

# The work-life balance of parents with disabilities: An EU Policy Review



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# Glossary

Acronyms and abbreviations	Definition
<b>EU</b>	European Union
<b>CJEU</b>	Court of Justice of the European Union
<b>ECEC</b>	Early Childhood Education and Care
<b>EDS</b>	European Disability Strategy
<b>EIGE</b>	European Institute for Gender Equality
<b>FWA</b>	Flexible Working Arrangements
<b>LTC</b>	Long-term Care
<b>UNCRPD</b>	United Nations Convention on the Rights of Persons with Disabilities

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Date of publication: December 2025

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Co-funded by the EaSI strand of the ESF+ programme. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.

# Executive Summary

Over the past few decades, there has been a profound shift in how we understand disability, recognising it as a form of social and economic exclusion. This new perspective highlights the impact of environmental, attitudinal and social barriers that contribute to the challenges faced by individuals with impairments. Consequently, policies have been reoriented, leading to the development of a rights-based approach aimed at tackling disability discrimination, including in employment, as well as to promote equal opportunities for full and effective participation in society. However, gaining access to paid work on an equal footing with the rest of society remains elusive for many persons with disabilities, with very slow progress over time. On average, persons with disabilities experience an employment gap of 21.4% in the European Union, compared to non-disabled persons.<sup>1</sup> Over the last 10 years, this gap has been reduced by less than 1%.<sup>2</sup> This figure is a testimony of the entrenched barriers to disability-inclusive workplaces, and of the urgent need to generate transformative approaches, if we are to achieve broader economic and social rights, and true social inclusion for all.

International and EU regulations against discrimination are especially pertinent for persons with disabilities and caregivers of dependent persons, when such discriminations

occur in the workplace. Their extension to the **specific situations faced by parents with disabilities** could arguably be interpreted through similar lenses in the future, in recognition that they also raise questions about equal opportunities.

This COFACE EU Policy review focuses on the work-life balance of parents with disabilities and, besides the introduction part (**Chapter 1**), there are 5 main chapters.

**Chapter 2** explores the concept of non-discrimination within the UN Convention on the Rights of Persons with Disabilities (CRPD) and EU law. This exploration reveals a transition from a formal concept of equality to an inclusive one at the international level, and within the CRPD. This inclusive concept allows for more comprehensive and rigorous measures against discrimination, within a broader objective of social inclusion, as well as for a more inclusive and socially anchored understanding of the notions of “discrimination” and “disability”, which has in turn influenced the interpretation of EU law.<sup>3</sup> According to Ferri and Favalli: “*the CJEU’s case law has been largely boosted by the EU’s accession to the CRPD, which has become a clear point of reference in the reasoning of the European judges*”<sup>4</sup>. The family dimension in the CRPD lies primarily in article 23, under the title “Respect for home and the family”, although it permeates through other articles

<sup>1</sup> E.Zólyomi (2024), Employment of Persons with Disabilities. Statistics: 2022 data Available [online](#).

<sup>2</sup> Ibidem.

<sup>3</sup> For instance, in the [case Ring and Werge](#), regarding the interpretation of disability, the CJEU noted that the provisions of the CRPD are an integral part of the [EU] legal order and that secondary legislation, including the Employment Equality Directive, must be interpreted in a manner that is consistent with the CRPD, as far as possible. See paragraphs 28 to 32 of the Court’s ruling: [EUR-Lex - 62011CJ0335 - EN - EUR-Lex](#).

<sup>4</sup> Delia Ferri and Silvia Favalli, “Tracing the Boundaries between Disability and Sickness in the European Union: Squaring the Circle?” (2016) 23 European Journal of Health Law 5, at 27. Cited by the Andrea Broderick and Delia Ferri in “International and European Disability Law and Policy: text cases and materials (2019), p. 348, Cambridge University Press.



of the Convention. It includes provisions related to discrimination based on family and parenthood, it includes the requirement to provide support to parents with disabilities and parents of children with disabilities, as well as to ensure that children are not separated from their parents.

**Chapter 3** examines the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (referred to as "Employment Equality Directive"), an EU law which addresses disability within the workplace. It does not specifically provide measures related to parenting or work-life balance of parents with disabilities. The Directive's most significant connection to parenting lies in its provisions against

discrimination by association, particularly for parents of children with disabilities, and the mandate for reasonable accommodations for these parents, based on recent CJEU case law.

**Chapter 4** takes a closer look at parents with disabilities in the framework of the Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers (referred to as "Work-Life Balance Directive"), namely its Article 5 (8) which sets out that "*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.*" This poses an obligation to Member States to accommodate the needs of





working parents with a disability (among other workers) when it comes to transposition of parental leave into national law.

**Chapter 5** assesses the place of parents with disabilities in the framework of the EU Strategy for the Rights of Persons with Disabilities 2021-2030, with a focus on flagship initiatives to boost independent living (the recently adopted Guidance adopted by the European Commission) and the Disability Employment Package. The result of this assessment is that parents with disabilities are not adequately recognised in this EU framework, pointing towards the need for a dedicated stream of action on this topic.

**Chapter 6** examines the place of parents with disabilities at the intersections of EU frameworks aiming to tackle poverty, discrimination, and promote equality and access to essential services like transport. This includes a focus on the European Child Guarantee, a key strategy of the EU to tackle

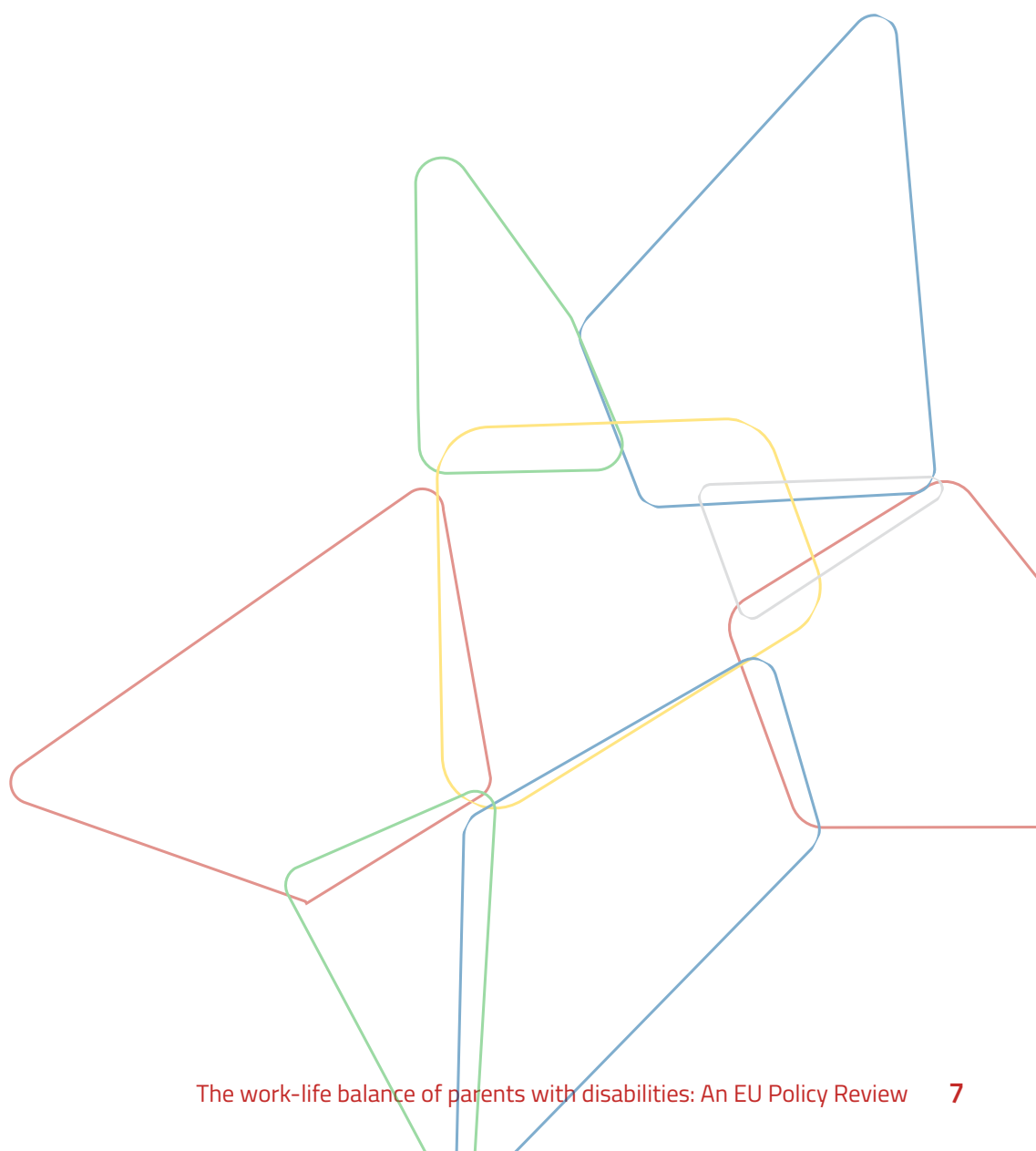
and prevent child poverty; the role of the EU Gender Equality Strategy for promoting work-life balance of parents with disabilities; the Horizontal Equal Treatment Directive currently discussed at EU level and in negotiation stages; and finally EU action to promote access to public transport as pre-condition for achieving work-life balance, with a focus on different soft and hard law initiatives which are contributing to making this social right a reality for parents with disabilities.

Parents with disabilities exercise rights arising from both aspects of their identity as parents and as persons with disabilities. This means that they are entitled to all the rights guaranteed to parents, as well as all the rights arising from the status of a person with disabilities.

This EU policy review indicates that working parents with disabilities benefit from greater recognition in social policies focusing on work-life balance, employment and child poverty

than in disability policies and legislation per se. This points to strong mainstreaming of disability rights in other fields (for instance with explicit references to parents with disabilities in the Work-life Balance Directive and the European Child Guarantee), but to the need for strengthening of the gender and family dimensions of disability rights policy at EU level. This gap could be filled with a dedicated flagship targeting parents with disabilities in the next phase of the EU Strategy for the Rights of Persons with Disabilities, or at the very least by a European debate about this target group in the EU Disability Platform followed by a dedicated sub-group to develop guidance for Member States on developing appropriate

support. This could be done through a broader and holistic flagship initiative focusing on the family dimension of the EU Strategy for the Rights of Persons with Disabilities. Meanwhile, the new post-2025 Gender Equality Strategy is in preparation with ambitions for a greater focus on intersecting vulnerabilities; and the Work-Life Balance Directive foresees a European Commission review report to be submitted by 2 August 2027, “which shall be accompanied by a legislative proposal, if appropriate”. It would be crucial in this report to include an assessment of take-up of work-life balance rights by different family types and workers, including working parents with disabilities.



# 1. Introduction

This EU policy review aims to assess the relevance of the European Union legal framework in addressing the specific needs of parents with disabilities in the area of work-life balance, and to shed light on potential policy gaps that could be addressed in the future. While this is the primary objective, the scope of this Review extends to broader considerations such as the role and tools of the European Union in fostering equality and non-discrimination in the workplace in regard to disabilities and promoting the integration of disability-sensitive provisions in work-life balance legal frameworks. By examining the interplay between these elements and by highlighting challenges faced by families with disabilities, this Review seeks to provide a basis for reflection on potential solutions to foster an inclusive work environment for working parents with disabilities, and to underline gaps in knowledge or consideration in policy arenas about these challenges.

## 1.1 Parenting with a disability

In recent years, family policies, and public policies in general, have become increasingly sensitive to the particular needs of parents in different vulnerable situations.<sup>5</sup> Examples include policies designed to integrate the needs of LGBTQ+ families, single-parent

families, parents of adopted children, large families, parents and families of children with disabilities, families from traveling communities or with a migrant background, family carers of dependent adults, or families at risk of social exclusion and poverty. In part, this shift has been brought about by the important diversification in household and family patterns over the last decades, although with notable differences in terms of the level of formal recognition of this diversification between European countries.<sup>6</sup> However, it is striking to note the modest integration of measures specifically aimed at parents with disabilities, when such measures exist at all. The invisibility of parents with disabilities is in stark contrast with the more prominent policy and academic discussions regarding parents of children with disabilities.<sup>7</sup>

**Accurate information about parents with disabilities and their specific needs is essential to guide EU and national policy action.** Unfortunately, there are significant gaps in knowledge in this area in Europe and other world regions.<sup>8</sup> Even when relevant research exists, it often omits important aspects of family life.<sup>9</sup> In the worst cases, it can even perpetuate negative perceptions or antipathy towards persons with disabilities having children.<sup>10</sup> This can result from adopting a

<sup>5</sup> COFACE expert meeting on family diversity, Madrid, 2023. Available [online](#).

<sup>6</sup> Mary Daly et al, *The Oxford Handbook of Family Policy over the Life Course*, Oxford University Press, 2023, pp. 78-93.

<sup>7</sup> COFACE Charter for Family Carers (2024), EU Child Guarantee (2021), EC Guidelines on independent living (2024).

<sup>8</sup> Comparison of Parents with and without disabilities raising Teens: Information From the NHIS and Two National Surveys, *Rehabilitation Psychology* 2006, Vol. 51, No. 1, 43–49.

<sup>9</sup> *Parenting and Disability - Disabled parents' experiences of raising children*, Richard Olsen and Harriet Clarke, The Policy Press, 2003.

<sup>10</sup> For a historical approach with concrete examples of antipathy and negative attitudes towards parents with different types of impairments see pp.20-27 of *Parenting and Disability - Disabled parents' experiences of raising children*, Richard Olsen and Harriet Clarke, The Policy Press, 2003.



medical view of disability that focuses narrowly on the potential negative impact of a parent's impairment on a child's well-being, without addressing the social and attitudinal barriers that, when interacting with their impairment, give rise to disability.<sup>11</sup>

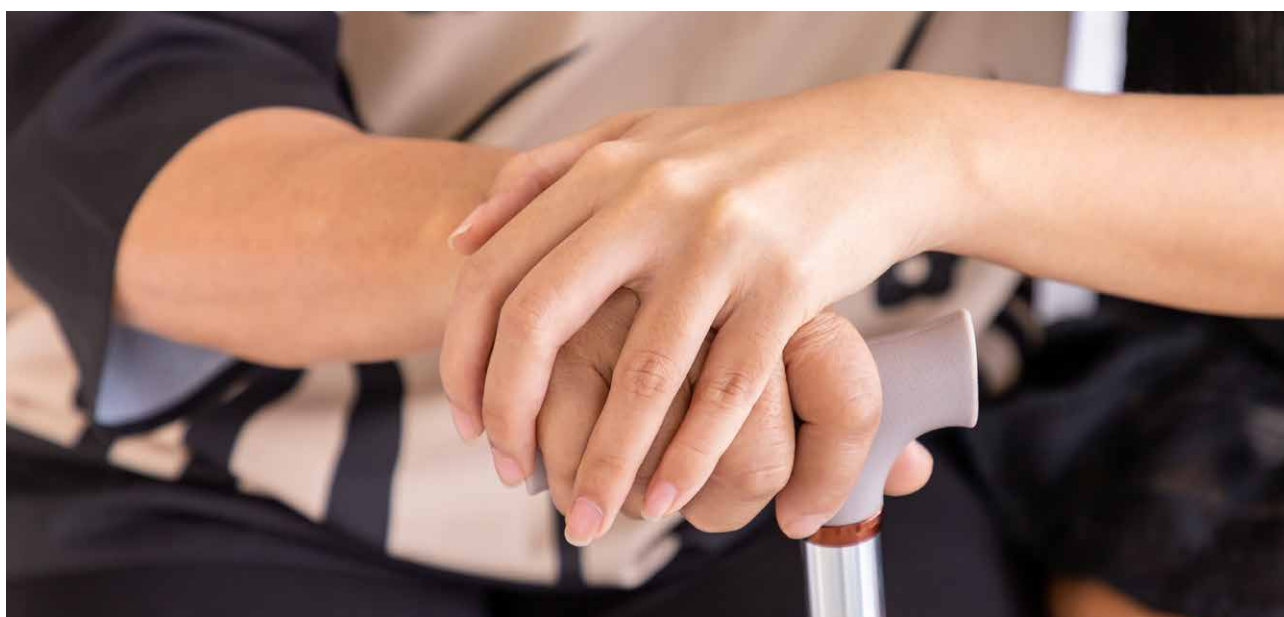
In general, the prevailing perception of individuals with disabilities predominantly casts them in the role of care recipients, or even objects of pity, rather than acknowledging their potential as care providers or parents. This viewpoint persists widely and often goes unchallenged, reflecting a limited understanding of the diverse capabilities and contributions of people with disabilities within the family, and within society more generally.

## 1.2 Parenting and working with a disability

It is crucial to acknowledge that both parenting and disability come with their own sets of challenges which, when combined, can potentially create unique and complex needs. Working parents with disabilities often face additional challenges in balancing work and parenting. These include frequent healthcare

appointments, complex administrative procedures to obtain disability recognition, and the ongoing struggle to access reliable information about support services. They may also encounter difficulties such as limited accessible transport options, physical barriers in places like playgrounds or childcare settings, and restricted opportunities for social support – often worsened by professionals' failure to respect constrained schedules. Moreover, stigma and negative attitudes further compound these challenges.<sup>12</sup> By considering these dimensions together, it would be easier to understand the intricate challenges that may arise and to develop more effective solutions in key policy fields including gender equality, poverty reduction, social exclusion, family support needs, labour market integration, education, accessibility, and overall well-being.

In 2022, EIGE collected and analysed the 1st wave of the CARE survey – an EU-wide survey on women's and men's engagement in unpaid care as well as in individual and social activities, adopting gender equality and intersectional perspectives from the onset. The aim of the survey was to fill in current data



<sup>11</sup> Dunne, A., & Ryan, C. (2025). Being a parent with a physical disability: A systematic review. *Rehabilitation Psychology*, 70(3), 354–364.

<sup>12</sup> Ibidem + Parenting and Disability – Disabled parents' experiences of raising children, Richard Olsen and Harriet Clarke, The Policy Press, 2003.

gaps, to complement the existing EU surveys, and to improve the Gender Equality Index's<sup>13</sup> capacity to capture changes in the domain of time in a more conceptually sound, coherent, and regular way.<sup>14</sup> Covering a sample size of 60.000+ respondents across 27 EU countries, it contains useful data on the work-life balance of parents with disabilities. In the survey sample, 74.4% of working and caring parents with disabilities said they use early childhood education and care services for their children (ages 0-5 years); 33.7% provided high intensity childcare (more than 35 hours a week) for children aged 0-11, while 28,3% provided high intensity childcare for children aged 0-24; 37.5% worked part-time (less than 35 hours per week) and 62.5 % full time; and 35.5% worked daily from home (see a full overview in the Annex below).

Recent research in the US and UK indicates that parents with disabilities are underrepresented in the paid labour market; that paid employment and home-making roles are gendered, with higher employment rates of fathers compared to mothers with disabilities, that parents with disabilities are more dependent on social benefits and assistance than non-disabled parents, that their household income is lower than for non-disabled households and they have higher poverty rates.<sup>15 16 17</sup> This is consistent with the lower level of employment

experienced by persons with disabilities overall<sup>18</sup> as well as increased expenditures, which include hidden costs that may not be accounted for, such as transport, equipment, energy, or care. In The European Union, in 2022, the employment rate of persons with disabilities was 54.3% compared to 75.7% for persons without disabilities.<sup>19</sup>

Parents with disabilities are also more likely to be single parents, to have had their children at older ages, and to have poorer overall health than parents without disabilities.<sup>20</sup> In addition, qualitative data indicates that parents with disabilities may face challenges in parenting, notably in terms of the balance between home life and work life, or in transportation for after-school activities. They may face limited access to services aimed at their children, like daycare centres, schools, and sports clubs, which are not always equipped to accommodate parents with disabilities.<sup>21</sup> For parents with intellectual disabilities, inaccessibility also stems from the design of generic services that are not adapted to them and hard to understand.<sup>22</sup> They also face a higher risk of being unjustly presumed unfit for parenting and being separated from their children.<sup>23</sup> Regarding parents with learning disabilities, research has found that they are more likely to be disadvantaged in areas including income, social networks, housing and employment.<sup>24</sup> However, in many

<sup>13</sup> EIGE Gender Equality Index 2024. Available [online](#).

<sup>14</sup> Survey of Gender Gaps in Unpaid Care, Individual and Social Activities (CARE) 1st wave | European Institute for Gender Equality. Available online and breakdown in the Annex of the Policy review. The dataset can be downloaded from the GESIS public repository [here](#).

<sup>15</sup> Comparison of Parents with and without disabilities raising Teens: Information From the NHIS and Two National Surveys, *Rehabilitation Psychology* 2006, Vol. 51, No. 1, 43–49.

<sup>16</sup> Gloria Filax and Dena Taylor, *Disabled mothers : stories and scholarship by and about mothers with disabilities*, Demeter Press, 2014.

<sup>17</sup> UK disability statistics: Prevalence and life experiences, Research Briefing, 2024, By Esme Kirk-Wade, Sonja Stiehl, Helen Wong.

<sup>18</sup> See further data from EIGE on employment of persons with disabilities. Available [online](#).

<sup>19</sup> E.Zólyomi (2024), *Employment of Persons with Disabilities*. Available [online](#).

<sup>20</sup> *Le handicap en chiffres – Édition 2024 (France)*, Direction de la recherche, des études, de l'évaluation et des statistiques, dirigé par Vanessa Bellamy.

<sup>21</sup> Dunne, A., & Ryan, C. (2025). Being a parent with a physical disability: A systematic review. *Rehabilitation Psychology*, 70(3), 354–364.

<sup>22</sup> "Parenting With Support": The Views and Experiences of Parents With Intellectual Disabilities, *Journal of Policy and Practice in Intellectual Disabilities* Volume 4 Number 3 pp 194–202 September 2007.

<sup>23</sup> *Safeguarding the Rights of Parents with Intellectual Disabilities in Child Welfare Cases: The Convergence of Social Science and Law*, Robyn M Powell, CUNY Law Review, 2016.

<sup>24</sup> MacIntyre, Gillian and Stewart, Ailsa (2008) *Parents with Learning Disabilities – The Lived Experience – A Study for Equal Say*, Glasgow. Discussion Paper. University of Strathclyde, Glasgow.

other instances, parenting issues faced by disabled parents are, in essence, no different to those faced by all parents. The difference lies in the additional barriers that disabled parents face in addressing those issues.<sup>25</sup>

### 1.3 Intersections of COFACE actions on work-life balance and disability rights

The COFACE working group on work-life balance consists of members of COFACE who work on work-life balance policies in their respective countries (such as childcare, leaves, flexible work arrangements, family-friendly company audits). The working group collectively assessed the transposition of the EU Work-life balance Directive in 10 EU Member States in 2022. The assessment was the result of collaboration focusing on evaluating the state of play of transposition on a national level, exchanging information and monitoring implementation. The assessment was published in October 2022 and remains an important reference point for civil society, academia and the EU institutions when it comes to the transposition of the Directive. Members of the working group continue to meet annually in order to share information with each other regarding the state of play of transposition, implementation and potential gaps.<sup>26</sup>

The working group's latest meeting in January 2025 focused on exploring the realities of the work-life balance of parents with disabilities. This involved bringing together the working group together with members of the COFACE Disability Platform for the rights of persons with disabilities and their families. This platform, founded by COFACE Families Europe in 1998, aims to better represent persons with disabilities and their families in EU decision-making. It gathers around 25 organisations

that are members of COFACE Families Europe, but that have core actions or initiatives focused on challenges that lie at the intersection of different types of disabilities and the family. Many of the COFACE Disability Platform organisations are led by parents of children of disabilities.

It is not the first time these two clusters of experts in COFACE have worked together: from 2017-2019 the network mobilised around the adoption of the Work-life Balance Directive, including advocating for the work-life balance rights for parents/carers of children with disabilities (with ensuing new rights for carers and the right to request flexible work arrangements – see Chapter 4 below). This time, the COFACE network launched a new exploration of the intersections of work-life balance and disability rights, focusing on **work-life balance of parents with disabilities**. This exercise has involved reviewing different EU policy frameworks, collecting feedback from COFACE member organisations (families and professionals of the family support sector), as well as consulting key COFACE partners including Equinet and its members (e.g. in Croatia and Austria), the European Disability Forum, members of the European Equality Law Network (e.g. Germany) and representatives the European Institute for Gender Equality.

The EU Policy Review starts with a focus on the place of parents with disabilities in the United Nations Convention on the Rights of Persons with Disabilities (Chapter 2), and then takes a look at the Employment Equality Directive (Chapter 3), the EU Work-Life Balance Directive (Chapter 4), at flagship initiatives under the EU Strategy for the Rights of Persons with Disabilities 2021-2030 (Chapter 5), and finally parents with disabilities at the intersection of EU initiatives on poverty, equality, transport and discrimination (Chapter 6).

<sup>25</sup> Richard Olsen and Harriet Clarke, *Parenting and disability: disabled parents' experiences of raising children*, the Policy Press, 60, 2003.

<sup>26</sup> COFACE (2022), *EU Work-life Balance Directive transposition in action: A mixed picture* | COFACE Families Europe available [online](#).



## 2. The United Nations Convention on the Rights of Persons with Disabilities (CRPD)

The human rights model of disability recognises that disability is a social construct, and impairments must not be taken as a legitimate ground for the denial or restriction of human rights.<sup>27</sup> Accordingly, the CRPD includes general provisions on non-discrimination, primarily in article 5, as well as specific provisions in targeted areas, notably regarding employment, in article 27. The CRPD was adopted by the UN General Assembly on 13 December 2006 and entered into force on 3 May 2008. It is the first Human Rights Treaty to be open for signature by integrated entities in different world regions. This was specifically intended to allow the EU to become a party to the Treaty and is a direct result from the significant role that the EU played during the process of negotiation and drafting of the Convention.<sup>28</sup>

The European Union (EU) became a party to the CRPD in November 2009.

The CRPD thus became integral part of the European Union legal system. The Court of Justice of the European Union (CJEU) case-law has confirmed that international agreements concluded by the EU are binding on its institutions. This means that they prevail over EU instruments of secondary law (which refers to the legal texts adopted by the EU such as Directives and Regulations), and that those instruments must as far as possible be interpreted in a manner that is consistent with the CRPD.<sup>29</sup> Indeed, the CJEU has referred to the CRPD when interpreting the concept of disability, equality and non-discrimination.<sup>30</sup>



<sup>27</sup> CRPD general comment 6 point 9.

<sup>28</sup> Andrea Broderick and Delia Ferri, *International and European Disability Law and Policy: text, cases and materials*, Cambridge University Press, 2019, p. 317.

<sup>29</sup> [EUR-Lex - 62011CJ0335 - FR - EUR-Lex](#).

<sup>30</sup> For instance : Joint cases C-335/11 and C-337/11, *Ring and Werge*, [CJEU, 2013 : EUR-Lex - 62011CJ0335 - EN - EUR-Lex](#); or C-354/13, *Karsten Kaltoft*, 2014, [EUR-Lex - 62013CJ0354 - EN - EUR-Lex](#).

## 2.1 The shift towards an inclusive model of equality in the CRPD

The CRPD reflects the evolution of international human rights law with regard to the concept of equality and the prohibition of discrimination. It crystallises the shift from a *formal model*

of equality to a *substantive model* of equality and non-discrimination, and ultimately to an *inclusive model*.

- ➔ **The formal model** of equality forbids *direct discrimination* which occurs when a person is treated less favourably than another in a comparable situation on specific grounds, such as disability, but does not confer further substantive rights (i.e. further specific entitlements or protections under the law) based on that characteristic. This is the prevalent model in the earliest Human Rights International treaties.
- ➔ **The substantive model** considers the specific needs and characteristics of disadvantaged persons, establishes conditions to accommodate them and seeks to eliminate disadvantages. The substantive model of equality is therefore not limited to remedy situations where persons are treated less favourably on specific grounds, such as disability, but also seeks to remedy situations where persons with certain characteristics find themselves at a disadvantage compared to others, under apparently neutral provisions, criterion or practices. Therefore, the substantive model addresses both *direct and indirect discrimination*, while the obligation to provide reasonable accommodation (in other words the adjustments needed to achieve and maintain the same inclusion and rights as others) lies at its core.<sup>31</sup> This approach therefore recognises that in some situations, equality can only be achieved through differential treatment aimed at favouring social inclusion.<sup>32</sup> This is the prevalent model in more recent international law.<sup>33</sup>
- ➔ **The Inclusive model:** The CRPD, which is the most recent International Human Rights Treaty in the field of disability, enshrines an even more demanding model of substantive equality.<sup>34</sup> This includes affirmative actions and the considering of the situation of persons with disabilities who experience intersectional discrimination. It requires that equal situations be treated equally and unequal situations differently. Failure to comply with this obligation amounts to discrimination, unless the difference of treatment can be justified objectively and reasonably by a legitimate aim.<sup>35</sup> This model is presented in more detail in the CRPD Committee General Comment n°6, on equality and non-discrimination.<sup>36</sup>

<sup>31</sup> On the obligation to make reasonable accommodation for an employee with a disability, European Labour Law Journal, 1–17, 2021.

<sup>32</sup> “Fragile rights. Disability, public policy and social change”, Bristol University Press, 2023.

<sup>33</sup> Carmine Conte, The UN Convention on the Rights of Persons with Disabilities and the European Union, The Impact on Law and Governance, Modern Studies in European Law, Hart Publishing, 2022.

<sup>34</sup> The General comment 6 paragraph 10 presents the distinction between the formal and substantive models of equality and paragraph 11 presents the inclusive model of equality.

<sup>35</sup> H.M. v. Sweden. UN Doc CRPD/C/7/D/3/2011 (21 May 2012). Available [online](#).

<sup>36</sup> OHCHR (2018), General comment no.6 on equality and non-discrimination.



The use of these different models can therefore impact parents with disabilities differently when discriminated, through basic actions to counter discrimination to more sustainable actions for long-lasting change. The next section examines more specifically the concept of discrimination in the CRPD, through a family lens.

## 2.2 The concept of discrimination under the CRPD, through a family lens

Under the CRPD, the obligation to prohibit all discrimination based on disability includes persons with disabilities **and their associates**, e.g. families of persons with disabilities such as children, partners, spouses, etc.<sup>37</sup> The CRPD also considers the “denial of reasonable accommodation” as a form of disability-based discrimination; the definition also includes the phrase “*on an equal basis with others*”, which is the overall objective that permeates the whole CRPD. It means that persons with disabilities **will not be granted more or fewer rights or benefits** than the general population. On the other hand, it requires that States parties take concrete specific measures to achieve **de facto equality** for persons with disabilities to ensure that they can in fact enjoy all human rights and fundamental freedoms.

The protection against “discrimination on all grounds” means that all possible grounds of discrimination and their intersections must be taken into account. Possible grounds include but are not limited to: disability; health status; genetic or other predisposition towards illness; race; colour; descent; sex; pregnancy and **maternity/paternity**; civil; family or **career status**; gender expression; sex; language; religion; political or other opinion; national, ethnic, indigenous or social origin; migrant,

refugee or asylum status; belonging to a national minority; economic or property status; birth; and age, **or a combination of any of those grounds or characteristics associated with any of those grounds**.<sup>38</sup>

“Reasonable accommodation” is an intrinsic part of the immediately applicable duty of non-discrimination in the context of disability. Examples of reasonable accommodations include making existing facilities and information accessible to the individual with a disability; modifying equipment; reorganising activities; **rescheduling work**; adjusting curricula learning materials and teaching strategies; adjusting medical procedures; or enabling access to support personnel, without disproportionate or undue burden.

Reasonable accommodations often involve minimal or no financial expense but necessitate changes in practice, such as the adoption of more flexible working hours as regards reasonable accommodation in the workplace. Evidence from the OECD suggests that accommodation costs are close to zero in around one-third of all cases, and substantial in only a few cases. In many cases it is flexibility which is required of an employer in the provision of reasonable accommodations, not expenditure.<sup>39</sup> While such adjustments may cause disruption that could sometimes be considered disproportionate, it is noteworthy that the CRPD Committee suggests considering potential ‘third-party benefits’ and other advantages when assessing disproportionate burdens. Consequently, it might be argued that when evaluating the burden associated with flexible work arrangements granted to parents with disabilities, the benefits to their children should also be considered.

<sup>37</sup> General Comment 6 paragraph 5.

<sup>38</sup> General Comment 6 paragraph 21.

<sup>39</sup> NDA (2019), Reasonable Accommodations: Obstacles and Opportunities to Employment of Persons with a Disability.

OECD reference : Organisation for Economic Cooperation and Development (2010) *Sickness, disability and work: breaking the barriers. A synthesis of findings across OECD countries*, Paris: OECD, p.134.

## 2.3 Family dimension of the CRPD

The family dimension in the CRPD lies primarily in article 23, under the title “Respect for home and the family”. It includes provisions related to discrimination based on family, marriage, relationships and parenthood. It includes the requirement to provide support to parents with disabilities and parents of children with disabilities, as well as to ensure that children are not separated from their parents. However, the family dimension of the CRPD can be found throughout the text, in several articles that should be emphasised.<sup>40</sup>

First, the preamble of the CRPD states that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and

assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities. Article 8 on awareness raising, also includes the family level; article 16 on the prevention of exploitation, violence and abuse, states that State Parties’ support and assistance should also include the family and caregivers; article 28 on adequate standard of living and social protection, affirms the right of persons with disabilities to an adequate standard of living for themselves and their families, and states that persons with disabilities and their families living in situations of poverty should have access to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care.



<sup>40</sup> For a complete and in-depth overview of the family dimension of the CRPD see COFACE Disability (2012) publication: The Family Dimension of the United Nations Convention on the Rights of Persons with Disabilities. Available [online](#).

### 3. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

EU social policy was consolidated by the introduction in 1999, with the Treaty of Amsterdam, of a new competence of the European Community to adopt, for the first time, legal measures to counteract discrimination on certain grounds<sup>41</sup>, including on the grounds of disability (art. 19 of the TFEU). Based on this new competence, the EU moved swiftly to adopt an 'anti-discrimination package' in November 2000, comprising two legal instruments: on the one hand, the Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,<sup>42</sup> and on the other hand, the Council Directive establishing a general framework for equal treatment in employment and occupation (hereafter the "Employment Equality Directive").<sup>43</sup> This Employment Equality Directive is the first legislative intervention at the European Union level designed to address discrimination on the ground of disability, and, according to Broderick and Ferri, still forms the cornerstone of EU disability law.<sup>44</sup>

#### 3.1 Parenthood in the Employment Equality Directive

While the Employment Equality Directive primarily addresses disability within the

workplace, it does not specifically provide measures related to parenting or work-life balance. Working parents with disabilities who are discriminated against in the workplace can therefore exercise the rights guaranteed by the Directive, but only if they are discriminated against on the grounds of disability, without relation to parenthood.

The directive's most significant connection to parenting lies in its provisions against direct discrimination and harassment, which have been recognised by the CJEU as not being limited to people who are themselves disabled, but also to the parent who is the primary carer of a child who has a disability. This is what is referred to as "discrimination by association". Thus, these provisions are particularly relevant for parents facing direct discrimination or harassment in the workplace on the grounds of the disability of their child.<sup>45</sup> Moreover, the EU promotes a vision of reasonable accommodation that includes the provision of flexible arrangements for parents of children with disabilities.<sup>46</sup>

As just mentioned, the recognition of *direct discrimination* and harassment by association is recognised by the European Court of Justice. This happened in the landmarked case

<sup>41</sup> Those grounds are listed at the end of the first paragraph of article 19 of the TFEU. The exhaustive list is the following: sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. [EUR-Lex - 12008E019 - EN - EUR-Lex](#).

<sup>42</sup> Directive - 2000/43 - EN - EUR-Lex.

<sup>43</sup> Directive - 2000/78 - EN - EUR-Lex.

<sup>44</sup> Andrea Broderick and Delia Ferri, *International and European Disability Law: text cases and materials*, Cambridge University Press, 2019, p. 302.

<sup>45</sup> Case C-303/06, *Coleman v. Attridge*.

<sup>46</sup> See, for example the European Commission guidelines: "[Reasonable accommodation at work, guidelines and good practices](#)", March 2024, p.94. Reasonable accommodation at work - Publications Office of the EU.





"Coleman v. Attridge", in 2008 <sup>47</sup>. 17 years later, on 11 September 2025, the CJEU has formally extended the concept of discrimination by association to *indirect discrimination*. Although it is still premature to know the impact that this judgement will have on national law, it will arguably have crucial implications regarding the right to reasonable accommodation for parents who are the primary carer of a disabled child, since they would now be able to fully rely on the employer's obligation to comply with the principle of equal treatment, meaning *the prohibition of direct and indirect discrimination on the grounds protected by the Directive*.<sup>48</sup>

Taking all this into account, it is also important to highlight the limitations of these two CJEU cases: The first is that discrimination by association only covers the parent who is the primary carer of her or his child who has a disability, and therefore no other types of carers, for instance of adult dependents, or of other relatives, including children who are not

their own. Another limitation is that it does not cover parents with disabilities who could require reasonable accommodation to care for their non-disabled children.

Despite these limitations, the subsequent chapter will examine the Employment Equality Directive due to its pivotal role in the intersection of parenting, disability-based discrimination, and employment. Exploring this Directive could enhance our overall understanding and highlight current EU legal constraints, while also opening avenues for considering its potential relevance in future, more expansive interpretations related to parents with disabilities. As we will observe, the interpretation by the CJEU has evolved over time, and this remains a dynamic and continuously developing area. Additionally, the Directive's impact on carers of children with disabilities is significant in its own right and warrants thorough exploration.

<sup>47</sup> Case Case C-303/06 "Coleman v. Attridge" : [EUR-Lex - 62006CJ0303 - EN - EUR-Lex](#).

<sup>48</sup> See Article 2.1 of the Equal Treatment in Employment Directive : "For the purposes of this Directive, the "principle of equal treatment" shall mean that there shall be no direct or indirect discrimination whatsoever on any of the grounds referred to in Article 1." [Directive - 2000/78 - EN - EUR-Lex](#).

## 3.2 Principle of equal treatment, definitions of discrimination and reasonable accommodation

The Employment Equality Directive lays down a general framework for combating discrimination on grounds of religion or belief, disability, age or sexual orientation with regard to employment and occupation.<sup>49</sup> It includes the obligation to provide reasonable accommodation for persons with disabilities, which imposes a crucial binding obligation to remove environmental, or other types of

barriers and promotes substantive equality. This means that parents with disabilities can exercise their right to reasonable accommodation at work, but within the same limits as any other worker with a disability. This means that their parental status is not considered, unless they are the parent and primary carer of a child who has a disability.

### The Directive establishes that:

- ➔ There shall be no **direct** nor **indirect discrimination** whatsoever on the grounds of religion or belief, disability, age or sexual orientation, with regard to employment and occupation.<sup>50</sup>
- ➔ **Its scope** covers all aspects of employment, including recruitment, promotion, training, involvement in an organisation of workers or employers, **working conditions** including dismissal and pay.<sup>51</sup>
- ➔ **Harassment** and **instruction to discriminate** are different forms of prohibited discrimination.<sup>52</sup>
- ➔ **The burden of proof** rests on the respondent (the employer), once the claimant (the person who believes has suffered from discrimination) establishes facts from which it can be determined that direct or indirect discrimination may have occurred.<sup>53</sup>

<sup>49</sup> The sub-chapters on EU direct and indirect discrimination are in large part built from, and can be explored more thoroughly in: "Andrea Broderick and Delia Ferri, International and European Disability Law and Policy: text, cases and materials", Cambridge University Press, 2019, pp. 334 to 357.

<sup>50</sup> Article 2(1) of the Employment Equality Directive.

<sup>51</sup> For the detailed scope see article 3 of the Employment Equality Directive.

<sup>52</sup> Article 2 (3) and (4) of the Employment Equality Directive.

<sup>53</sup> Article 10(1) of the Employment Equality Directive.



## Direct discrimination: Article 2(2)(a) of the Employment Equality Directive

The three key elements for direct discrimination are: (1) an unfavourable treatment, (2) a comparator person in a similar situation, (3) the protected ground.

Indeed, according to the Employment Equality Directive, direct discrimination<sup>54</sup> occurs where one person is treated **less favourably than another** is, has been or would be treated in a comparable situation **on the grounds of** religion or belief, disability, age or sexual orientation, as regards employment and occupation.

The assessment of the less favourable treatment is based on a **comparative exercise** between the alleged victim and **another person**<sup>55</sup>, in a comparable situation. The comparator must be a person who does not have the same characteristic as the alleged victim and must enjoy a better treatment. The formulation “is, has been or would be treated” allows for comparisons with a previous or hypothetical comparator.

Three possible justifications for direct discrimination are:

(1) Differential treatment is justified on the ground of a genuine and determining **occupational requirement**, provided that the **objective is legitimate** and the requirement is proportionate.<sup>56</sup>

(2) Measures which in a democratic society are necessary for **public security**, the maintenance of public order and the prevention of criminal offenses, for the protection of health and of the rights and freedoms of others.<sup>57</sup>

(3) Exceptions relating to the **armed forces** (only for age and disability).<sup>58</sup>

## Indirect discrimination: Article 2(2)(b) of the Employment Equality Directive

The three key elements for indirect discrimination are: (1) A rule that appears to be neutral but is significantly more negative on a protected group; (2) A comparator group of persons. (3) The protected ground.

Indeed, the Directive defines indirect discrimination<sup>59</sup> as occurring where an **apparently neutral** provision, criterion or practice would put persons having (...) a particular disability, (...) at a **particular disadvantage** compared with **other persons** (note that this time, unlike for direct discrimination, the formulation is in plural).

<sup>54</sup> Article 2(2)(a) of the Employment Equality Directive.

<sup>55</sup> Note the formulation is written in singular form.

<sup>56</sup> Article 4(1) of the Employment Equality Directive.

<sup>57</sup> Article 2(5p) of the Employment Equality Directive.

<sup>58</sup> Article 3(4) of the Employment Equality Directive.

<sup>59</sup> Article 2(2)(b) of the Employment Equality Directive.

Two possible justifications for indirect discrimination are:

- (1) The apparently neutral provision, criterion or practice is **objectively justified by a legitimate aim** and the means of achieving that aim is **appropriate** and **necessary**, or;<sup>60</sup>
- (2) As regards persons with a particular disability, the employer or any person or organisation to whom the Directive applies, has respected its obligation, under national legislation, **to take appropriate measures** (...) in order to **eliminate disadvantages entailed by such provision, criterion or practice**.<sup>61</sup>

### Reasonable accommodation: Article 5 of the Employment Equality Directive

The Directive requires employers to provide reasonable accommodation to meet the needs of disabled individuals, unless this would result in a disproportionate burden being imposed on the employer.

Some guidance is provided in the Preamble of the Directive regarding the meaning of '*reasonable accommodation*' and '*disproportionate burden*':

- (1) Recital 20 of the Preamble provides that 'appropriate measures' mean 'effective and practical measures to adapt the workplace to the disability', such as the adaptation of premises and equipment, **patterns of working time**, the distribution of tasks or the provision of training or integration resources.
- (2) Recital 21 of the Preamble sets out that the 'disproportionate burden' should take into account the financial cost of the measures entailed, the scale and financial resources of the organisation and the possibility of obtaining public funding.

## 3.3 Case law of the European Court of Justice (CJEU): the definition of concepts of 'patterns of working time' and 'discrimination by association'

In 2013, in the Ring and Skouboe Werge case<sup>62</sup>, the CJEU extended the concept of **patterns of working time** to such adaptations of working hours that accommodate the peculiar needs of persons with a disability who are **not capable, or no longer capable, of working full-time to**

**work part-time**. The term 'pattern' of working time therefore may include the rhythm or speed at which the work is done.<sup>63</sup> The Court held that a reduction in working hours may constitute one of the accommodation measures under Article 5 of Employment Equality Directive.

<sup>60</sup> Article 2(2)(b)(i) of the Employment Equality Directive.

<sup>61</sup> Article 2(2)(b)(ii) of the Employment Equality Directive.

<sup>62</sup> EUR-Lex - 62011CJ0335 - FR - EUR-Lex.

<sup>63</sup> EUR-Lex - 62011CJ0335 - FR - EUR-Lex.

In 2008, in the *Coleman v Attridge Case*<sup>64</sup>, the CJEU, for the first time, introduced the concept of **discrimination by association**. The claimant, Sharon Coleman, was a legal secretary and mother of a disabled child who required specialised and particular care. She claims that discriminatory treatment caused her to stop working for her former employer, resulting in unfair dismissal. She alleged that she was discriminated against and harassed at work by her former employer who refused to allow her the same flexibility with regard to her working hours and the same working conditions as those of her colleagues who were parents of non-disabled children.

In this landmark case, the Court clarified that the Directive prohibits **direct discrimination** against an individual who is the parent and carer of a child who has a disability, by virtue of his or her **association** with that child. It is an important development for EU anti-discrimination law as it **extends the personal scope** of the directive to those individuals who do not personally possess the protected characteristics. However, it is important to note that while the Court extended direct discrimination to other persons, by association (i.e. parents of a disabled child), it did not extend reasonable accommodation to them. This remained reserved to persons with disabilities, a not "associates".

This judgment was handed down **before** the ratification of the CRPD by the European Union. According to scholarly work, the CJEU's stance on indirect discrimination and reasonable accommodation in the Coleman case is no longer compatible with the provisions of CRPD

that implicitly enshrine such a duty in order to protect those persons who associate with a person with a disability and are discriminated against by harassment or an unjustified denial of reasonable accommodation.<sup>65</sup>

In September 2025, the European Court of Justice finally changed its view in its landmark judgment on the *Bervidi case*,<sup>66</sup> which finally extends the concept of discrimination by association to indirect discrimination and reasonable accommodation, acknowledging that the related provisions of the Equal Employment Directive must be read in light of the CRPD.

The Court held that :

1. *"(...) the prohibition of **indirect discrimination** on grounds of disability applies to an employee who does not himself or herself have a disability but who is subject to such discrimination because of the assistance that that person provides to his or her child who has a disability, which enables that child to receive the primary care required by virtue of his or her condition."*

2. *"(...) that an employer is required, in order to ensure compliance with the principle of equal treatment of workers and the prohibition of indirect discrimination (...), to make **reasonable accommodation** (...), in respect of an employee who does not himself or herself have a disability but who provides, to his or her child who has a disability, the assistance which enables that child to receive the primary care required by virtue of his or her condition, provided that that accommodation does not impose an unreasonable burden on that employer."*

<sup>64</sup> EUR-Lex - 62006CJ0303 - FR - EUR-Lex.

<sup>65</sup> The UN convention on the rights of persons with disabilities and the European Union - Carmine Conte.

<sup>66</sup> Case C-38/24 : CURIA - Documents.

## 4. Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers

The **EU Work-life Balance Directive** (Directive (EU) 2019/1158) was adopted on 24th January 2019. It was the first legislative initiative that followed the launch of the European Pillar of

Social Rights. It facilitates the reconciliation of work and family life for workers who are parents, or carers.

### The Directive covers aspects of:

- **Time** by providing minimum standards on family leaves and flexible working arrangements
- **Resources** through the adequate payment for certain leaves
- And paves the way for future action on access to **Services** (ECEC and LTC)

### The Directive provides for individual rights of workers related to the following:

- Paternity leave: individual right to 10 working days for fathers or equivalent second parents, irrespective of worker's qualification, length of service and marital status
- Parental leave: 4 months for each parent as an individual right, 2 months non-transferable, flexibility in take-up
- Carers' leave: 5 working days a year, unpaid
- Flexible working arrangements for workers with children and with care responsibilities

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 adequate payments for **paternity leave** (with legally binding European minimum payment thresholds in the Directive, Article 8), **parental leave** (with some provisions for remuneration, to be decided at Member State level) and **carers leave** (with no European minimum provisions, but Member States are encouraged to introduce payment or allowance to guarantee take-up 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. Based on COFACE’s transposition assessment of 10 Member States (published in October 2022) and the report on transposition of the European Equality Law Network of the 27 EU Member States, “Work-Life Balance Directive in EU Member States (II): Considerable work still to be done” there is still room for improvement in almost every area of the Directive.

As for COFACE’s assessment based on 10 EU countries (BE, DE, ES, FI, FR, HR, HU, IT, LT, PL), the transposition shows a mixed picture. Some Member States were ambitious and went beyond the Directive’s measures, others went for minimum standards and some Member States were found non-compliant in certain areas.<sup>67</sup>

Regarding the assessment of the European Equality Law Network, up to 30 June 2023 only one Member State (the Netherlands) did a more or less satisfactory job in terms of transposition, while the rest of the 26 Member States had important gaps in one or several areas. The areas with the most gaps are parental leave and/or adequate compensation (present in 17 countries), flexible work arrangements (15 countries) and legal protection from discrimination and dismissal (14 countries). However, there are also some positive developments.<sup>68</sup>

As per the ongoing infringement procedures launched by the European Commission<sup>69</sup>, the report states that in November 2023 the Commission decided to refer to the EU Court of Justice the procedures regarding Belgium, Ireland and Spain for failing to notify national measures fully transposing the Directive.<sup>70</sup>

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<sup>67</sup> COFACE (2022), EU Work-life Balance Directive transposition in action: A mixed picture. Available [online](#).

<sup>68</sup> European network of legal experts in gender equality and non-discrimination (2024), The transposition of the Work-Life Balance Directive in EU Member States (II): Considerable work still to be done, p. 9. Available [online](#).

<sup>69</sup> According to the EU treaties, the Commission may take legal action – an infringement procedure – against an EU country that fails to implement EU law. The Commission may refer the issue to the Court of Justice, which can impose financial sanctions.

<sup>70</sup> Europa Press release (2023), Work-life balance: Commission decides to refer BELGIUM, IRELAND AND SPAIN to the Court of Justice of the European Union for failing to fully transpose the Work-Life Balance Directive. Available [online](#).



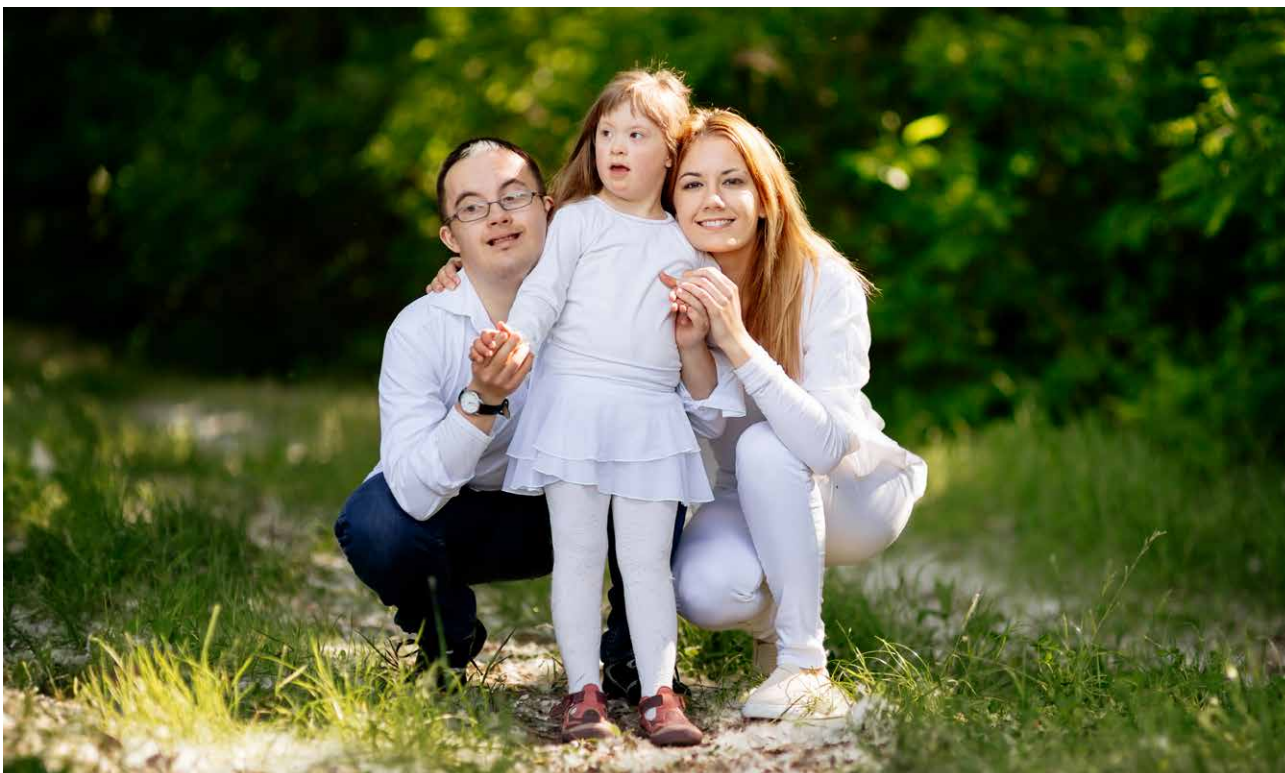
## 4.1 Disability elements of the Work-Life Balance Directive

Concerning the disability measures of the Directive, Recital (37) starts by setting out that: *"Notwithstanding the requirement to assess whether the conditions of access to and the detailed arrangements for parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations, 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 Recital 37 acknowledges the diversity of families in the 21st century and recommends

that Member States consider family diversity in the transposition process, explicitly acknowledging families with disabilities. This does not impose a definition of family but encourages Member States to recognise the diverse realities and care needs of families of today while respecting existing national family legislative frameworks.

A more binding element of the Directive is Article 5 (8) which sets out that *"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."* This article poses an obligation to Member States to accommodate the needs of working parents with a disability (among other workers) when it comes to transposition of parental leave into national law.



## 4.2 Implementation of parental leave for working parents with disabilities

Based on the Directive's measures, parental leave seems to be a right on paper. However, take-up is not always possible for parents due to poor payment of the leave. Low payment has been stated as one of the main implementation issues by the Equality Law Network's report on the transposition assessment. This challenge is not unique for working parents with disabilities but for all workers. For instance, countries like Belgium and France use lumpsum payments which are a poor replacement of former income. Given that having a disability can be expensive due to requiring accommodations in the home, higher energy costs, alternative forms of transport, extra healthcare costs – taking poorly paid parental leave is even more problematic for working parents with disabilities. Furthermore, to be eligible for parental leave in some countries, a worker must have worked full-time for one full year before qualifying for parental leave. This means if a worker with a disability works part-time (not out of choice but due to their disabilities), they need to work for at least 2 years before benefiting from this right to parental leave. In addition, research (prior to the EU Work-life Balance Directive) shows that 10 % of women and 12 % of men in employment are not eligible for parental leave due to self-employment and employment conditions include restrictions such as duration of employment and short working hours.<sup>71</sup>

According to the assessment carried out by the European Equality Law Network, most EU countries (19) have adopted specific measures for parental leave for at least one of the following groups of parents: adoptive parents, **parents with a disability** and parents

of children with a disability or a long-term illness. The other eight Member States (BG, CZ, EE, HR, LT, LV, MT and NL) have adopted no specific measures for such parents within the framework of national parental leave measures.<sup>72</sup>

As for Article 5 (8), three countries are putting in place specific measures (Germany, Greece, Sweden) relating to parental leave for parents with disabilities. These measures are: in Germany more favourable conditions in case of an early return to work, and making other relatives entitled to parental leave if parents cannot take care of their children because of illness or disability; in Greece priority among similar petitions from other employees; and in Sweden, in cases where one parent is unable to care for the child due to sickness or disability, making the other parent entitled to the entire period of parental leave.

While these measures seem initially like progress, feedback from the COFACE Disability platform is mixed due to the fact these measures seem to be based on the idea that a parent with disability is not able to take care of their child. In general, specific leave-related measures for working parents with disabilities (such as transfer of leaves to other family members) should be designed to ensure empowerment of the individual, hence through a system which is not compulsory or automatic, but which allows for the choice of the parent. Finally, there should be complementarity between disability and employment measures ensuring that accessing parental leave does not lead to a cancellation of other disability-related benefits.

<sup>71</sup> EIGE (2021), Who is eligible for parental leave in the EU-28?

<sup>72</sup> European network of legal experts in gender equality and non-discrimination (2024): The transposition of the Work-Life Balance Directive in EU Member States (II): Considerable work still to be done. Available [online](#).

### 4.3 Flexible working arrangements for all employees reduces stigma

Article 3 (f) of the EU Work-Life Balance Directive defines flexible working arrangements as “the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or reduced working hours.” As for the regulation of flexible working arrangements, Article 9 (1) of the Directive further sets out 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. The duration of such flexible working arrangements may be subject to a reasonable limitation.”*

This article provides the right to request flexible working arrangements (FWA) for parents with children and carers, but the duration of such arrangements can be subject to limitations. Moreover, according to Article 9 (2) *“Employers shall consider and respond to requests for flexible working arrangements as referred to in paragraph 1 within a reasonable period of time, taking into account the needs of both the employer and the worker. Employers shall provide reasons for any refusal of such a request or for any postponement of such arrangements.”*

Based on the above, unlike paternity, parental and carers’ leave, which are absolute rights or rights to obtain (the employer cannot refuse the request from the worker), the right here is only a relative one, i.e. the right to make a request to the employer (the employer can refuse the request).<sup>73</sup>

Despite being a relative right, there are some guarantees for this right to be balanced between the interests of the worker and those of the employer (Article 9(2)). Employers shall consider and respond to requests for FWAs within a reasonable period, taking into account the needs of both the employer and the worker. According to Recital 36, when considering requests for FWAs, employers should be able to take into account, inter alia, the duration of the FWA requested and the employers’ resources and operational capacity to offer such arrangements. For instance, an employer may be able to grant a part-time arrangement for some months but not for the full year (due to a particular busy period of the year). If the request for FWAs is ultimately refused or postponed, employers shall provide reasons for the refusal or for the postponement of such arrangements.<sup>74</sup>

For instance, the Croatian Labour Act provides workers with the right to temporary work at a separate location, under special conditions. Based on this law, workers in Croatia have the right to request an amendment to the employment contract to reconcile work, family obligations and personal needs to work at a separate location for a fixed period, in the case of health issues or disability. In these cases, the employer is obliged to consider the employee's request, taking into account the needs of the employee and the needs of the employer as well. In the event of rejection or adoption with a deferred start of application, the employer is obliged to provide the employee with a reasoned written response

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<sup>73</sup> The Transposition of the Work-life balance directive in EU Member States (II): Considerable work still to be done p. 27-28.

<sup>74</sup> Ibid p. 28.



within a reasonable period of time, and no later than 15 days from the date of submission of the request. While these measures do not explicitly refer to parents with disabilities, they can be supportive for these families to balance work and family life. However, limitations stipulated in Article 9 (2) of the Directive apply.

For parents, work-life balance is generally a challenge. But when a disability is in the picture, this adds another level of mental pressure and stress. Flexible work arrangements for all employees can be a good solution to already reduce the burden and allow people to work at their own rhythm while delivering the work outputs desired by the employer. If this is not a right for all employees, the worker needs to be

proactive in asking for special arrangements, which can lead to stigma and tensions with other employees. Such situations can make it harder for a parent or carer with disability to access flexible working. Flexibility and namely remote work are also key when managing doctor appointments as a parent with disability, and even more for carers with a disability e.g. to manage appointments for a child with disabilities. However, remote work is not possible for all professions. Reduction of working hours (e.g. working one or two days a week, or a couple of hours a day) can also be useful to support the work-life balance of parents with disabilities.



## 5. European Union Strategy for the Rights of Persons with Disabilities

At the level of the European Union, the two main drivers of Disability policy have been, first, the Treaty of Amsterdam, which conferred a sound competence on the EU to combat, inter alia, disability discrimination; and second, the ratification by the EU and all its Member States of the CRPD.

Before the Amsterdam Treaty, from the 70s to the mid-90s, the then European Community, acted only through soft law (measures without legally binding force) with the aim of promoting good practices and supporting the Member States. This was done through action programmes that essentially facilitated the exchange and dissemination of information, without much concrete effect on the ground. Moreover, at the time, the European approach was still influenced by the medical model of disability.

The first wide ranging EU policy on disability was a Recommendation "*on the employment of disabled people in the Community*", that proved unsuccessful, given its non-binding nature, in providing greater access to the labour market for persons with disabilities. From the mid-90s a shift towards the social model of disability began to become visible in EU policy, until it was fully embraced in the first European Disability Strategy, adopted in 1996 with three goals: enhancing cooperation between and with Member States; increasing the participation of persons with disabilities in EU co-operation; mainstreaming disability in EU policy.

After the ratification of the Amsterdam Treaty, the Employment Equality Directive was adopted in 2000. The European Disability Action Plan 2003–2010, which consisted of 2-year action plans, had three objectives: Ensure the proper implementation of the Employment Equality Directive, reinforce the mainstreaming of disability issues in relevant EU policies; and finally, improve accessibility for all. The last years of the action plan coincided with the final negotiations and ratification of the CRPD by the EU in 2010.

The second crucial shift in EU disability policy came with the ratification by the EU and all its Member States of the CRPD. By becoming a Member Party to the Convention, the EU committed itself to comply with wide-ranging obligations, and to be in aligned with the Convention at the substance level, for instance regarding the social model of disability.

After the ratification of the CRPD, the European Disability Strategy 2010–2020 (EDS) was adopted, with the express aim to implement disability policy, including the CRPD. Not only was it considered more ambitious than previous disability action plans, but it marked a significant shift in how the EU addressed disability issues.<sup>75</sup> Unlike previous approaches, the Strategy established a broad and cohesive policy framework, outlining both cross-cutting initiatives and new legislative actions across

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<sup>75</sup> Handbook EU disability Law - Ferri - Broderick 2020.



various areas of EU level action. Its purpose was to translate the principles of the CRPD into concrete steps, reflecting a more inclusive and proactive stance on disability rights within the Union. It resulted notably in

the proposals for a European Accessibility Act and for a Directive on Web Accessibility.

The 2010-2020 Strategy was followed by the 2021-2030 Strategy.<sup>76</sup>

**The new strategy contains an ambitious set of actions and flagship initiatives in various domains such as:**

- ➔ Accessibility, being able to move and reside freely but also to participate in the democratic process;
- ➔ Having a decent quality of life and to live independently as it focuses notably on the de-institutionalisation process, social protection and non-discrimination at work;
- ➔ Equal participation as it aims to effectively protect persons with disabilities from any form of discrimination and violence, to ensure equal opportunities in and access to justice, education, culture, sport and tourism, but also equal access to all health services;
- ➔ The role of the EU to lead by example;
- ➔ The EU's intention to deliver on that strategy;
- ➔ Promoting the rights of persons with disabilities globally.

The EU Disability Platform (not to be confused with the COFACE Disability platform) is a group of experts that was created and is coordinated by the European Commission to monitor disability policies at EU level. COFACE Families Europe is one of the 14 civil society organisations members of the EU Disability Platform. The Platform is a key initiative of the European Commission's Strategy for the Rights of Persons with Disabilities 2021-2030, bringing together all EU Member States, civil society organisations, experts and EU institutions in a collaborative effort to uphold the rights outlined in the CRPD.

The platform meets for 3 plenary meetings per year, including one physically, and also meets in smaller settings, through ad hoc sub-groups to receive guidance and foster dialogue on specific policies and/or specific dimensions of policies under the Strategy. While the situation of parents with disabilities is not explicitly referred to in the EU strategy nor in the workplan of the Platform, there are two European Commission initiatives of the Strategy which hold potential in boosting support for working parents with disabilities: the Disability Employment Package and the Commission Guidance on Independent Living.

<sup>76</sup> Union of equality: Strategy for the rights of persons with disabilities 2021-2030 - European Commission Available [online](#).

## 5.1 Disability Employment Package

The Disability Employment Package is one of the Flagship initiatives of the European Strategy for the Rights of Persons with Disabilities 2021-2030.<sup>77</sup> Its purpose is the gathering and sharing of information, data, and good practices to support Member States in ensuring that persons with disabilities enjoy social inclusion and economic autonomy through employment. The Employment package is divided into 6 strands, each targeting different dimensions relevant to the inclusion of persons with disabilities in employment.

The 6 strands are:

- ➔ Employment and integration services.
- ➔ Promoting hiring perspectives.
- ➔ Ensuring reasonable accommodation at work.
- ➔ Retention of employment by preventing risks.
- ➔ Vocational rehabilitation.
- ➔ Alternative employment models.

As an example, the first strand proposes guidance to public employment services accompanying persons with disabilities in the labour market. The second strand offers insights into existing good practices in Member States that are aimed at encouraging the hiring of persons with disabilities, for instance

through measures such as specific support services for employers, subsidies, awareness raising initiatives, fiscal incentives, quotas and more.

Among the different strands, the one on reasonable accommodation would be the most closely related to some dimensions contained in the Work-Life Balance Directive, since it covers flexible working arrangements and care duties. The deliverable consists of an information brochure that contains policy and legal background, followed by a varied set of practical examples to draw inspiration from. The brochure is destined mainly to employers, but also to trade unions, civil society organisations, public authorities and persons with disabilities. Although the brochure presents family care as a legitimate ground to provide reasonable accommodation in the form of flexible working arrangement, it does not mention parents with disabilities in any of the presented examples.

Overall, the Disability Employment Package is a well-intended initiative that certainly contributes to raising awareness and promoting the integration of persons with disabilities into the labour market, however, it must be acknowledged that the family and gender dimensions are extremely weak in its 6 strands, and it does not cover the work-life balance of parents with disabilities.

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<sup>77</sup> Disability employment package - European Commission Available [online](#).

## 5.2 Guidance on Independent Living

The Commission "Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding" is another flagship initiative of the European Strategy for the Rights of Persons with Disabilities 2021-2030.<sup>78</sup> Adopted in 2024, the guidance offers recommendations targeted at EU funds implementing bodies at all levels, as well as those implementing EU-funded projects, on possible ways to use of EU funding to promote the realisation of the right of persons with disabilities to independent living and inclusion in the community.

The family dimension of the Guidance is particularly marked. Many of the recommendations explicitly include families, in recognition of their crucial relevance to secure the right to independent living of persons with disabilities. However, as in the case of the Disability Employment Package, references to work-life balance in the family context are directed towards family carers, rather than parents with disabilities. In that context, the Guidance goes beyond flexible working arrangements, mentioning also family

*leaves: "In addition to ensuring that professional support and care are available, adequate support for family and informal carers, including social protection, information and training and, for those who are in employment, family leaves and flexible working arrangements, can contribute to supporting independent living."*

Independent living of parents with disabilities should also be addressed more specifically in EU policy and funding initiatives. Parents with disabilities, depending on the type and degree of their disability, need various forms of support in carrying out their parenting duties, and priority access to ECEC is considered a key form of support in some countries. This is the case in Croatia with the Preschool Education Act which includes such a provision, introduced into the law at the proposal of the Ombudsman for Persons with Disabilities. Additionally, some local government units provide children of parents with disabilities with financial support (e.g. payment for school meals) and priority access for extended primary school attendance (after school activities).

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<sup>78</sup> Commission (2024), Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding Available [online](#).

## 6. Intersections with poverty, equality and non-discrimination frameworks

The work-life balance of parents with disabilities is covered indirectly in some existing and upcoming frameworks on poverty, equality, non-discrimination, and access to essential services. The **European Child Guarantee** targets children at risk of poverty or social exclusion, including those living with parents with disabilities. The **EU Gender Equality Strategy** (currently under review for a post-2025 launch) focuses on closing the gender care gap by promoting work-life balance measures for mothers and fathers in general, but acknowledges intersectionality and the fact that women and men can face

multiple, overlapping forms of discrimination, including on the grounds of disability. There is a **proposal for a Horizontal Equal Treatment Directive** which aims to harmonise protections across the EU ensuring that all people have equal access to education, housing, healthcare, and public services, irrespective of religion or belief, disability, age or sexual orientation. Finally, this chapter looks at **EU action to promote access to public transport** as pre-condition for achieving work-life balance, with a focus on different soft and hard law initiatives which are contributing to making this social right a reality for parents with disabilities.

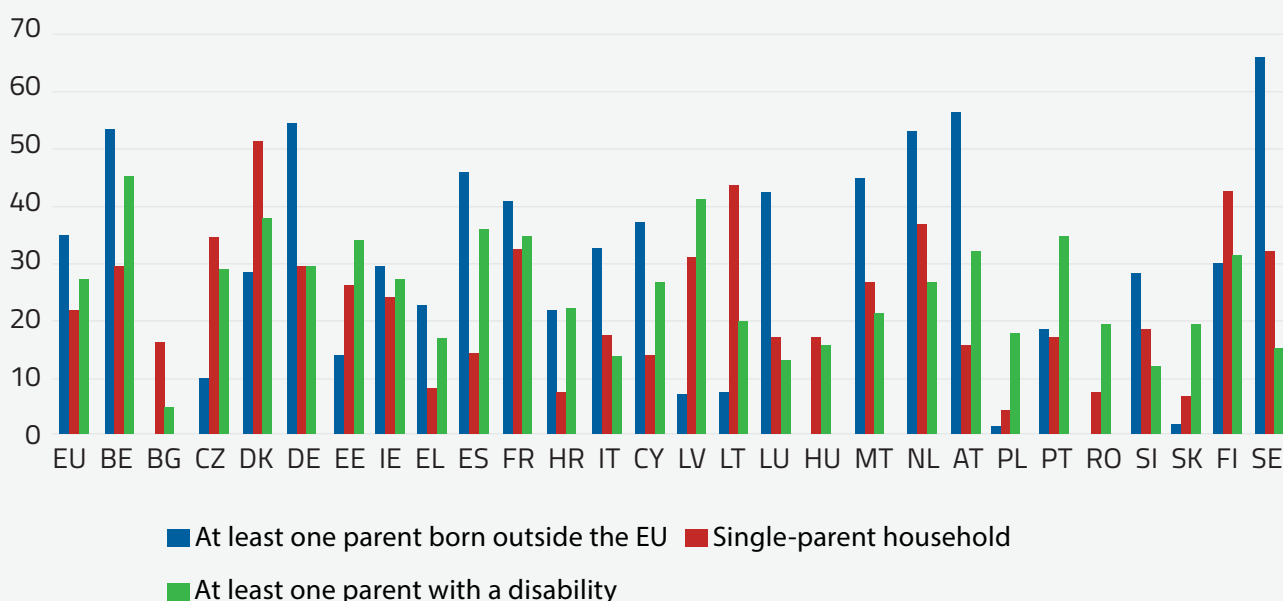
### 6.1 European Child Guarantee: tackling child and family poverty

The European Child Guarantee (adopted by the Council of the EU in June 2021)<sup>79</sup> is specifically aimed at children at risk of poverty or social exclusion, ensuring they have free and effective access to early childhood education and care, education and school-based activities, at least one healthy meal each school day, healthcare, and adequate housing and nutrition. This strategy does not directly target parents (with or without disabilities) - the focus is on children.

However, the Council Recommendation does highlight children with disabilities as one of the specific target groups, and it also stresses that children in disadvantaged family situations - including when **parents have disabilities or other vulnerabilities** - are at higher risk of poverty and exclusion and therefore should be considered, when appropriate, by targeted measures to ensure they receive the support they need.

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<sup>79</sup> Council of the EU (2021), Recommendation establishing a European Child Guarantee. Available [online](#).



Share of children At Risk Of Poverty or social Exclusion with at least one parent born outside the EU, living in a single-parent household, and **with at least one parent with a disability** (in %) in 2023. Source: [ILC\\_CHG01](#), [ILC\\_CHG02](#), [ILC\\_CHG03](#)

Source: SPC-ISG(2025), Update of the monitoring framework for the European Child Guarantee.

Therefore, while parents with disabilities themselves are not covered by the European Child Guarantee, their children are covered when it comes to risk of poverty and social exclusion. Member States are encouraged to design support that takes into account the barriers families face, including parental disability. This is monitored through Eurostat data<sup>80</sup> with some Member States reporting on this data in their national implementation reports (e.g. Austria, Belgium, Finland, Cyprus) but the measures taken to address this specific family situation are not always clear. Nevertheless, this specific family type is integrated in the Child Guarantee monitoring

framework<sup>81</sup> which includes a set of EU indicators to monitor progress in tackling child poverty. The framework highlights that certain family types remain at a significantly higher risk of poverty or social exclusion, including single-parent households and **households where at least one parent has a disability**. Besides, according to Eurostat data, large families even with two working parents are also at risk of poverty in most EU countries. Across the whole of the EU, the risk of poverty of people living in households composed of 2 adults with 3 or more dependent children was 27.8% in 2023, compared with an average of 16.2% for the total population.<sup>82</sup>

<sup>80</sup> Children with at least one parent with disability by at risk of poverty or social exclusion situation (population aged 0-17). Available [online](#).

<sup>81</sup> Indicators Sub-group of the Social Protection Committee (2025), Second version of European Child Guarantee Monitoring Framework. Available [online](#).

<sup>82</sup> Eurostat (2025): Quality of life indicators - material living conditions, p. 8. Available [online](#).



Early childhood education and care is one of the key services covered under the European Child Guarantee, and these services are a crucial part of the equation to allow parents to reconcile their work and care responsibilities. By guaranteeing effective access to ECEC for children living in a household where a parent has a disability, the family (especially mothers) can be relieved from unpaid care burdens, making it easier to work, study, or train, and keep an overall link with the labour market and a steady income. A deeper analysis of the impact of the Child Guarantee on these families would be extremely valuable, tied with the implementation of the 2022 Council Recommendation on Barcelona targets for ECEC explicitly mentions parents with disabilities (recital 16).<sup>83</sup>

## 6.2 Gender equality and work-life balance

The EU Gender Equality Strategy 2020–2025 is framed around eliminating gender-based inequalities, with a strong focus on closing the gender pay and care gaps, promoting work–

life balance, tackling gender-based violence, and ensuring women’s equal participation in all spheres of life. When it comes to disability, the Strategy does acknowledge intersectionality: women and men can face multiple, overlapping forms of discrimination, including on the grounds of disability. While the Strategy does not explicitly mention parents with disabilities as a target group, it does recognise that women with disabilities face greater challenges in employment, income, access to services, and risk of violence. As for parenting and care responsibilities, the Strategy mainly focuses on mothers and fathers in general, promoting work–life balance and tackling unequal care burdens.

The Strategy has been implemented so far with an explicit intersectionality lens but could go even further to develop measures for target groups at the intersections of different forms of discrimination (such as parents with disabilities). In its latest annual report on gender equality, the European Commission highlights women and girls with disabilities as a priority group and links gender equality actions to the



<sup>83</sup> Council of the EU (2022), Council Recommendation of 8 December 2022 on early childhood education and care: the Barcelona targets for 2030. Available [online](#).

Disability Employment Package and Guidance on Independent Living.<sup>84</sup> However, it does not create a separate stream of action targeting parents or mothers with disabilities.

A recently adopted report by the OECD on Gender Equality in a Changing World, formulates recommendations to close gender gaps in paid and unpaid work. The report calls for greater intersectionality, and includes recommendations for the promotion of equal opportunities on the labour market namely by “Building strong, comprehensive and resilient care infrastructure across the life course (e.g. childcare, out-of-school care, and long-term care), while strengthening and improving existing policies on care and families (including ensuring adequate paid leave around childbirth and support for **parents with disabilities**) and ensuring fair remuneration of care jobs.”<sup>85</sup>

Since the European Commission is currently evaluating the impact of the 2020-2025 Strategy, with a view to building a new one for 2026-2030, this is an opportunity for the European Commission to assess how the Work-Life Balance Directive is **closing the gender care gap for parents with disabilities**, and to develop appropriate measures to address any specific challenges they might face in accessing their right to parental leave and flexible work arrangements. The intersectional data provided in the EIGE CARE survey (referred to above) can also feed into such an initiative.

## 6.3 Proposal for a Horizontal Equal Treatment Directive

In June 2025, a Commission proposal for a Council Directive to implement the principle of equal treatment between persons irrespective of religion or belief, **disability**, age or sexual orientation outside the labour market was discussed at the meeting of the Employment, Social Policy, Health and Consumer Affairs.<sup>86</sup> Also known as the Horizontal Equal Treatment Directive, it sets out a framework for the prohibition of discrimination on these grounds and establishes a uniform minimum level of protection within the European Union for people who have suffered such discrimination.

This proposal builds on existing legislation such as Directives 2000/43/EC, 2000/78/EC and 2004/113/EC which prohibit discrimination on grounds of sex, racial or ethnic origin, age, disability, sexual orientation, religion or belief. Moreover, it is in line with EU treaties and strategies like the Amsterdam Treaty articles related to combating discrimination and the Lisbon Treaty articles on Growth and Jobs. When adopted, this Directive would help to further the fundamental rights of citizens, in line with the EU Charter of Fundamental Rights and fill gaps in EU anti-discrimination law: currently, only gender and racial/ethnic origin are covered broadly (in employment and beyond) under EU law.<sup>87</sup> Other grounds - like age, **disability**, religion/belief, and sexual orientation - are only protected in the

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<sup>84</sup> European Commission (2025) Report on gender equality in the EU. Available [online](#).

<sup>85</sup> *Gender Equality in a Changing World (EN)* Available [online](#).

<sup>86</sup> Employment, Social Policy, Health and Consumer Affairs Council (Social policy), 19 June 2025. Available [online](#).

<sup>87</sup> The Racial Equality Directive 2000/43/EC prohibits racial and ethnic discrimination beyond employment, including education, housing, access to goods and services. While Gender Equality Directive 2006/54/EC prohibits discrimination based on sex in the context of employment, training, working conditions, occupational pension schemes.

workplace. The Directive proposal is about harmonising protections across the EU, ensuring that all people have equal access to education, housing, healthcare, and public services, regardless of these characteristics.

While the initial proposal does not refer to access to childcare (as part of education or public services), this could potentially be included through negotiations with the European Parliament and Council, for instance with measures to ensure that children of parents with disabilities have priority access to childcare.<sup>88</sup> After attempts to withdraw the Directive proposal (originally tabled in 2008, with stalling negotiations),<sup>89</sup> the proposal has been kept on the EU agenda, with an agreement to proceed with the existing text of the proposal. President Ursula von der Leyen announced in July 2025 that the legislation has been added back to the Commission's 2025 Work Programme Priorities.<sup>90</sup>

#### **6.4. Access to public transport as pre-condition for work-life balance**

Accessible, affordable, and reliable transport is a precondition for the work–life balance of parents with disabilities, as it enables them to juggle work, care, and family responsibilities on an equal footing with other parents. Without it, policies on leave, childcare, or flexible work risk leaving this group behind. With some disabilities such as visual impairments, public transport is the only option (driving a car is not an option and taxis are less reliable). In towns and cities with sound and accessible public transport infrastructure, this is already a big support. And even more so if public transport

is free or at a reduced price for a parent or carer with a disability. Certain specific transport services for persons with disabilities can also be a great option, but the eligibility criteria may reduce access (e.g. access may only be for people in wheelchairs, and not people with hearing or visual impairments). Based on the findings of EIGE on mobility of people with and without disabilities, the overall pattern in terms of use of public transport seems to be similar in both groups (30.9 % of persons without and 30.8 % of persons with disabilities).<sup>91</sup> However, accessible public transport is still of critical importance for persons with disabilities to sufficiently navigate between work-life balance.

On the EU policy level, access to transport is listed among the essential services in Principle 20 (Access to essential services) of the European Pillar of Social Rights along with water, sanitation, energy, digital communications and financial services. These services fulfil basic human needs and are key to well-being and social inclusion, especially for disadvantaged groups including persons with disabilities.<sup>92</sup>

To improve urban mobility for persons with disability, the 2020 Sustainable and Smart Mobility Strategy<sup>93</sup> acknowledges the importance of supporting accessible public transport through transport services that are available and affordable for all, and accessible for persons with disabilities and persons with reduced mobility, and through better connected rural and remote regions. Beyond the sectoral work, legislation in the internal market with a social objective has been

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<sup>88</sup> Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. Available [online](#).

<sup>89</sup> European Disability Forum (2025), European Union must not abandon its fight against discrimination. Available [online](#).

<sup>90</sup> Euronews (2025), Exclusive: Commission has change of heart on anti-discrimination directive. Available [online](#).

<sup>91</sup> EEIGE (2023), Online panel survey on gender gaps in unpaid care, individual and social activities – Technical report. Available [online](#).

<sup>92</sup> European Pillar of Social Rights Principle 20: Access to essential services. Available [online](#).

<sup>93</sup> European Commission (2021), Sustainable and Smart: Mobility Strategy. Available [online](#).

adopted that improves access to essential transport services for persons with disabilities. The European Accessibility Act, for example, includes obligations to make certain elements of passenger transport services accessible for persons with disabilities, for instance transport-related information and interfaces such as websites and self-service terminals, including in urban and suburban transport.<sup>94</sup>

Moreover, to address the affordability challenges, the Social Climate Fund regulation includes provisions concerning the financing of support measures and investments that should enhance access to zero- and low-emission mobility and transport, including infrastructure for recharging and refuelling, and incentivise the use of affordable and accessible public transport, with a specific focus on vulnerable households, vulnerable microenterprises and vulnerable transport users.<sup>95</sup>

Article 2 of the Social Climate Fund regulation also defines transport poverty as *"individuals' and households' inability or difficulty to meet the costs of private or public transport, or their lack of or limited access to transport needed for their access to essential socioeconomic services and activities, taking into account the national and spatial context"*. Vulnerable transport users are also defined under the same article as individuals and households in transport poverty, but also individuals and households, including low income and lower middle-income ones, that are significantly affected by the price impacts

of the inclusion of greenhouse gas emissions from road transport. While the regulation does not explicitly mention persons with disabilities under these terms, Recital (24) does recognise that women with disabilities, are one of the disproportionately affected groups by energy poverty and transport poverty.<sup>96</sup>

As for concrete Member States' measures to support access to transport, Germany, Ireland and Malta provide persons with disabilities with free public transport. In other cases, support to access public transport is available for low-income households in combination with specific socioeconomic criteria (e.g. referring to a disadvantaged situation beyond income) which may include disability. For instance, in Zagreb (Croatia), free public transport is available to low-income pensioners and older people, persons with disabilities, full-time students from low-income families and people who have been granted asylum.<sup>97</sup>

The above-mentioned measures show the EU's commitment to addressing barriers in accessing transport for persons with disabilities, an essential pre-condition for improving the work-life balance of parents with disabilities. Therefore, ensuring their effective implementation across Member States as well as the adoption of the Horizontal Equal Treatment Directive are crucial so that the right to accessible transport, enshrined in the European Pillar of Social Rights, becomes a reality.

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<sup>94</sup> European Commission (2024), Report on access to essential services in the EU – Commission staff working document, p 37. Available [online](#).

<sup>95</sup> Ibid.

<sup>96</sup> Regulation 2023/955 establishing a Social Climate Fund. Available [online](#).

<sup>97</sup> European Commission (2024), Report on access to essential services in the EU – Commission staff working document, p 37. Available [online](#).



## 7. Conclusions and next steps

The aim of this review is to study the intersection between disability rights and work-life balance policies at EU level, in order to shed light on the specific realities and needs of working parents with disabilities, highlight gaps in recognition of this specific group, spotlight existing measures to support their work-life balance, and make recommendations for future targeted and universal strategies to address their compounding vulnerabilities.

Parents with disabilities exercise rights arising from both aspects of their identity as parents and as persons with disabilities. This means that they are entitled to all the rights guaranteed to parents, as well as all the rights arising from the status of a person with disabilities.

The results of this review of EU-level policies indicates that working parents with disabilities benefit from greater recognition in social policies focusing on work-life balance, employment and child poverty than in disability policies and legislation per se. This points to strong mainstreaming of disability rights in other

fields (for instance with explicit references to parents with disabilities in the EU work-life balance directive and the European Child Guarantee), but to the need for strengthening of the gender and family dimensions of disability rights policy at EU level. Having said this, workers with disabilities, whether they are parents or not, have strong rights through their disability status pursuant to the provisions Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. Disability is explicitly listed in this Directive as one of the prohibited grounds for discrimination, which ensures legal protection against different forms of unfavourable treatment in various dimensions of employment and occupation. The Disability Employment Package is also a strong starting point for boosting the rights of disabled workers, but the package lacks a family dimension and specific attention to working parents and carers with disabilities.

This gap could be filled with a dedicated flagship targeting parents with disabilities in





the next phase of the EU Strategy for the Rights of Persons With Disabilities, or at the very least by a European debate about this target group in the EU Disability Platform followed by a dedicated sub-group to develop guidance for Member States on developing appropriate support. This could be done through a broader and holistic flagship initiative focusing on the family dimension of the EU Strategy for the Rights of Persons with Disabilities. Meanwhile, the new post-2025 Gender Equality Strategy is in preparation with ambitions for a greater focus on intersecting vulnerabilities; and the Work-Life Balance Directive foresees a European Commission review report to be submitted by 2 August 2027, “which shall be accompanied by a legislative proposal, if appropriate”. It would be crucial in this report to include an assessment of take-up of work-life balance rights by different family types and workers, including working parents with disabilities.

While the aim of this review was to examine EU and not national policy, it is clear from different country examples highlighted that Member States are developing measures targeting parents with disabilities (e.g. prioritising access to ECEC for children with disabled parents, developing specific parental leave measures, facilitating access to public transport and more), as well as universal measures which benefit all types of workers (e.g. flexible work arrangements). While measures targeting parents with disabilities are a positive step in the right direction, they must be developed with the social model of disability and CRPD as a starting point. These measures must be designed to ensure equal rights and opportunities through the elimination of barriers and obstacles faced by persons with disabilities and therefore should be aimed at enabling parents with disabilities to operate their work-life balance on equal footing with the rest of society.

# Annex: EIGE Care Survey 2022 (1st wave)

**Definition of disability:** respondents who indicated that they have been limited or severely limited in activities people usually do because of a health problem, for at least the past 6 months.

The following questions were used to define disability:

Are you limited because of a health problem in activities people usually do? Would you say you are...	
Severely limited (i.e. usual activities cannot be done or only done with extreme difficulty)	
Limited but not severely (i.e. usual activity can be done but only with some difficulties)	
Not limited at all (i.e. usual activities can be done without any difficulties)	

## ASK IF RESPONDENT IS 'SEVERELY LIMITED' OR 'LIMITED BUT NOT SEVERELY'

Have you been limited for at least the past 6 months?	
Yes	
No	

## EU27 aggregate, respondents aged 16-74

Share of working and caring parents with disabilities who use ECEC

Do you currently use formal early childhood education and care services (e.g. kindergarten, day care centre, a crèche) for your children aged 0-5 years?	
Yes	74.4 %

## Share of working and caring parents with disabilities providing intensive childcare (children aged 0-24)

How many hours in a typical week are you involved in providing childcare for your children?	
Please choose the hour band which best applies to you. If you do not provide care on a regular basis, please think of a week in which you do provide care.	
1-7 weekly hours (e.g. approx. 1 hour per day)	20.3 %
8-21 weekly hours (e.g. more than 1 up to 3 hours per day)	28.0 %
22-35 weekly hours (e.g. more than 3 up to 5 hours per day)	23.4 %
36-49 weekly hours (e.g. more than 5 up to 7 hours per day)	13.4 %
50-70 weekly hours (e.g. more than 7 up to 10 hours per day)	6.2 %
71 or more weekly hours (e.g. more than 10 hours per day)	8.7 %

\*Note: high intensity childcare is defined as more than 35 weekly hours.

## Share of working and caring parents with disabilities providing intensive childcare (children aged 0-11):

How many hours in a typical week are you involved in providing childcare for your children?	
Please choose the hour band which best applies to you. If you do not provide care on a regular basis, please think of a week in which you do provide care.	
1-7 weekly hours (e.g. approx. 1 hour per day)	15.8 %
8-21 weekly hours (e.g. more than 1 up to 3 hours per day)	26.9 %
22-35 weekly hours (e.g. more than 3 up to 5 hours per day)	23.6 %
36-49 weekly hours (e.g. more than 5 up to 7 hours per day)	14.1 %
50-70 weekly hours (e.g. more than 7 up to 10 hours per day)	7.8 %
71 or more weekly hours (e.g. more than 10 hours per day)	11.8 %

\*Note: high intensity childcare is defined as more than 35 weekly hours.

## Share of working and caring parents with disabilities working part time

Thinking of the actual working time you dedicate to all paying jobs, how many hours a week do you work?	
Less than 35 hours per week (part time)	37.5 %
More than 35 hours per week (full time)	62.5 %

## Share of working and caring parents with disabilities working from home

Thinking about all your paying jobs, how frequently do you work/have you worked from home?	
Daily	35.5 %
Several times a week	24.0 %
Several times a month	9.4 %
Less often	11.4 %
Never	19.7 %



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