of work-life balance for all, based on gender-responsive measures that tackle the stereotypical vision of “traditional” and old-fashioned distribution of roles, where women are caregivers and men are the breadwinners.

We have also advocated for an intergenerational approach to work-life balance policies, considering needs across the lifecycle not only of young families (working parents) but also adults with ageing parents or family members with disabilities (working carers). Measures addressing these needs are essential to achieving the 2030 Sustainable Development Goals, especially goals 1 (no poverty), 3 (health and well-being) and 5 (gender equality).

Moreover, the importance of time for families should be underlined, as lack of time and stress are correlated. Many people find it difficult to strike a balance between work and family demands, with proven links between Work-Family conflict and burnout factors. These vulnerabilities and challenges of families have been magnified significantly too with the global pandemic bringing all inequalities to the fore (COFACE, 2020).

Equality between women and men, and sharing of family care responsibilities, is a cornerstone of the reconciliation of family and professional life. Of course, this requires a culture shift towards greater family teamwork (which is the focus of the COFACE campaign for the 2022 International Day of Families). But such equality also relies on structural arrangements such as comprehensive policies based on a mix of **Resources, Services and Time** to support families and give them real options for sharing the care and for work-life balance.

The EU Work-life Balance Directive is the first legislative initiative that follows the launch of the European Pillar of Social Rights in 2017, and was formally adopted two years later in 2019.¹ COFACE Families Europe expects high ambitions from the different EU institutions and national governments in the implementation of the European Pillar of Social Rights, as a stepping stone to develop a framework for a more social and fairer European Union. Therefore, the transposition phase of this Directive has been of paramount importance.²

The agreement on the EU Work-life Balance Directive adopted on 24th January 2019 covers aspects of Time (family leaves and flexible working arrangements) and Resources (through the adequate payment for certain leaves) and paves the way for future action on access to Services as we can see today with the EU Care Strategy announced by President von der Leyen on 7th September 2022.³

The directive contains legal elements which acknowledge the diversity of families in the 21st century, for instance with the mention of “equivalent second parent” under the paternity leave article. It provides for

¹ [EU Work-life Balance Directive in all languages](#)

² [Assessment of the EU Work-life Balance Directive \(COFACE, 2019\)](#)

³ [Media statement on the EU Care Strategy \(COFACE, 2022\)](#)

adequate payments of paternity, parental and carers leave, to ensure take-up of leaves and as an anti-poverty measure so workers with care duties do not fear loss of income. The directive also includes a provision of non-transferability of parental leave for fathers, to ensure that they use their right and are able to invest time in family care for their children, hence also promoting gender equality between women and men in care and work.

All EU countries had until 2nd August 2022 to bring into force the laws, regulations, and administrative provisions necessary to comply fully with the Directive.

The transposition process has been an opportunity for the Member States to review national work-life balance policies to ensure they meet the needs of families in the 21st century, based on values of gender equality, social inclusion and nondiscrimination, and boost investment and development of services for families.

Since the outburst of the pandemic, COFACE Families Europe has reinforced its advocacy in this direction, while further emphasizing the need for universally designed measures which support all families while targeting families in vulnerable situations and life transitions, putting ethical considerations, equal treatment and human rights at the core.

This report presents the findings of COFACE Families Europe's transposition assessment carried out together with national experts from 10 Member States representing geographical and welfare mix: Belgium, Croatia, Finland, France, Germany, Hungary, Italy, Lithuania, Poland and Spain. First, the report introduces the objectives of the assessment, presents the methodology, and specifies the scope of the assessment on family leaves (paternity, parental and carers). In the second part, the findings of the assessment are outlined providing a comparative analysis of the transposition in the 10 respective Member States. The third section discusses these findings in a broader social policy context, summarising the most important take-aways from the assessment. Finally, the concluding section highlights COFACE messages and priorities for future EU policy and legislation, providing recommendations in this regard.

II. Assessment objectives and methodology

1. Overview of new EU social rights on work-life balance

COFACE Families Europe positioned itself in 2017 on work-life balance rights for all, through its position paper ‘Families on the Edge: Building a Comprehensive European Work-life balance reality’, with recommendations in the fields of leaves and working arrangements which go beyond the minimum standards of the Directive, and with specific recommendations concerning paternity, parental and carers leaves.⁴ The objective of this assessment is to take a specific look at the transposition process regarding these three leaves. However, it is useful first to give an overview of progress which the Directive brings for social rights in general.

All 27 countries of the European Union are obliged to transpose the new social rights of the directive into their national legislation. Meanwhile many EU neighbourhood countries are finding inspiration in these new standards to drive change and reform in their respective countries, both in public policy and in the workplace.⁵ The Work-life Balance Directive helps working parents and carers by not obliging them to make a choice between their family lives and their professional careers. It sets new and higher minimum standards on family care leaves (paternity, parental, carer) and flexible work arrangements, to create more convergence between EU Member States, by preserving and extending existing social rights.⁶

The table below developed by the European Commission highlights the different benefits of this directive for families, business, governments and the economy.

Citizens	Business	Member States	Economy
<ul style="list-style-type: none"> • The new Directive improves working parents’ and carers’ conditions, and leads to women’s higher employment rate, earnings and better career progression. • Gender pay and pension gaps, as well as women’s exposure to poverty, will be reduced. • Fathers will have more opportunities and incentives to participate in family life. • Caregivers looking after an elderly, ill or disabled relative will be able to take time off from work. 	<ul style="list-style-type: none"> • More women on the labour market will increase the available talent pool. • Skills shortages will be addressed. • Businesses will better attract and retain workers. • Workers will be less absent from work and more motivated, which will improve companies’ productivity. 	<ul style="list-style-type: none"> • Public finances will be more sustainable by reducing unemployment and increasing tax incomes 	<ul style="list-style-type: none"> • Increasing labour supply will boost competitiveness. • Demographic challenges will be addressed by making full use of our human capital.

Source: European Commission.

⁴ [Families on the Edge \(COFACE, 2017\)](#)

⁵ [Key findings: European expert meeting on family friendly workplaces \(COFACE, 2022\)](#)

⁶ [A New Start to Support Work-Life Balance for Parents and Carers \(European Commission, 9 April 2019\)](#)

According to the European Commission's 2021 report on Gender Equality in the EU⁷, the Directive **addresses the unequal sharing of care responsibilities**, the perpetuation of traditional and stereotypical gender roles and gender inequalities in earnings and employment prospects stemming from inadequate family-related leave policies.

As such a requirement, recital 16 of the Directive sets out that by facilitating the reconciliation of work and family life for parents and carers, the Directive should contribute to the Treaty-based goals of equality between men and women with regard to labour market opportunities, equal treatment at work and the promotion of a high level of employment in the Union- an essential measure to prevent poverty of families in the European Union.

Moreover, the Directive sets out the requirement of **adequately paid leaves**. Pursuant to article 8, “such payment or allowance shall guarantee an income at least equivalent to that which the worker concerned would receive in the event of a break in the worker's activities on grounds connected with the worker's state of health, subject to any ceiling laid down in national law.”

To tackle the issue of balancing professional and caring duties, the Directive further includes the requirement for Member States to allow flexible working arrangements for workers. Article 9 states that Member States shall take the necessary measures to ensure that workers with children up to a specified age, which shall be at least eight years, and carers, have the **right to request flexible working arrangements for caring purposes**.

Two years after the agreement on the directive, the European Parliament adopted a Resolution on the Right to Disconnect on 21 January 2022, acknowledging a general shift in work culture due to the pandemic towards more flexible working arrangements. The Resolution takes note of the impact of digital-based telework - particularly accentuated in the context of the COVID-19 pandemic - on the work-life balance of employees exercising care functions, the majority of which tend to be women. The Resolution calls on the Commission to propose legislation to ensure that workers are able to exercise their right to disconnect, and highlights the fundamental role of social partners in identifying and implementing appropriate measures.⁸ In addition, on the 28th June 2022, ETUC, Business Europe, SGI Europe and SMEUnited signed a Work Programme in the presence of European Commission Executive Vice President Valdis Dombrovskis making a historic deal between trade unions and employers to negotiate a legally binding agreement on ‘Telework and right to disconnect’.⁹

⁷ [2021 report on gender equality in the EU \(European Commission, 2021\)](#)

⁸ [Resolution on the Right to Disconnect, European Parliament, 21 January 2021](#)

⁹ [European Unions and Employers sign historic deal](#)

Furthermore, the Directive acknowledges the diversity of families in the 21st century. Recital 37 of the Directive recommends that Member States should consider family diversity: “Member States are encouraged to assess whether conditions for access to, and the detailed arrangements for, exercising the right to paternity leave, carers’ leave and flexible working arrangements should be adapted to particular needs, such as of those of single parents, adoptive parents, parents with a disability, parents of children with a disability or a long-term illness, or parents in particular circumstances, such as those related to multiple births and premature births.” This does not impose a definition of family, but encourages Member States to recognise the diverse realities and needs of families of today while respecting existing national family legislative frameworks.

As well as this explicit reference, family diversity is built into the Directive through different recitals and articles referring to non-traditional family types such as adoptive families, reconstituted families (families with step-parents and step-children), and families with same-sex parents:

- by introducing the right to paternity leave for at least 10 days upon the birth of a child for fathers or equivalent second parents where and in so far as recognised by national law. The Directive also states that the right to paternity leave shall be granted irrespective of marital or family status, as defined by national law and recognises Member States’ competence in defining such marital and family status, as well as establishing which persons are to be considered to be a parent, a mother and a father,
- by setting out the definition of parental leave as leave that can be taken upon the birth or adoption of a child,
- by specifying that Member States should assess the need for adapting parental leave to the needs of adoptive parents, parents with a disability, and parents with children with disabilities or long-term illnesses.¹⁰

Broadly, the EU Work-life Balance Directive has introduced a useful set of minimum standards, integrating work-life balance rights and family care in the EU social and economic agenda. The Directive reinforces the fact that these are minimum standards, and that acquired rights cannot be watered down. “Rights that are already acquired on the date of entry into force of this Directive should continue to apply unless this Directive provides for more favourable provisions.” (Recital 46)

¹⁰ Leave policies and practice for non-traditional families (European Commission, 2019)

2.Spotlight on family leaves: paternity, parental, carers.

Besides COFACE, different partners and civil society organisations are also assessing the transposition of the Directive, including the European Trade Unions, Social Platform, covering different aspects of transposition such as the impact of the Directive on workers' rights.

Hence this assessment focuses specifically on three main rights provided by the Directive: paternity leave, parental leave and carers' leave. Here below the table provides an overview of the key improvements introduced by the Directive in terms of these three family leaves:

Provision of the Directive	Previous EU law	EU Work-life Balance Directive
Paternity leave	No minimum standards at EU level	<ul style="list-style-type: none"> • 10 working days of paternity leave for fathers or equivalent second parents (Article 4) • Remunerated at least at the level of sick pay (Article 8, Recital 30)
Parental leave	<ul style="list-style-type: none"> • 4 months per parent, out of which one month is non-transferable between parents • No minimum standards on allowance/payment 	<ul style="list-style-type: none"> • 4 months per parent, out of which 2 months are non-transferable between parents (Article 5) • Remunerated at adequate level by Member States (Article 8 and Recital 31)
Carers leave	No minimum standards at EU level	<ul style="list-style-type: none"> • At least 5 working days per year, with additional flexibility on how to allocate them (Article 6) • No provisions on remuneration at EU level, but Member States are encouraged to introduce payment or allowance in order to guarantee take-up of the leave (Recital 32)

Families need adequate resources through the access of decent wages to tackle gender pay gap and prevent poverty. In addition, adequately paid care and support services and gender responsive family leave schemes are key to tackle stereotypical vision of roles and to rebalance the gender uptake of leaves and care responsibilities.

The Directive is a step forward in this direction, since it looks at family-related leaves from the perspective of an individual's life and encourages sharing of family leave and flexible working time arrangements among women and men. Therefore, the transposition of the Directive must proceed swiftly ensuring the adequate payment of leaves, regardless of the type of leave (paternity, parental, carers).

The aim of this transposition assessment is to examine how the Directive's standards on paternity leave, parental leave and carers' leave were transposed into national legislation in 10 countries: Belgium, Croatia, Finland, France, Germany, Hungary, Italy, Lithuania, Poland and Spain. This is based on the feedback and expertise of member organisations in the COFACE and COFACE Disability network, : Ligue des Familles, Gezinsbond, UNAF France, UNAF Spain, Vaestoliitto, Step by Step Croatia, NAMS Lithuania, NOE Hungary, AGF, Cofaas Clelia, APF France Handicap, and Share The Care Poland. The selection of countries for the assessment represents a geographical balance, allowing for assessment of the transposition impact in different welfare contexts and traditions.

The COFACE secretariat coordinated collection of information in the 10 countries, while also using existing country reports of the European Equality Law Network and the International Leaves Network. Additionally, key documents like COFACE's policy briefs on the effects of COVID-19 on families, early childhood education and care and recommendations on EU Care Strategy fed into this analysis. Finally, analytical and policy reports of the EU institutions (European Commission, European Parliament) and EU agencies like the EIGE 2021 parental leave database and Eurofound reports on flexible work arrangements were examined.

During the assessment, the secretariat relied on the expertise of COFACE Members in the 10 countries to report on ongoing reforms and validate the information collected, with continuous exchanges on the transposition situation from a national and EU perspective. COFACE Members also published separate assessments on the directive transposition, such as Share The Care Poland¹¹, UNAF France¹² and AGF from Germany.¹³

A national template was used to collect information on the abovementioned leaves, examining not only compliance and transposition of the given article into national law, but also comparing the levels of adequate payment of the family leaves, eligibility criteria for accessing the leaves (based on work status and family type), the possibility to take the leaves in a flexible and piecemeal way rather than in one continuous block, and the possible differences between men and women regarding access to these social rights.

The transposition status is indicated through traffic light colours :

green = fully transposed,

yellow = partially transposed,

red = not transposed.

¹¹ [Recommendations of Share the Care Foundation, July 2021](#)

¹² [Congé parental : à 10 jours de la transposition de la directive européenne « conciliation », où en est la France ? 22 July 2022](#)

¹³ [AGF Statement on the draft law on implementing the EU Work-life-balance directive in Germany, 4 May 2022](#)

III. Transposition dynamics in 10 countries

This section presents the assessment findings in relation to the three key leaves contained in the Directive (paternity leave, parental leave and carers leave), providing different country examples selected from the sample of 10 countries used for the assessment of the transposition.

1. Paternity leave

Article 4 of the Directive introduces the right to ten working days of PATERNITY LEAVE around the birth of the child paid at least at national sick-leave level. No period of work qualification or length of service is required to access this right (Article 4(2)). However, the payment of this leave may be made subject to periods of previous employment (not more than 6 months prior to the expected birth date of the child) as stated in Article 8(2) of the Directive. Member States can determine if the leave is to be taken in “flexible forms” and “partly before or only after the birth of the child” (Article 4(1)). It also includes the notion of “equivalent second parent”, which paves the way to open the eligibility of the leave to the mother’s partner and does not restrict the eligibility to fathers only.

Article 4: Paternity leave

1. Member States shall take the necessary measures to ensure that fathers or, where and insofar as recognised by national law, equivalent second parents, have the right to paternity leave of 10 working days that is to be taken on the occasion of the birth of the worker's child. Member States may determine whether to allow paternity leave to be taken partly before or only after the birth of the child and whether to allow such leave to be taken in flexible ways.
2. The right to paternity leave shall not be made subject to a period of work qualification or to a length of service qualification.
3. The right to paternity leave shall be granted irrespective of the worker's marital or family status, as defined by national law.

According to feedback received from COFACE members, paternity leave has been fully transposed in most countries, but in some countries, the minimum of 10 days paternity was not transposed for the 2nd of August deadline (see table below on transposition status), and reforms are underway to ensure full compliance.

Paternity leave	
Belgium	Transposed
Croatia	Transposed
Finland	Transposed
France	Transposed
Germany	Not transposed
Hungary	Not transposed
Italy	Transposed
Lithuania	Transposed
Poland	Transposed
Spain	Transposed

In **Spain**, paternity leave is fully transposed. It is 16 weeks – equal to maternity leave - well above the minimum 10 days required by the Directive. It is fully paid on the level of 100% of the former salary. There are no specific eligibility criteria as long as the father has correctly paid his social security contributions— for a minimum of 180 working days within the past seven years or 360 total days in his entire professional life. The payment comes from the Spanish government, not the employer, though employers are liable for certain taxes that pertain to the salary, such as withholding taxes. The first six weeks of the paternity leave are compulsory and must be taken immediately and consecutively after the child’s birth, whereas the remaining 10 weeks are voluntary and can be taken non-consecutively during the first 12 months of the baby’s life, which can be extended by one week per child in the case of a multiple birth. An extra week’s leave can also be applied for if the baby is born with a disability or health problems. If the baby is premature or has to be hospitalized for longer than seven days, leave can be extended for up to an additional 13 weeks. Self-employed workers can also apply for 16 weeks’ paternity leave from the government. The leave is no longer transferable between partners, meaning that if one parent decides not to take the leave to care, their partner cannot add those weeks to their own time out of work. Same sex couples are also eligible for paternity leave (for instance two fathers or a mother as equivalent second parent). Same as in the case of heterosexual couples, both parents are entitled to paid leave provided they have both legally adopted the child (or if one of them is the biological parent). Being married to the biological or adoptive parent of a child does not qualify for paid leave. To take the leave, one parent should apply for paternity leave, and the other for maternity leave.¹⁴ It has been announced that both maternity and paternity leave will be increased to 26 weeks as part of the new Families Law which should enter into force in 2023.

Likewise, paternity leave in **Poland** is fully transposed. It is 2 weeks, above the threshold set out by the Directive and fully paid on 100% of the former salary. Self-employed workers are eligible to the leave but in this case the amount of the payment is adjusted to the level of the tax payments for social security. Same-sex couples are not eligible for the leave. Even though the leave is paid at 100% of salary, only slightly more than 50% of fathers in Poland take advantage of paternity leave.

France is compliant with the Directive as well. In November 2020, the French Senate voted to extend paternity leave. As a result, from 1 July 2021, paid paternity leave was expanded from 14 to 28 days, and 32 in case of multiple births. Employers are obliged to grant seven days of paternity leave immediately following childbirth. Under this new paternity leave, the first three days will be fully paid by the company and the remaining days paid by the state. All employees and self-employed workers are eligible to take up paternity leave. Paternity leave is also available for same-sex partners. The pay is equivalent to about 80% of the former salary.

In **Belgium**, paternity leave (literally translated as ‘birth leave’) is 15 working days (up from 10 days following recent reforms) and may be taken within four months after the birth. It does not necessarily have to be taken at once but may, at the worker's choice, be spread over the period of four months from the date of delivery. The leave is fully paid and both employees and self-employed workers are eligible. Birth leave is accessible to both the female and male spouse/partner (equivalent second parent). In terms of remuneration, during the first three days of birth leave, employees shall retain their full remuneration at the expense of the employer. In following days of the birth leave, the employee does not receive remuneration, but an allowance will be paid to the father or equivalent second parent via the payment

¹⁴ [Spain's Progressive Paid Paternity Leave Leads Europe](#)

institutions of the health care and allowances insurance (mutuelle system). The amount of this allowance is set at 82% of the gross salary. As for the self-employed, they need to submit their application for paternity to their social insurance fund before the end of the quarter following the quarter of the birth. Since 20 May 2011, the co-parent, i.e. the worker who falls within the specified scope but who does not have a parent-child relationship with the newborn child of their partner, may also, under certain conditions, in the same way as a father, be entitled to birth leave when their partner gives birth. The minimum standards of the Directive are not only met, but further dynamics are underway for upward reforms since from 1 January 2023, paternity leave will be increased to 20 days in Belgium.¹⁵ In addition, La Ligue des Familles, a Francophone umbrella family organization, is currently campaigning for the extension of paternity leave to 15 weeks.

Fathers in **Italy** are given 10 working days paternity leave in the first five months following the child's birth. The leave is on full pay, and it is compulsory, which goes beyond the mandate of the Directive and is similar to the compulsory nature of paternity leave in Spain and Portugal. The right to leave is granted regardless of marital or family status. The leave is available for employees. Same-sex couples are not eligible.

In **Lithuania** paternity leave is 30 calendar days during the period from the birth of a child until the child reaches the age of one year. The leave is paid on the 77.58 % of the recipient's salary and is available to every parent. There is no requirement for previous length of service and self-employed workers are eligible to the leave.¹⁶

There is no paternity leave in **Germany**, even though both parents can take up parental leave from the birth of the child. Civil society organizations like AGF, the Trade Unions and Caritas Germany are pushing the government for the introduction of 10 days of paternity leave when implementing the Directive in Germany. Even though there have been negotiations on introducing the two-week paid leave for the partner/spouse following the birth of a child, it has been left out from the respective draft law on implementing the Directive.

In **Finland**, as of August 2022, as part of the family leave reform, paternity leave ceased to exist in its original form. Instead, the reform gave both parents an equal quota of 160 parental allowance days. Parents may take leave over several periods until their child reaches the age of two, and they can transfer some of their own leave days to the other parent, other custodian, their spouse or the spouse of the other parent.¹⁷

As of 1st August 2022, a new family law has come into force in **Croatia** which provides paternity leave for fathers for the first time. According to the new law, both employed and self-employed fathers can take 10 working days of paternity leave upon the birth of one child and in case of twins or triplets it is 15 days. The leave is remunerated on 100% of the father's salary. It can be taken simultaneously with maternity leave as well.¹⁸ Same-sex couples are not eligible for the leave.

Hungary is not compliant with the Directive in terms of paternity leave. In general, fathers in Hungary are entitled to 5 working days of paternity leave which is 100 % of father's average daily wage, with no upper

¹⁵ [Congé de paternité et de naissance: y ai-je droit et comment en faire la demande?](#)

¹⁶ Article 20 and 21 of the Law on Sickness and Maternity Social Insurance

¹⁷ [Family leave reform enters into force in August 2022](#)

¹⁸ [Zakon o izmjenama i dopunama Zakona o roditeljnim i roditeljskim potporama \(nn.hr\)](#)

limit on payments. In case of twins, this number is increased to 7 days. Same-sex couples are not eligible for the leave. Regardless of the demand from the Hungarian Trade Union Confederation and political dialogue in the parliament to increase to at least 10 working days in line with the Directive, this new measure is still not in place. According to the legislation plan of the national assembly, the amendment of the Hungarian Labour Code in relation to the prolongation of paternity leave may take place in November which means the parliament can vote about it in December. Hence, the modification may enter into force in January 2023 at the earliest.¹⁹

Many countries have not only transposed the minimum 10 days paternity leave, but have also adopted reforms which go much higher in terms of standards and ambitions (e.g. Spain). In the case of countries which are not compliant, public debate is taking place but it is not always clear at what point they will be fully compliant (e.g. Hungary). For other countries however, paternity leave is integrated into a more general family leave system and the leave is not necessarily to be taken immediately after the birth of the child (e.g. Finland and Germany) – while the leave around birth is offered and well-paid, it is not paternity leave per se and does not promote immediate take-up of the leave around the birth of the child. It is interesting to note that in some countries there are other words used to describe paternity leave, such as “birth” leave. While the Directive does not make it compulsory to implement paternity leave in line with family diversity and for all work statuses, the results above indicate that this leave is accessible to self-employed fathers in most countries and also to equivalent second parents, and further diversity elements such as disability, adoption and single parenthood are also factored into the paternity leave arrangements according to national laws and traditions.

¹⁹ <https://www.vg.hu/vilaggazdasag-magyar-gazdasag/2022/08/januartol-johet-a-tiz-napos-apaszabadsag>

2. Parental leave

As regards PARENTAL LEAVE, the Directive maintains the right of each parent to at least 4 months of parental leave to be taken full-time, part-time or needs-based for each child up to the age of 8 years old.

The definition of parental leave in Article 3 includes reference to adoption: 'parental leave' means leave from work for parents on the grounds of the birth or adoption of a child to take care of that child. However, adoption is not referred to in the paternity leave definition.

Article 5: Parental leave

1. Member States shall take the necessary measures to ensure that each worker has an individual right to parental leave of four months that is to be taken before the child reaches a specified age, up to the age of eight, to be specified by each Member State or by collective agreement. That age shall be determined with a view to ensuring that each parent is able to exercise their right to parental leave effectively and on an equal basis.

2. Member States shall ensure that two months of parental leave cannot be transferred.

3. Member States shall establish a reasonable period of notice that is to be given by workers to employers where they exercise their right to parental leave. In doing so, Member States shall take into account the needs of both the employers and the workers. Member States shall ensure that the worker's request for parental leave specifies the intended beginning and end of the period of leave.

4. Member States may make the right to parental leave subject to a period of work qualification or to a length of service qualification, which shall not exceed one year. In the case of successive fixed-term contracts within the meaning of Council Directive 1999/70/EC with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

5. Member States may establish the circumstances in which an employer, following consultation in accordance with national law, collective agreements or practice, is allowed to postpone the granting of parental leave for a reasonable period of time on the grounds that the taking of parental leave at the time requested would seriously disrupt the good functioning of the employer. Employers shall provide reasons for such a postponement of parental leave in writing.

6. Member States shall take the necessary measures to ensure that workers have the right to request that they take parental leave in flexible ways. Member States may specify the modalities of application thereof. The employer shall consider and respond to such requests, taking into account the needs of both the employer and the worker. The employer shall provide reasons for any refusal to accede to such a request in writing within a reasonable period after the request.

7. Member States shall take the necessary measures to ensure that when considering requests for full-time parental leave, employers shall, prior to any postponement in accordance with paragraph 5, offer, to the extent possible, flexible ways of taking parental leave pursuant to paragraph 6.

8. Member States shall assess the need for the conditions of access to and the detailed arrangements for the application of parental leave to be adapted to the needs of adoptive parents, parents with a disability and parents with children with a disability or a long-term illness.

It extends from one to two non-transferable months of parental leave (Article 5, Recital 20) which must be paid at adequate level in such a way as to facilitate the take-up of parental leave by both parents (Article 8, Recital 31), with the payment to be determined by national governments (Article 8). This new European standard mixing non-transferability and adequate payment paves the way for an increase in the women's employment rate due to their higher availability in the job market and higher involvement of fathers as carers, as stated in Recital 26: "Relevant studies demonstrate that Member States that provide a significant portion of leave for fathers and pay the leave at a relatively high replacement rate tend to experience higher take-up rates for fathers and a positive trend in mothers' employment rate".

Article 5 (4) provides the possibility for Member States to set out eligibility criteria “Member States may make the right to parental leave subject to a period of work qualification or to a length of service qualification, which shall not exceed one year.”

Concerning the eligibility of self-employed workers, Recital 21 makes an indirect reference to this group: “Member States are encouraged to grant the right to parental leave to all workers who exercise parental responsibilities in accordance with national legal systems.”

The Directive also provides the opportunity to take the leave flexibly as Article 5 (6) states: “Member States shall take the necessary measures to ensure that workers have the right to request that they take parental leave in flexible ways.”

Family diversity is built in the article itself: 5.8. “Member States shall assess the need for the conditions of access to and the detailed arrangements for the application of parental leave to be adapted to the needs of adoptive parents, parents with a disability and parents with children with a disability or a long-term illness.”

As for the payment of parental leave, Article 8 (3) sets out that the payment or allowance of parental leave shall be defined by the Member State or the social partners and shall be set in such a way as to facilitate the take-up of parental leave by both parents. In this regard, the transposition deadline is different: Member States have until 2nd August 2024 to transpose last two weeks of the non-transferable parental leave as provided for in Article 5(2) and Article 8(3) into their national law. In general, parental leave is available in all of the participant Member States in this assessment exercise, but in terms of adequate payment and eligibility criteria the state of play of transposition shows a mixed picture.

Parental leave	
Belgium	Partially transposed
Croatia	Transposed
Finland	Transposed
France	Partially transposed
Germany	Transposed
Hungary	Not transposed
Italy	Partially transposed
Lithuania	Partially transposed
Poland	Transposed
Spain	Partially transposed

In **France**, the initial period of parental leave is one year, and it can be renewed twice until the child is three years old. The right to parental leave is an individual right and it can be taken by both parents. Parental leave can be granted on a full-time or part-time basis, although part-time leave must allow for at least 16 working hours per week. However, the level of payment is very low to meet decent living standards in France, around 400 euros/month. Moreover, there are requirements for previous employment relationship as well. Parents must be working at least 1 year to be eligible for paid parental leave. There used to be 2 years of previous paid activity as a requirement, but it was reduced to one year to be compliant with the requirements set out by the Directive. As a result of the low pay, the uptake of

parental leave in France is very low with only about 15% of take-up.²⁰ Parents usually use other ways to compensate, for instance, they take longer maternity leave, which is six weeks before the estimated date of delivery and ten weeks thereafter - the obligatory period of maternity leave is eight weeks, with a minimum of six weeks after the birth. The law of 2014 on equality provided the possibility to extend the parental leave if the other parent takes six months. Even though, the duration and non-transferability of the leave is in line with the Directive, some civil society organizations consider that France is not compliant since the current level of compensation does not facilitate the take-up of leaves by both parents. Therefore, the modification of the code of social security is planned with the aim to provide a better compensation system for parental leave. Furthermore, there are discussions to make early childhood education and care (ECEC) an entitlement, to be used with parental leave or even replace it.²¹ Due to the inadequacy of the parental leave remuneration, this can be considered only as partial transposition of the directive.

In **Belgium** parental leave is 4 months per parent. The right to parental leave is individual for each of the parents, and no part of the leave is transferable from one parent to the other. Parental leave may be used under the following forms: full-time (four months), part-time (eight months) or one fifth (20 months). Once the leave has begun, the employee may shift from one form to another (thus, for instance: two months full-time and four months half-time). The leave may also be broken down into periods of one month (full-time), two months (half-time) or five months (one fifth), or a multiple of each of those lengths. The employee is entirely free to choose between those various options. Concerning a child with disabilities, parental leave is available until the child reaches the age of 21 instead of 12. Self-employed workers are not eligible. The allowance is very low around 951,83 euros (gross)/month and 1.551,85 euro (gross) for single parents. Given the low compensation, the take-up is very low and mostly only mothers take it. According to civil society organizations, it is unlikely to be improved by the government in the future given the financial costs. Due to the inadequacy of the parental leave remuneration, this can be considered only as partial transposition of the directive.

In **Spain** parental leave is up to 3 years and it is generally unpaid, and hence is non-compliant with the Directive. The unpaid leave can be freely taken when the worker decides. Since the right exists until the child reaches the age of three, the worker can apply for it on several occasions, returning to work in between. The unpaid nature of the leave means that it is not facilitating the take-up of the leave for parents (Article 8(3)). The only parental leave that is covered by a social security allowance is the reduction in working time for the purpose of taking care of a seriously ill child (in the public and private sectors), which is closer to the notion of “carers leave” since it concerns children with higher care needs. In this case, social security guarantees that workers receive 100 % of their previous contribution base, which amounts to the previous salary. This benefit lasts until the end of the illness or until the child turns 18. Furthermore, the only form of parental leave remunerated by the employer (in the public as well as the private sector) is the leave to take care of a breastfeeding infant. Given the fact that leave is unpaid in most cases, many families cannot afford to take it. Especially in the case of vulnerable, low-income families. There is no specific criteria to be eligible and it is also available to self-employed workers.

²⁰ Based on the calculations of UNAF. Further information : [Essentiel. Collection Statistiques 199. Mise en page 1 \(caf.fr\)](#)

²¹ Voies de réforme des congés parentaux dans une stratégie globale d'accueil de la petite enfance (HCFEA, 2019)

Paid Parental leave in **Germany** is 14 months of which 2 months are transferable between the parents and if the second partner also takes at least two months of parental leave. The overall amount of parental leave, including the non-paid period, can be taken for 36 months per parents. Parental leave can be taken 'full time' or by reducing the amount of working hours. The parent is allowed to work up to 32 hours a week during parental leave. Parents can choose between two types of allowances, which they can also combine: BasisElterngeld, an allowance for a shorter (12 months and additional 2 months if the other parent also takes the leave) an better paid leave on 65 or 67% of the previous salary with a floor level of 300 euros and a ceiling of 1800 euros; and/or ElterngeldPlus which is paid twice as long while only being paid with half of the regular allowance.²² No specific period of service is required. There is up to 14 months parental leave for single parents, and it is open to different types of families (incl. foster parents, adoptive parents, stepparents).

In **Croatia**, there is a tradition of long maternity and parental leave. Parental leave is an individual right of each employed or self-employed parent and may be used until the child turns eight. The duration of parental leave is eight months combined (for the first and the second child), or 30 months combined (for the third and each child thereafter, or for twins). Two months are granted on a non-transferable basis. If only one parent uses parental leave, its duration is six months (for the first and the second child). The same applies for single parents. If both parents take the leave, its duration is eight months combined (i.e. usually four months for one parent, and four months for the other parent, out of which two months are supposed to be non-transferable). Parents are entitled to use parental leave in its entirety or in parts, either full-time or part-time. In the latter case it can be used in up to two periods per year, each time for at least 30 days. The prior length of service is only taken into account for the calculation of salary compensation during parental leave. The required minimum period of insurance is 9 months of consecutive insurance or 12 months with interruptions in the last two years. Parental benefits (allowance or salary compensation) for employed and self-employed parents are paid at the expense of the state budget. Parental benefit (paid during parental leave) is 100 % of the monthly earnings, but cannot exceed a maximum of 170 % of the budget calculation base (currently EUR 757 (HRK 5 600) per month). According to civil society organizations, stereotypes still prevail regarding mothers as the main caregiver and therefore the take-up of the leave among fathers remains low.

In **Poland**, parental leave is 32 weeks and 34 weeks when giving birth to more children in one birth. Both parents who are entitled to parental leave can take it simultaneously or consecutively (each takes a part of it). However, in both cases, the total duration of the leave may not exceed 32 weeks (or 34 in the case of multiple children at one birth). Parental leave may be divided into a maximum of four parts, which have to follow each other directly. This rule does not apply in the case of piecemeal parental leave up to 16 weeks, which may be taken later on, also after the break. Each part of parental leave may not (with some exceptions) be shorter than eight weeks. There is no requirement for length of service and self-employed parents are eligible as well. The leave is paid - generally at the level of 60%. However, mothers can apply to have payment at the level of 80% for the whole maternity and paternal leave. The mother can decide to transfer parental leave to the father – in that case the payment of 80% is transfer for the father as well. According to ZUS data for 2020 only 1% of fathers take parental leave in Poland.²³ In the light of this data, this practice may strengthen the stereotype that women are caregivers and men are the breadwinners. Currently in Poland, the father's right to parental leave exists only if the mother has a right to such leave

²² Voies de réforme des congés parentaux dans une stratégie globale d'accueil de la petite enfance, HCFEA 2019

²³ [Recommendations of Share the Care Foundation, July 2021](#)

and transfers it to the child's father, so it is not an individual right. In this way, the father does not have equal status with the mother as parent, and the decision on his rights in relation to parental leave is dependent on the rights, decisions, and opinions of the child's mother. The feedback from the organization Share The Care included an analysis about proposed changes in the Polish labour law which aims to transpose the EU Work-life Balance Directive provisions. According to the draft law, parental leave will shift to 41 and 43 weeks, respectively. Each of the parents will also have a guarantee of 9 weeks of leave which cannot be transferred to the other parent. Moreover, after the changes, the right to parental leave is to be an individual right for each parent. It will also focus on the non-transferable 2 months of parental leave for men as an opportunity for another step towards parental equality and thus equality in the labour market.²⁴ The payment for the parental leave will be increased from 60% to 70%, however fathers will no longer be entitled to take over the right to higher parental leave reimbursement from mothers (the above mentioned 80%). It means that the overall situation of fathers will potentially worsen and the 70% payment for fathers is considered too low to encourage fathers to take parental leave.²⁵

Family leaves have changed in **Finland** as well. Family leave reform entered into force in August 2022, and it will, for the first time, give both parents an equal quota of parental leave. Parents may take leave over several periods until their child reaches the age of two, and they can transfer some of their own leave days to the other parent, other custodian, their spouse or the spouse of the other parent. The family leave reform will give both parents a quota of 160 parental allowance days to be taken from the birth of the child. Parents will be allowed to transfer up to 63 parental allowance days of this quota to the other parent, other custodian, their spouse or the spouse of the other parent. Single parents will have the right to use the quotas of both parents. Twins, triplets and other multiple-birth children will form an exception to this model — the quota of parental allowance days for their parents will increase by 84 daily allowance days per second child and every child thereafter. Parents can use parental allowance days until the child reaches the age of two. Daily allowance days can be used in several parts. Parents in employment relationships will be entitled to split the leave up to four parts. Only pregnancy allowance days (overall 40 days) will have to be used in a single continuous period and started 14–30 days before the estimated date of birth. Parents may also take part-time parental leave. In such cases, one partial parental allowance day will take up half a day of the quota. The amount of partial parental allowance is also half the amount of full parental allowance. All parents who have custody of their child will have an equal right to daily allowance regardless of whether they are biological or adoptive, custodial or non-custodial and regardless of the gender of the parent. There is no requirement for previous employment relationship and self-employed and unemployed people are entitled to take it.²⁶

In **Italy**, parental leave lasts for a total of 9 months for both parents. Each parent is entitled to three non-transferable months and three months can be distributed between them. Single parents are entitled to 11 months. Parental leave may be taken by either the father or the mother during the first 12 years of the child's life, or during the 12 years after the child entered the family in the case of adoption or fostering. Moreover, it can be taken for one continuous period or various periods flexibly. There is no work and/or

²⁴ [Changes to the Labour Code getting closer, parents will benefit](http://www.PIT.pl) (www.PIT.pl)

²⁵ 70% is not even the level of sick-leave reimbursement which in Poland is at the level of 80%. According to the organization Share the Care in Poland the government's proposal of the 70% payment for fathers is too low to encourage fathers to take parental leave, and most of the Polish families will not be able to afford the 30% loss of the family budget.

²⁶ [Family leave reform enters into force in August 2022 \(Ministry of Social Affairs and Health, Finland\)](#)

length of service requirement to benefit from parental leave. It is paid on 30% of their normal wages. Hence, the pay cannot be considered adequate and favouring up-take.

In **Hungary**, parental leave is until the child reaches the age of 2. It is well paid on sick pay level through the social security system (70% of salary) and both parents can take it. Usually, the mothers tend to take it, but the uptake by fathers is on the increase. There is a possibility of parallel leaves as the mother is on maternity leave (which is 6 months and fully paid) and father is on parental leave. Self-employed workers are also eligible. Moreover, a special 'grandparent childcare benefit' enables the parents of the children to go back to work and let the (not yet retired) grandparent to take care of the child with remuneration. The amount of the benefit is determined on the basis of the grandparent's income and the duration of the grandparent's childcare benefit is taken as a period of normal work, so contributions are made to the pension fund.²⁷ Additionally, both working parents have access extra holidays in addition to regular annual leaves. However, the law does not provide for a minimum non-transferable period of parental leave, and there is no legislative proposal underway to change this. Therefore, Hungary is non-compliant with the Directive in terms of parental leave.

In **Lithuania**, parents are entitled to parental leave until a child reaches the age of 3 years. Similarly, as in Hungary, the law does not provide for a minimum non-transferable period of parental leave, and hence is non-compliant with the Directive. However, measures have been taken to ensure the minimum two months non-transferable are in place from 1 January 2023. It can be taken full-time or part-time as well. The right to parental leave is in no way related to the period of service or the type of employment contract. During parental leave a parental allowance is paid by the State Social Insurance Fund for a period of up to two years in both the public and private sectors. The amount of the allowance is subject to the length of the leave; a third year of leave is always unpaid. To ensure compliance with the Directive, as of 1 January 2023, as part of the amendment of the Lithuanian Labour Code, two non-transferable months will be provided when taking parental leave.²⁸

All Member States are compliant with the Directive in terms of the minimum duration of parental leave of four months. However, the two months of non-transferability has not been fully transposed in all countries. While countries have until 2024 to implement the payment for the last two weeks of the non-transferable parental leave, all Member States should have transposed by August 2022 at least the first 6 weeks.

Furthermore, parental leave is not adequately paid in some countries (e.g. France, Belgium, Italy, Spain), and hence cannot be considered in line with Article 8(3) which encourages Member States to set the parental leave payment in such a way as to facilitate the take-up of parental leave by both parents. Consequently, only parents who have a high work income can take the parental leave without destabilising the financial balance of the family. Low-paid parental leave does therefore not lead to a gender-equal uptake of parental leave, which is the objective of the Directive. Given that the original proposal of the European Commission in 2017 was for 4 months of parental leave paid at least equivalent to sick pay, COFACE expects Member States to rapidly step up and adopt measures to ensure parental leaves are adequately paid.

²⁷ 2022 report on gender equality in the EU (European Commission, 2022)

²⁸ [Overview of the upcoming amendments to the Labour Code \(ecovis.lt\)](#)

In terms of eligibility criteria, self-employed workers are eligible in most of the Member States in the sample of this assessment and the requirement for length of service does not exceed one year - in line with the Directive.

In line with Recital 23 which sets out the requirement for parents to take up the leave “on a full-time or a part-time basis, in alternating periods, such as for a number of consecutive weeks of leave separated by periods of work, or in other flexible ways”, the majority of the Member States provide the opportunity to take up parental leave in a part-time, short-time and piecemeal way.

Reforms are underway for some countries to reach higher, more ambitious standards (e.g. Finland, Poland). However, there are elements which are still a cause for concern namely the timeframe for taking up the parental leave which varies from 2-3 years in countries like Finland, Lithuania, France and Spain to 12 years in countries like Belgium and Italy. 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.

3. Carers' leave

The Directive introduces a CARER'S LEAVE scheme of 5 days per year per worker and encourages Member States to make the right available to care to additional relatives such as for siblings and grandparents (Recital 27) as well as mother/father, son/ daughter, spouse/partner (Article 3). While this effectively introduces a new minimum European right to carers leave and gives visibility to carers (who are still invisible in many EU countries), this part of the Directive falls short of COFACE expectations which had called for the introduction of an EU Directive on carers' leave based on some key principles: it 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. While the flexibility in taking the leaves referred to in the Directive (Articles 6 and 9) corresponds to what COFACE had been advocating, the minimum of 5 days/ years is very low and the lack of an adequate payment threshold for all countries is disappointing.

Article 6: Carers leave

1. Member States shall take the necessary measures to ensure that each worker has the right to carers' leave of five working days per year. Member States may determine additional details regarding the scope and conditions of carers' leave in accordance with national law or practice. The use of that right may be subject to appropriate substantiation, in accordance with national law or practice.
2. Member States may allocate carers' leave on the basis of a reference period other than a year, per person in need of care or support, or per case.

Carers' leave is transposed in many of the 10 Member States in this assessment, but not all. In some cases, the regulation is below the standard set out by the Directive (e.g Poland, Spain, Finland and Croatia) but according to the feedback from COFACE members, legislative proposals are underway to meet the requirements of the Directive.

Carers' leave	
Belgium	Transposed
Croatia	Not transposed
Finland	Transposed
France	Transposed
Germany	Transposed
Hungary	Transposed
Italy	Transposed
Lithuania	Transposed
Poland	Not transposed
Spain	Partially transposed

In **Germany** there are different types of carers' leaves: the law provides for emergency care leave for up to 10 working days and is paid either by continued payment of the wages or by a salary replacement benefit of 90% paid by the long-term care insurance (Pflegeversicherung) of the person in the need of care. However, long-term care leave is unpaid. It is possible to take a carer's leave for six months, which, even though it is possible to ask for an interest free loan from the state, is unpaid. Another possibility is given for care givers to take a carers' leave when keep on working for at least 15 hours / week. This, too, is unpaid the state only provides an interest free loan. The same applies to the leave to accompany a

dependent person at the end of life which is a leave for a maximum of three months.²⁹ Given the lack of compensation and the very small amount of uptake, the carers' leave is currently under discussion. An independent council for reconciliation of care and family, as well as AGF and others are pushing for reform, for a new carers' leave, that includes 36 months carers' leave being paid between 65 and 100% of the salary (following the parental leave model).³⁰

Carers' leave is fully transposed in **France**. It allows working carers to temporarily stop their professional activity to take care of a person with a disability. This leave is available under certain conditions (family or close ties with the person being cared for, residence on a stable or regular basis in France of the person being cared for). Carers' leave is open to any employee who accompanies a person with a disability or a particularly serious loss of autonomy, who is: **1.** The person with whom the employee lives as a couple: Marriage, civil union or cohabitation (free union). **2.** His/her ascendant (parent, grand-parent, great-grand parent), descendant (child, grandchild, great-grandchild or child for whom the employee is responsible in terms of family benefits) or relation (brother, sister and children of a person (privileged relation) as well as uncles, aunts, cousins (ordinary relation) up to the 4th degree of the person with whom the employee lives as a couple. **3.** An elderly or disabled person with whom they live or with whom they have a close and stable relationship, to whom they provide regular and frequent assistance. The employee intervenes in a non-professional capacity to perform all or part of the acts or activities of daily life.

The maximum duration of the leave for close carers is 3 months (unless otherwise provided for by a collective agreement). The leave may be renewed for up to 1 year over the employee's entire career. The carer is entitled to compensation of 22 daily allowances (AJPA) per month, i.e. a maximum of 66 days and it is paid on minimum wage. However, it is difficult for many carers to meet the eligibility criteria: the persons cared for must have 80% of "incapacity". Another type of carers' leave is parental presence leave which allows an employee to take care of a child under 20 years of age for whom the carer is responsible for and whose state of health requires sustained presence and constraining care due to an illness, disability or accident. It is granted for a maximum period of 3 years (but can be split up and renewable). It is also compensated (AJPP = same amount as AJPA) for 310 days.³¹

In **Italy**, the system provides for care leave for the family carer who has to care for a person with a disability. It offers a combination of short-term and long-term leave provisions. Under this system of leave for the carer, there is a short-term and a long-term leave. As for short-term leave, it is 3 working days per month and extraordinary leave is up to 2 years for longer leave arrangements to care for a child or a parent with a serious disability. Both leaves are fully paid for the whole period on 100% of the salary. However, only employees in the public and private sectors are entitled to these types of care leave while the self-employed and those working in domestic and household services are excluded.³²

In **Hungary**, employees are entitled to unpaid leave for the duration of the care, but not for more than two years, for the purpose of long-term personal care of a relative, which is expected to exceed thirty days.³³ Though, the leave is considered as unpaid, application can be made for different kind of care allowances. Long-term care and its justification shall be certified by the attending physician of the person in need of care. Since 2012, both parents can also take sick leave to take care of children under the age of

²⁹ Status of family carers in Germany (APF France Handicap, 2021)

³⁰ [Family organisations support demand for new family care leave, 26 August 2022 \(AGF\)](#)

³¹ Status of family carers in France (APF France Handicap, 2021)

³² Status of family carers in Italy (APF France Handicap, 2021)

³³ Article 131 (1) of the Hungarian Labour Code

12 years and the allowance amounts to 50-60 % of the parent's average daily salary³⁴ contributing to a better sharing of care responsibilities between the parents. Moreover, a new form of care leave is available for parents since 2019 to take care at home for their disabled or permanently ill children compensated by HUF 123 910 (EUR 344) gross (lump sum).³⁵

In **Lithuania**, as part of the amendment of the Labour Code, new rules have entered into force from 1 August 2022 in terms of carers' leave to balance family and professional needs. In this regard, employers have to grant unpaid leave to an employee, if the employee's request is related to a family emergency in case of illness or an accident. Employees with one child under the age of 12 years will be entitled to one additional paid day off every 3 months, and those with two children under the age of 12, where one or both of the children has a disability, will be entitled to two additional paid days off every month.³⁶ In case of an insured person is caring for a sick family member, the benefit from the State Social Insurance Fund shall start from the first day of caring and shall be paid for no more than 7 calendar days.³⁷ Moreover, employees raising a disabled child under the age of 18, or taking care of a disabled person, are entitled to unpaid leave from their employers up to 30 calendar days. Furthermore, single parents raising a disabled child under the age of 18 are entitled to 25 days of paid leave if they work five days a week, or 30 days of leave if they work six days a week.³⁸

In **Belgium**, there are different systems of long-term care leave but there is no short-term carers' leave for non-urgent matters. In terms of long-term care, employees who wish to assist a terminally ill relative are entitled to interrupt their work for maximum 1 month (renewable twice for one month), with income replacement allowance. No family relationship is required. A medical certificate is required. Moreover, a worker who wishes to assist a close relative suffering from a serious illness (family member (up to second degree) or person living in the same household) is able to take a career interruption of up to 12 months full-time, or up to 24 months with income replacement allowance.³⁹ As for short-term carers' leave, employees have the right to 10 unpaid days per year in case of family-related situations considered as force majeure (emergency) concerning only first grade family members. In some sectors these days are (partially) paid by the employer. According to Gezinsbond, the government is planning to enlarge the list of reasons of the aforementioned emergency leave so that employees can take 5 out of 10 days for non-urgent care tasks.

In **Finland**, childcare leave is available for those willing to take care of a child at home. Parents are entitled to it until the child (or youngest child) is 3 years of age, and their job is also secured during this period. Home care allowance is paid during that period. Part-time workers also get support: flexible care allowance can be paid to a parent caring for a child under 3 years of age who works no more than 30 hours per week. Parents of a disabled or chronically ill child may also benefit from partial care leave: all parents of a child in first or second grade are entitled to partial care leave providing they have been working at least 6 months during the past 12 months. When the child is under 10 years of age and falls ill, the parents can take temporary care leave for 4 days in a row to stay at home and care for the child. Employees may also ask for longer absence for taking care of a family member or someone close to the employee. The

³⁴ Article 118 (1) of the Hungarian Labour Code

³⁵ From words to actions: shedding light on the SHIFT towards meaningful inclusion in Europe (COFACE 2021)

³⁶ [Overview of the upcoming amendments to the Labour Code \(ecovis.lt\)](#)

³⁷ Article 10 (1) of IX-110 Republic of Lithuania Law on Sickness and Maternity Social Insurance (Irs.lt)

³⁸ [Amendments to the Labor Code: relevant for working people with disabilities or raising children with disabilities | Ministry of Social Security and Labour of the Republic of Lithuania \(Irv.lt\)](#)

³⁹ Status of Family Carers in Belgium (Wallonie-Bruxelles) (APF France handicap, 2021)

number of days the employee may be absent is not limited, but only a short, temporary absence can be taken.

In **Spain**, 4 days of carers' leave is provided by the law. The leave is fully paid and there are no specific eligibility criteria, and self-employed workers are eligible. The reasons for taking the leave include death, serious accident, and illness of a relative, as well as the hospitalisation or surgery without hospitalisation requiring home rest. However, plans are under way to extend this to 7 days under the new Families Law under discussion. While there is still a specific leave for parents who must care for children with disabilities up till the age of 18 (see above under parental leave), this is not eligible to care for adults. Although the duration is below the 5 days set out by the Directive, given the availability of the aforementioned specific leave for parents, carers' leave can be considered as partially transposed.

The system in **Croatia** provides for carers' leave only in the case of children with disabilities or who need special care, after the expiry of the statutory maternity or parental leave. Similarly to the Spanish system, this leave to care is not intergenerational in nature, and specifically to care for children and not adults. Hence, carers' leave is not transposed there.

Likewise, carers' leave is not transposed in **Poland** either, since the law only provides 2 days for care duties. There is a legislative proposal for 5 days carers' leave but the content of the bill indicates that the leave will not be paid.

Overall, most of the Member States are compliant with the Directive in terms of carers' leave and different kind of carers' schemes are available with both short term and long-term leaves (e.g. Belgium, France, Germany, Italy). However, in other countries the paid carer leave schemes are age-specific, and in some cases limited to caring for children up to the age of 18. While this is excellent in terms of implementing the European Child Guarantee and the EU Strategy for the Rights of Persons with Disabilities, the Directive clearly states in Article 3 that carers' leave means "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, as defined by each Member State". Therefore, carers leave schemes must be developed through an intergenerational family lens, which is all the more relevant with the ageing of the EU population.

The Directive does not set out a requirement for remuneration. Indeed the carers leave remains unpaid/low paid in many Member States (e.g. Belgium, Germany, Spain) although allowances can be required during the care period. Moreover, some participant Member States are below the 5 working days set out in the Directive (e.g. Poland, Spain) but there are legislative proposals under discussion in order to ensure compliance. Elsewhere, on the other hand, there are plans to go far beyond the minimum standards (e.g. Germany).

IV. Family leaves in a broader context

The 2016 European Quality of Life found that many families in the EU struggle to effectively balance their professional and domestic responsibilities. Over one third of the respondents stated that they found it difficult to combine paid work with care responsibilities. There are a number of reasons behind the tensions between work and family life. Long and increasingly unpredictable working schedules make it difficult to spend time with families. Inadequate social services have been also found to exacerbate the situation. This is particularly significant for women, who are much more likely to reduce their working hours for family reasons.⁴⁰

Recent EU studies have also evidenced that flexible working arrangements have been shown to help address the negative effects of caring responsibilities, of which women still bear the substantial burden.⁴¹ Therefore, one of the central parts of the strategies of the EU Directive on work-life balance for parents and carers is the adoption of more family-friendly working practices to address conflicts between workers' home and professional lives. To raise attention to this issue, COFACE Families Europe organised a European expert meeting 'Good Practices, Better Workplaces' together with ProParents Netherlands in June 2022 in Amsterdam with the aim of connecting families, policy-makers and employers in order to collect best practices for family-friendly workplaces and create European guidelines to help employers create a culture shift.⁴²

Additionally, the vulnerabilities and challenges of families have been magnified significantly too with the global pandemic bringing all inequalities to the fore. Two out of five Europeans consider their current economic situation has worsened in comparison with their situation before the pandemic hit; and one out of two reports their household has strong difficulties to make ends meet. Furthermore, the stereotypical and "traditional" distributions of roles, where women are the caregivers and men are the breadwinners, are still very present. Different reports have also stated that during the pandemic the gender care gap was on the increase, with women taking up a disproportionate share of additional household and caring tasks, despite the fact that many men have been teleworking as well. At the European level, and before the outburst of the COVID-19 crisis, almost 9 out of 10 mothers in the EU provided daily care for their children, compared to some 6 out of 10 fathers.⁴³ This has a disproportionate impact on women's participation in the labour market, contributing to women's high degree of part-time work and to the gender gaps in employment and pay. Women often work part-time for reasons related to childcare or care of dependent adults.⁴⁴

The COVID-19 pandemic has also resulted a drive at workplaces and made teleworking the general norm during the lockdown period. The European Commission stressed the importance of both flexible working arrangements and teleworking in sustaining jobs and production during the pandemic. Moreover, as a positive aspect, the work efficiency has increased and time savings such as commuting times are decreasing. Currently, following 'back to normal', teleworking and flexible working arrangements are still widely applied by employers as an alternative of work arrangements.

⁴⁰ [Family friendly workplaces: Overview of policies and initiatives of Europe \(European Commission 2018\)](#)

⁴¹ Ibid.

⁴² <https://coface-eu.org/event/family-friendly-workplaces/>

⁴³ Policy Brief: The Changing Face of Work and Family Life under COVID-19, COFACE 2020

⁴⁴ [2021 report on gender equality in the EU. European Commission 2021](#)

On the negative sides of teleworking, tensions within families have been exacerbated during the pandemic lockdowns and their aftermath due to a sum of mental and financial stress and a more challenging work-life balance, especially for those with young children, where parents became primarily responsible for childcare and sometimes home schooling.

Furthermore, a fifth of EU employees underlined difficulties during the pandemic to disconnect from work, a figure which raises to three out of ten for those who are teleworking. The possibility with ICT and technology of being always connected can lead to the negative side of “working anytime, anywhere”, with an overload of work, psychosocial problems such as a potential risk of isolation, stress and depression. As a consequence, work-life balance could be negatively affected. These concerns are expressed too by the European Trade Union Confederation (ETUC). It underlines that teleworking must not be seen as an opportunity to raise the employees ‘workload and that there must be a “right to disconnect”. In view of the abovementioned challenges, families need adequate resources through the access of decent wages to tackle the gender pay gap and prevent poverty. In addition, adequately paid care and support services, gender responsive family leave schemes are key to tackle stereotypical vision of roles and to rebalance the gender uptake of leaves and care responsibilities.

The Directive is a step forward in this direction, since looks at family-related leaves from the perspective of an individual’s life and encourages sharing of family leave and flexible working time arrangements among women and men.⁴⁵ Therefore, the transposition of the Directive must proceed swiftly ensuring the adequate payment of leaves, regardless of the type of leave (paternity, parental, carers). The diversity of families should be recognised as well, so that family leaves should be provided to all types of families such as rainbow families, single parent families, recomposed families, adoptive parents, families with disability, or a long-term illness, adapted to their particular needs.

Furthermore, the transposition of the Directive should be now an opportunity to further develop early childhood education and care (inclusive, accessible, affordable and high quality, below the age of 3), and long-term care (quality, community-based, person-centred, for persons in need of support and/or care and a stream of support for carers who have to leave the labour market).

⁴⁵ [2021 report on gender equality in the EU. European Commission 2021](#)

V. Conclusions and next steps

Overall, COFACE Families Europe considers it crucial to launch a new dynamic in all Member States' social policies by setting out new minimum standards in terms of family leaves which respect diversity of social systems and family-friendly policies at workplaces by providing flexible working arrangements for both men and women. In the light of the current challenges of economic crisis, there is further need for legislation which helps families to tackle and prevent poverty. The Work-life Balance Directive is a key instrument to provide an adequate answer to these shocks through minimum standards for paternity, parental and carers' leave and establish additional rights, such as the right to request flexible working arrangements, which will help people develop their careers and family life without having to sacrifice either. **Therefore, it has been paramount importance for Member States to transpose the provisions of the Directive into their national legal system.**

In addition, the pandemic has magnified the need to improve the resilience of our care systems and has shown the importance of improving the well-being of care receivers and care givers, for women's professional lives and the achievement of work-life balance. Therefore, in her State of the Union speech of September 2021, President Ursula von der Leyen announced the European Care Strategy to provide high-quality, affordable and accessible care services across the European Union. Launched in September 2022, the European Care Strategy consists of a Commission Communication accompanied by two Proposals for Council Recommendations, one on the revision of the Barcelona targets on early childhood education and care (ECEC) to enhance women's labour market participation, and the other on long-term care (LTC) in which the Commission recommends Member States to draw up national action plans to make care in the EU more available, accessible and of better quality for all.⁴⁶

Moreover, according to Recital 37 of the Directive, "Member States are encouraged to assess whether conditions for access to, and the detailed arrangements for, exercising the right to paternity leave, carers' leave and flexible working arrangements should be adapted to particular needs, such as of those of single parents, adoptive parents, parents with a disability, parents of children with a disability or a long-term illness, or parents in particular circumstances, such as those related to multiple births and premature births."

As for the transposition of the Directive, Article 18 of the Directive imposes the deadline of 2nd August 2027 for Member States to communicate to the European Commission all information concerning the implementation of the Directive. Moreover, it sets out an obligation for the Commission to draw up a report based on the received information. "That information shall include available aggregated data on the take-up of different types of leave and flexible working arrangements, by men and women pursuant to this Directive, for the purposes of allowing the proper monitoring and assessment of the implementation of this Directive, in particular with regard to gender equality."

⁴⁶ [A European Care Strategy for caregivers and care receivers - Employment, Social Affairs & Inclusion - European Commission \(europa.eu\)](#)

The Commission shall submit this report to the European Parliament and to the Council and it shall be accompanied by a study of the interaction between the different types of leave provided for in this Directive as well as other types of family-related leave, such as adoption leave; and a study of the rights to family-related leave that are granted to self-employed persons.

Following the expiry of the 2nd August 2022 deadline for the transposition, on the 21st of September 2022 the Commission has released a statement that to ensure complete and timely transposition of EU directives, it is adopting a package of infringement decisions due to the absence of communication by Member States of measures taken to transpose EU directives including the Work-life Balance Directive into national law (referred to as 'non-communication infringements'). As a first step, the Commission is sending a letter of formal notice to those Member States who have failed to notify national measures transposing directives. In this case, there are 19 Member States have failed to notify national measures fully transposing the Work-life Balance Directive and will therefore be receiving letters of formal notice: Belgium, Czechia, Denmark, Germany, Ireland, Greece, Spain, France, Croatia, Cyprus, Latvia, Luxembourg, Hungary, Austria, Poland, Portugal, Romania, Slovenia and Slovakia. Member States concerned now have two months to reply to the letters of formal notice and complete their transposition, or the Commission may decide to issue a reasoned opinion.⁴⁷

The Commission will further monitor the take-up of the rights covered by the Directive, including through the monitoring framework drawn up by the Employment and Social Protection Committees on the uptake of family leaves and flexible working time arrangements.⁴⁸ It will assess the completeness and compliance of the national measures notified by each Member State and take action if and where necessary.⁴⁹ Finally, the Commission will launch an awareness raising campaign on the new rights granted by the Directive.

Based on the assessment carried out in this report, we can see that the abovementioned new EU minimum standards introduced by the Directive are useful and progress has been made in many countries, however, full transposition across the 27 EU Member States is still incomplete. The original proposal of the Commission also had much higher standards including for instance, extending parental leave from 8 to 12 years of age of the child, referring to the EU payment threshold in parental leave or introducing paid carers' leave.⁵⁰ Therefore, transposition of the very minimum standards should be immediate and smooth.

Since 2017, COFACE Families Europe has been advocating for higher ambitions declared first in our position paper "Families on the Edge"⁵¹ to go beyond the standards set out by the Directive. COFACE's priorities include adequate pay for all kinds of family leaves, non-transferability of leaves between parents to facilitate equality, flexibility in leave uptake in piecemeal forms, family diversity and accessible rights for all workers which served as analysis lens for the present assessment. Hence, COFACE Families Europe reckons that Member States must continue to work on changes in their national legal systems to ensure, among others, to implement paternity leave in line with family diversity, to provide two-months of non-transferability and adequate pay in parental leave and to develop carers' leave through an intergenerational family lens.

⁴⁷ [Press Release: Non-transposition of EU legislation: Commission takes action to ensure complete and timely transposition of EU directives \(European Commission 2022\)](#)

⁴⁸ [A European Care Strategy for caregivers and care receivers - Employment, Social Affairs & Inclusion - European Commission \(europa.eu\)](#)

⁴⁹ [New rights to improve work-life balance in the EU \(europa.eu\)](#)

⁵⁰ [Assessment of the Work-Life Balance package \(COFACE, 2017\)](#)

⁵¹ [Families on the Edge \(COFACE, 2017\)](#)

While COFACE Families Europe acknowledges the importance of the new social acquis of the Directive, it will continue to advocate for higher standards by using all tools available (EU, national, statistical, policy, research and more) working closely with its member organisations to monitor closely national reforms, ensuring that national family policies and systems are fully compliant with EU law. This includes both hard law like the EU Work-life Balance Directive and soft law like the EU Child Guarantee, EU Care Strategy, EU Strategy for the rights of persons with disabilities, and the EU Gender Equality Strategy – all fundamental policy frameworks to consolidate and rethink welfare systems so that families of today can be supported and resilient to different social and economic shocks.

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