

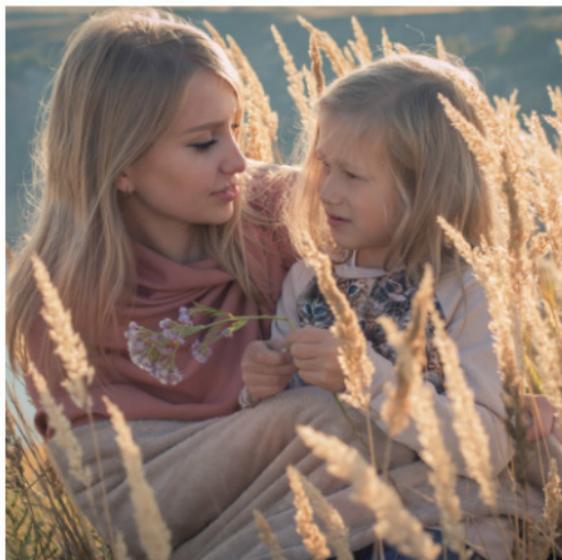
DIGITAL EDITION

EUDIRWL20

EU DIRECTIVE ON WORK-LIFE BALANCE FOR PARENTS AND CARERS

All rules, definitions and scope, Statistical Data

Mars 2020



EUDIRWL20

EU DIRECTIVE
on Work-life balance for parents and carers

Directive (EU) 2019/1158 of 20/06/2019

Index

1. Executive summary	3
2. The provisions of the Directive	4
3. Comparative table	7
4. Chronology of events	8
5. Statistics	9

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1. Executive summary

From 1 August 2019, [Directive \(UE\) 2019/1158](#) on work-life balance came into force, which provides for new or higher minimum standards for parental, paternity and carer leave. EU countries must adapt within three years. Member States that are below the protection thresholds indicated are therefore the main addressees of this directive.

The Directive, which repeals the previous [Directive 2010/18/EU](#) from 2 August 2012, establishes a series of new rules or stricter rules for parental, paternity and carers leave. It also provides the right to request flexible working conditions. This will allow parents and caregivings to choose how their work and family life combine. These rules will strengthen gender equality and improve the family and working life of many Europeans.

The new rules are also a model for aligning social and economic priorities. Companies can better attract and retain talented men and women. The EU has stated that the European economy will benefit from this directive, which will help bridge the gap between men and women in the world of work. A better balance between work and personal life for women and men is not only considered fair, but also a solution to retain the talents of professional life that the current rules penalize.

The Directive has accepted the European Parliament's request to extend parental leave to the "second equivalent parent", where recognized by national law.

The **EU Commission** presented its proposal [COM \(2017\) 252](#) on 26 April 2017, within the framework of the initiatives announced to implement the European Pillar of Social Rights, launched by the EU Institution in 2017.

The European Parliament, co-legislator with the EU Council of Ministers, had already given its assent in a "single reading" on 4 April 2019, with 490 votes in favor on 751.

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2. The provisions of the Directive

The Directive has the following objectives:

- to develop measures to reduce the under-representation of women in the labor market
- improve the conditions for reconciling work and family commitments
- reduce unequal treatment and opportunities in the labor market
- encourage a better sharing of caring responsibilities between women and men
- introduction of carers' leave for workers providing personal care or support to a relative or person living in the same household.
- parental leave to the "second equivalent parent", where recognized by national law.

The European Commission, in presenting its proposal for a Directive, stressed that it has been shown that combining professional activity and family life on the part of fathers has been shown to positively influence the reduction of the percentage of unpaid domestic work done by women, so as to give more time for a paid job. This, says the EU Commission, it was necessary to tangibly promote non-discrimination and gender equality.

The Directive regulates the matter for all workers, men and women, who have a contract of employment or an employment relationship and establishes minimum requirements, so that EU states that have more favorable regimes or those that want to introduce them can do so .

For the preparation of its proposal, the Commission carried out stakeholder consultations between November 2015 and February 2016. In total it obtained 786 contributions, from 229 purchases and 557 citizens.

The European Union Advisory Committee for equality between women and men was also consulted and explained its position at the meeting on 8 December 2016.

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Content of the Directive:

Article 1 - Rights: This Directive lays down minimum requirements designed to achieve equality between men and women

Articolo 4 – Paternity leave: give the right to a paternity leave of 10 working days that is to be taken on the occasion of the birth of the worker's child. The right to paternity leave shall be granted irrespective of the worker's marital or family status, as defined by national law (payment or allowance shall guarantee an income at least equivalent to that which the worker concerned would receive in the event of a break in the worker's activities on grounds connected with the worker's state of health, subject to any ceiling laid down in national law).

Article 5 – Parental leave: to ensure that each worker has an individual right to parental leave of 4 months that is to be taken before the child reaches a specified age, up to the age of 8, to be specified by each Member State or by collective agreement. That age shall be determined with a view to ensuring that each parent is able to exercise their right to parental leave effectively and on an equal basis.

Article 6 – Carers' leave : each worker has the right to carers' leave of **5 working days per year**. Member States may determine additional details regarding the scope and conditions of carers' leave in accordance with national law or practice. The use of that right may be subject to appropriate substantiation, in accordance with national law or practice.

Article 7 – Time off from work on grounds of force majeure: each worker has the right to time off from work on grounds of force majeure for urgent family reasons in the case of illness or accident making the immediate attendance of the worker indispensable.

Article 8 – Payment or allowance: With regard to paternity leave as referred to in Article 4(1), such payment or allowance shall guarantee an income at least equivalent to that which the worker concerned would receive in the event of a break in the worker's activities on grounds connected with the worker's state of health, subject to any ceiling laid down in national law. Member States may make the right to a payment or an allowance subject to periods of previous employment, which shall not exceed six months immediately prior to the expected date of the birth of the child. Payment or allowance shall be defined by the Member State or the social partners and shall be set in such a way as to facilitate the take-up of parental leave by both parents.

Article 9 – Flexible working arrangements : 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.

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Article 10 – Employment rights: The [2010/18/EU](#) parental leave Directive, still in force until 2022, already provides for some labor rights and guarantees protection from unfavorable treatment so that workers can take parental leave. For this to be possible, in addition to the provisions already provided for, the new directive requires parents and carers to return to their place of work (or an equivalent job), to benefit from any improvements in working conditions that occurred during their absence, for maintain the acquired rights and maintain the employment relationship during the leave.

Article 11 – Discrimination: the protection currently provided for in the parental leave directive is maintained and extended in such a way that workers who use other types of leave or flexible working arrangements are also protected from less favorable treatment and discrimination caused by the request for use or exercise of certain rights recognized by this directive.

Article 12 – Protection from dismissal and burden of proof: the new Directive maintains the existing protection for workers and extends it, providing protection to workers who take paternity leave, parental leave, or leave for carers, or flexible working arrangements, from dismissal during period in which they request to use these rights or exercise them.

Article 20 – Transposition: Member States have 3 years to implement the Directive, ie by July 2022.

The other articles of the Directive establish principles or rules on sanctions, equality bodies, review, repeal and transposition.

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3. Comparative table

Minimum conditions established by the EU Directive			
	Paternity leave	Parental leave	Carers' leave
Duration of leave	10 days	4 - 6 months	5 d/y (with exceptions)
Age limits of the child	At birth	Not exceeding 8 years	
Adoption	Not specified. National law applies	YES	
Even as a second equivalent parent	YES	YES	
Transferability to a second parent	X	MAX 2 months	
Fixed-term employment contract	YES	YES	
Length of service requested	YES	MAX 12 months	X
Flexibility of the leave period	YES	YES	YES
Flexible working hours	YES	YES	YES
Payment or allowance	At least equivalent to what was received in the event of the worker's illness	Defined by Member States or social partners	No minimum prescription required

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4. Chronology of events

- The Directive [2010/18/EU](#) of 8 March 2010 for parental leave is in force, which repealed the previous Directive 96/34 / EC
- The EU Commission presented a Communication on 26 April 2017 to take stock of parental leave and work-life balance, [COM\(2017\)252](#)
- the EU Commission presented a new Directive proposal on 26 April 2017 [COM\(2017\)253](#)
- the Commission presented a Working Document [SWD\(2017\)203def](#) on 26 April 2017, which accompanies the new EU Directive proposal
- The Committee of the Regions issued its Opinion in November 2017
- The Economic and Social Committee has examined the proposal and issued an [opinion](#) in December 2017
- The European Parliament has appointed David CASA (EPP) Rapporteur on 3 October 2017, who tabled a [Draft Report PE618.193](#) in March 2018
- The EU Council assessed the progress of the work on the Directive proposal on 7 December 2017 ([here the Conclusions](#))
- The EU Council agreed its position on 21 June 2018, [Press release](#)
- The Employment and Social Affairs committee (EMPL) of the European Parliament voted on 11 July 2018 its draft Report, with 679 amendments. See [first part](#), [second part](#) and [third part](#). The EMPL committee has also considered the [opinion from Legal committee of the EP](#)
- The European Parliament has discussed a compromise with the Council and has scheduled the vote for 4 April 2019
- on 4 April 2019, the European Parliament voted by a majority the proposal for the Directive, as negotiated with the Council

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5. Statistics

6. The overall employment rate of women remains 11.6% lower than that of men
7. 31.5% of women work part-time, compared to 8.2% of men
8. Just over 50% of women work full-time, compared to 71.2% of men
9. Nearly 20% of inactive women have family responsibilities, compared to less than 2% of men

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Source: European Union, EUROSTAT, OECD

Related eDossiers:

eDossier SOCPIL20: The European Pillar for Social Rights

eDossier LABMAR19: EU Labor Market

eDossier HOMASS20: Home Care in Europe

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