DRAFT REPORT


Committee on Employment and Social Affairs

Rapporteur: Maria Arena
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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION


The European Parliament,

– having regard to Articles 2 and 3(3) of the Treaty on European Union,

– having regard to Articles 8, 10, 153(1)(i) and 157 of the Treaty on the Functioning of the EU,


– having regard to Articles 23 and 33(2) of the Charter of Fundamental Rights of the European Union,


– having regard to the Presidency conclusions of the European Council held in Brussels on 23-24 March 2006 (777751/1/06 REV 1),


– having regard to the European Foundation for the Improvement of Living and Working Conditions study entitled ‘Promoting parental and paternity leave among fathers’,

– having regard to the European Parliament Directorate-General for Internal Policies of the Union study entitled ‘Maternity, Paternity and Parental Leave: Data Related to Duration and Compensation Rates in the European Union’,


– having regard to its resolution of 11 March 2015 on the European Semester for Economic Policy Coordination: Employment and Social Aspects in the Annual Growth
Survey 2015¹,

- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015²,

- having regard to its resolution of 20 May 2015 on maternity leave³,

- having regard to its resolution of 8 October 2015 on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation⁴,

- having regard to Rule 52 of its Rules of Procedure,

- having regard to the report of the Committee on Employment and Social Affairs (A80000/2015),

A. whereas there is little chance of the 75 % employment rate target set in the Europe 2020 strategy being achieved for women (it currently stands at 63.5 %) by 2020 without proactive policies designed to help women enter the job market, especially policies that promote a better work-life balance;

B. whereas available data confirms that unpaid or poorly paid family leave results in low participation rates, fathers make use of very few of their parental leave rights and non-transferable, properly paid parental leave is used in a more balanced way by both parents;

C. whereas, within the framework of public policies in force on the matter, fathers’ participation rate in parental leave in the EU Member States remains low, with only 10 % of fathers taking at least one day of leave; in contrast, 97 % of women use the family leave available for both parents;

D. whereas the EU as a whole is facing a serious demographic challenge as birth rates are constantly decreasing in most Member States, and family policies that are fair to men and women should both improve women’s prospects on the job market and have a positive impact on demographic processes;

Transposition of the directive

1. Stresses that the provisions necessary for the transposition of Directive 2013/62/EU take different forms in the various Member States; believes that the transposition should therefore comply fully with legislation and usages in force in the area of collective bargaining between social partners;

2. Considers it regrettable that not all Member States have provided the Commission with correspondence tables between the provisions of the directive and the transposition measures;

3. Considers it regrettable that there are disparities between the transposition measures of the directive in the field of application, thus creating systems that benefit workers to varying degrees depending on their employment sector (public or private) and the length of their contract;

4. Welcomes the fact that some Member States have transposed the provisions of the directive beyond the minimum field of application, enabling freelance workers, apprentices, same-sex couples and parents of adopted children to benefit;

5. Notes the high degree of variability between Member States regarding the maximum duration of parental leave; welcomes the various measures adopted to encourage fathers to take parental leave;

6. Condemns the decision taken by some Member States to only provide access to social welfare rights for a shorter duration than the maximum duration of parental leave, thus reducing the number of parents who actually use this maximum duration;

7. Emphasises that family rights assigned by public policies, including parental leave, should be individual rather than transferable, with a view to encouraging both parents to achieve a better work-life balance;

8. Notes the flexibility the directive grants to the Member States to define forms of parental leave – part-time or full-time – and the working and notice periods established as conditions for granting parental leave; welcomes the initiatives introduced by the Member States to give workers as much flexibility as possible in this area, ensuring that parental leave ties in with their professional and personal circumstances, but believes that any choices made to cede some of the decision-making power to employers should not undermine the target of increasing the taking of parental leave;

Towards an effective directive to address the challenges of work-life balance

9. Strongly deplores the fact that the proposed revision of the directive on maternity leave was withdrawn just before the publication of the roadmap ‘New start to address the challenges of work-life balance faced by working families’ and the fact that, in the context of this roadmap, the Commission does not at this stage intend to publish a final report on the implementation of the directive on parental leave;

10. Believes, in view of the overlapping nature of the different types of family leave, that a coherent revision of the various texts at EU level is required;

11. Emphasises the need to activate the revision clause in EU legislation on parental leave for that purpose;

12. Calls on the Member States to introduce financial compensation for parental leave with a view to reaching a level that would act as an incentive for income replacement, over the minimum time period guaranteed by the directive, based on the average EU
maternity leave income replacement rate, in order to safeguard families’ social and economic wellbeing;

13. Calls on the Commission and the social partners to offer to extend this minimum duration from four to six months to improve work-life balance;

14. Stresses that improved coordination, coherence and accessibility in the Member States’ leave systems (maternity, paternity and parental) increases participation levels and overall efficiency; stresses in that regard that an EU directive on a two-week paternity leave is essential;

15. Urges the Member States and the social partners to continue with their efforts at sharing best practices on positive action in the area of work-life balance, paying particular attention to policies that help mothers to enter the job market and fathers to participate in family life;

16. Believes that, alongside legislative measures to promote work-life balance, the Member States, with the financial backing of the various EU instruments, should focus on introducing high-quality, accessible childcare facilities with a view to meeting the Barcelona objectives;

17. Call on the Commission, in that regard, to incorporate workplace gender equality objectives into the European Semester for economic policy coordination to enable the targets of the Europe 2020 strategy to be met and to gauge the positive influence of legislative measures on improving work-life balance with a view to redistributing family and domestic responsibilities;

18. Instructs its President to forward this resolution to the Council and the Commission.
EXPLANATORY STATEMENT

Over the past few decades, the European Union has introduced two pieces of legislation on family leave: maternity leave and parental leave.

Although the legal situations in the individual Member States are relatively complex, the current status of national legislation can be viewed more simply as providing three types of family leave: maternity, paternity and parental.

The above two pieces of EU legislation are relatively old and were adopted on different legal bases and with different targets:

- The maternity leave directive dates from 1992 and was adopted on the basis of the Union’s competence in workplace health and safety.
- The initial parental leave directive dates from 1996 and was amended in 2010 following a new agreement by the EU social partners on the issue, which serves as the legal basis for the legislation.

It is interesting to note that these pieces of legislation – considered to be modern 20 years ago, but obviously no longer in line with the economic and social climate of the Union of today – have not been updated equally.

While the social partners reached an agreement on parental leave which the Union translated into legislation, the political decision-makers at the Council and the Commission preferred to retain the system laid down in the 1992 maternity leave legislation, despite repeated efforts by Parliament to clear the process for conducting a review.

The aim of this report is to assess the implementation of the legislation on parental leave by the different Member States and to draw the necessary political conclusions.

However, owing to the fact that in the Member States this type of leave overlaps with others, the latter must also be studied; the political conclusions relating to parental leave are inextricably linked to those that must be drawn on maternity and paternity leave.

The Commission has surprisingly declined to make use of its ability to draw up a report on the implementation of this directive, for which it had the good fortune of being supported by a group of 33 national experts and the executive agency Eurofound, in addition to various European researchers whose work is mentioned in the citations.

This is particularly surprising given the publication in summer 2015 of its roadmap on reconciling professional and private life, an issue that is closely linked to this legislation.

There are currently two main elements to this reconciliation:

1. Gender equality and fairness in the sharing of family tasks between men and women.
2. The significant contribution to the EU’s economy that would result from increasing women’s participation in the job market and supporting their demographic growth,
particularly in view of the fact that the Europe 2020 employment target was met for men for the first time in 2014, but has yet to be achieved for women.

However, Parliament and its Committee on Employment and Social Affairs have seized the opportunity, resulting in this draft report.

In the implementation study, the Member States were not found to have failed to implement parental leave, but there is a degree of disparity between the different forms in which it is provided, in particular in terms of its combination in practice with the two other types of family leave.

In contrast, it was noted that only a small number of fathers actually use parental leave, primarily because it is poorly paid and, in most Member States, transferable.

With a view to addressing the Union’s demographic, economic and gender equality challenges, the draft report therefore lists these concerns and draws a number of political conclusions, including the following:

- The parental leave legislation must be reviewed to improve the points on duration, pay, transferability and field of application (since childhood does not end at the age of eight).
- The same applies to the maternity leave legislation, in view of the recent positions taken by Parliament.
- EU paternity leave legislation must also be adopted.
- All legislation on family leave must be produced in such a way as to be mutually coherent, possibly with the same legal bases, with priority being given to the agreements by the EU social partners, which demonstrated its closer correlation to the changing economic and social climate.