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DRAFT REPORT

on creating labour market conditions favourable for work-life balance
(2016/2017(INI))

Committee on Employment and Social Affairs
Committee on Women's Rights and Gender Equality

Rapporteurs: Vilija Blinkevičiūtė, Tatjana Ždanoka

(Joint Committee meetings – Rule 55 of the Rules of Procedure)

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on creating labour market conditions favourable for work-life balance (2016/2017(INI))

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 European Union,
- having regard to Articles 7, 9, 23, 24 and 33(2) of the Charter of Fundamental Rights of the European Union,
- having regard to Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding¹ (the Maternity Leave Directive),
- having regard to the Commission proposal for a Directive of the European Parliament and of the Council amending the Maternity Leave Directive (COM(2008)0637),
- having regard to its position adopted at first reading on 20 October 2010 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council amending Council Directive 92/85/EEC² on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding and on the introduction of measures to support workers in balancing work and family life³, asking – among other things – for a two-week period of paternity leave,
- having regard to the Commission communication of 3 March 2010 entitled ‘Europe 2020: A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
- 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 2015,⁴
- having regard to its resolution of 12 September 2013 on the application of the principle of equal pay for male and female workers for equal work or work of equal value⁵,
- having regard to its resolution of 12 March 2013 on eliminating gender stereotypes in

¹ OJ L 348, 28.11.1992, p. 1.

² OJ C 70 E, 8.3.2012, p. 163.

³ OJ C 70E, 8.3.2012, p. 163.

⁴ Texts adopted, P8_TA(2015)0068

⁵ Texts adopted, P7_TA(2013)0375.

the EU¹,

- having regard to its resolution of 10 March 2015 on progress on equality between women and men in the European Union in 2013²,
- having regard to Council Directive 2010/18/EU of 8 March 2010, implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC³,
- having regard to its resolution of 2016 on the application of Council Directive 2010/18/EU of 8 March 2010, implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC,
- having regard to the Commission’s initiative ‘Roadmap: A new start to address the challenges of work-life balance faced by working families’ (December 2015), as well as to the public and stakeholder consultation,
- having regard to Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC⁴,
- having regard to Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time⁵,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation⁶,
- having regard to Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC⁷,
- having regard to the Commission communication entitled ‘Commission Work Programme 2016: No time for business as usual’ (COM(2015)0610),
- having regard to the Presidency conclusions of the Barcelona European Council of 15 and 16 March 2002,
- having regard to the Commission communication entitled ‘Launching a consultation on a European Pillar of Social Rights’ (COM(2016)0127),
- having regard to the Commission communication entitled ‘Towards Social Investment for Growth and Cohesion – including implementing the European Social Fund 2014-

¹ Texts adopted, P7_TA(2013)0074.

² Texts adopted, P8_TA(2015)0050.

³ OJ L 68, 18.3.2010, p. 13.

⁴ OJ L 180, 15.7.2010, p. 1.

⁵ OJ L 299, 18.11.2003, p. 9.

⁶ OJ L 303, 2.12.2000, p. 16.

⁷ OJ L 14, 20.1.1998, p. 9.

2020’ and its Recommendation on ‘Investing in children: breaking the cycle of disadvantage’ of 20 February 2013,

- having regard to Council Directive 2013/62/EU of 17 December 2013 amending Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC, following the amendment of the status of Mayotte with regard to the European Union¹,
- having regard to the Commission progress report on the Barcelona objectives of 29 May 2013 entitled ‘The development of childcare facilities for young children in Europe with a view to sustainable and inclusive growth’ (COM(2013)0322),
- having regard to the Commission communication entitled ‘A better work-life balance: stronger support for reconciling professional, private and family life’, (COM(2008)0635),
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post-2015²,
- having regard to the Commission recommendation of 20 February 2013 entitled ‘Investing in Children: Breaking the Cycle of Disadvantage’ (C(2013)778),
- 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 the EU Presidency Trio declaration on gender equality of 7 December 2015 by the Netherlands, Slovakia and Malta,
- having regard to its resolution of 3 February 2016 on the new Strategy for Women’s Rights and Gender Equality in Europe post-2015,⁵
- having regard to ILO Convention 156 Concerning Family Responsibilities (1981) and ILO Recommendation 165 Concerning Workers with Family Responsibilities (1981),
- having regard to ILO Part-Time Work Convention 1994, ILO Home Work Convention 1996, ILO Maternity Protection Convention 2000 and ILO Domestic Workers Convention 2011,
- having regard to the ILO report ‘Maternity and paternity at work: law and practice across the world’ (2014),

¹ OJ L 353, 28.12.2013, p. 7.

² Texts adopted, P8_TA(2015)0218.

³ Texts adopted, P8_TA(2015)0207.

⁴ Texts adopted, P8_TA(2015)0351.

⁵ Texts adopted, P7_TA(2016)0042.

- having regard to the Agreed Conclusions of 24 March 2016 of the United Nations Commission on the Status of Women, 60th session, in particular (e)–(g);
- having regard to the Joint ILO/UNICEF Working Paper of 8 July 2013 ‘Supporting workers with family responsibilities: connecting child development and the decent work agenda’,
- having regard to the OECD work-life balance index 2015,
- having regard to the European Institute for Gender Equality’s Gender Equality Index 2015,
- having regard to the European Parliamentary Research Service study of May 2015 entitled ‘Gender equality in employment and occupation – Directive 2006/54/EC, European Implementation Assessment’,
- having regard to the studies of the European Foundation for the Improvement of Living and Working Conditions entitled ‘Working time and work-life balance in a life course perspective’ (2013), ‘Caring for children and dependants: Effect on carers of young workers’ (2013), and ‘Working and caring: Reconciliation measures in times of demographic change’ (2015) and to the Sixth European Working Conditions Survey (EWCS) (2016),
- having regard to the Eurofound Study on ‘Working time development in the 21st century’ of 2015,
- having regard to the European Parliament Directorate-General for Internal Policies of the Union study of March 2016 entitled ‘Differences in Men’s and Women’s Work, Care and Leisure Time’,
- having regard to the report of the European Network of Equality Bodies, Equinet, entitled ‘Equality bodies promoting a better work-life balance for all’ of 8 July 2014,
- having regard to the Commission’s staff working document ‘The Strategic engagement for gender equality 2016-2019’, in particular its Chapter 3.1. Increasing female labour-market participation and the equal economic independence of women and men,
- having regard to the Commission’s 2015 report on equality between women and men in the European Union (SWD(2016)0054), in particular to the chapter on equal economic independence, pp.10-15,
- having regard to the Commission staff working document ‘Employment and Social Developments in Europe 2015’ (SWD(2016)), in particular its Chapter 3.2. Social protection,
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the joint deliberations of the Committee on Employment and Social Affairs and the Committee on Women’s Rights and Gender Equality under Rule 55 of the Rules of Procedure,

- having regard to the report of the Committee on Employment and Social Affairs and the Committee on Women’s Rights and Gender Equality (A80000/2016),
- A. whereas achieving a genuine work-life balance requires comprehensive policies including measures for reconciling work, caring for and spending time with family, and time for leisure and personal development;
- B. whereas reconciliation policies are to be considered as an improvement of the working environment, enabling good working conditions and the wellbeing of workers;
- C. whereas the Commission, in its communication on the European Social Pillar¹, notes that ‘women continue to be underrepresented in employment, overrepresented in part-time work and low-paid sectors, and receive lower hourly wages even though they have surpassed men in educational attainment’;
- D. whereas family-related types of leave are still often grounds for discrimination and stigmatisation despite existing legislation;
- E. whereas access to childcare services for young children is the main factor influencing the participation of women in the labour market; whereas only 11 Member States have met the first Barcelona target (childcare available for at least 90 % of children between the ages of 3 and the mandatory school age) and only 10 Member States have achieved the second target (at least 33 % of children under three years)²;
- F. whereas allowing people time outside of work for personal development in the context of life-long learning benefits their wellbeing as well as their contribution to the economy with more skills and higher productivity³;

General principles

1. Stresses that reconciliation of professional, private and family life needs to be guaranteed as a fundamental right for all people;
2. Points out that the EU is facing unprecedented demographic challenges – an ageing population, low birth rates, changing family structures and migration; is concerned that austerity measures have had a negative impact on the sustainability of public finances needed for work-life balance policies and services that foster demographic renewal;
3. Welcomes the Commission’s approach to work-life balance policies as key in addressing socio-economic challenges; calls on the European Social Partners to come forward with an agreement on a comprehensive package of legislative and non-legislative measures regarding the reconciliation of professional, private and family life; calls on the Commission to put forward a proposal for such a package in the context of the announced European pillar of social rights should it not be possible for an agreement between the social partners to be reached;

¹ COM(2016) 127, 8.3.2016, Annex I.

² Progress report on the Barcelona objectives of 29 May 2013 entitled ‘The development of childcare facilities for young children in Europe with a view to sustainable and inclusive growth’ (COM(2013)0322).

³ CEDEFOP Research Paper: Training leave. Policies and practices in Europe, 2010.

4. Calls on the Commission and the Member States to put in place policies that acknowledge the increasing diversity of family relationships and parenting arrangements, in particular to guarantee that a child is not discriminated against because of its parents' marital status or family constitution;
5. Calls on the Member States to step up protection against discrimination and unlawful dismissal related to work-life balance and to ensure access to justice and legal action;
6. Stresses the importance of incorporating a lifecycle approach in work-life balance policies in order to ensure that everyone is supported at different times throughout their life and can actively participate in the labour market and in society as a whole;

Women and men as equal earners and equal carers

7. Stresses the need to address inequalities in paid and unpaid work and to promote an equal sharing of responsibilities and costs for children and care for dependants between women, men and society as a whole;
8. Urges the Commission to adopt a post-2015 Gender Equality Strategy and to implement it through the European Semester, including the Annual Growth Survey and the country-specific recommendations;
9. Calls on the Member States to put in place proactive policies designed to support women entering, returning to and staying in the labour market with stable and quality employment;
10. Calls on the Commission and the Member States to involve the social partners and civil society in gender equality policies; stresses the importance of collective agreements in combating discrimination and promoting equality between women and men at work, and of research and exchanges of good practices;

Family- and care-related types of leave

11. Strongly regrets that the Commission withdrew the revision of the Maternity Leave Directive and calls as a matter of urgency for it to return with an ambitious proposal; calls on the Commission and the Member States to ensure that women are paid for the duration of maternity leave; stresses that maternity leave must be accompanied by effective measures protecting the rights of pregnant and new mothers, reflecting the recommendations of the World Health Organisation¹;
12. Stresses that improved coordination and coherence of and access to different types of leave in Member States increases employment participation and overall efficiency;
13. Calls on the Commission to publish an implementation report on the Parental Leave Directive and urges it to use the review clause to extend the minimum duration of paid leave from four to at least six months;
14. Believes that promoting the individualisation of the right to leave as well as the role of fathers is essential to achieving gender-balanced reconciliation of work and private life;

¹ <http://www.who.int/topics/breastfeeding/en/>

15. Urges the Commission to bring forward proposals on:
 - (1) a paternity leave directive with a minimum of a two-week fully paid leave;
 - (2) a carers' leave directive which supplements the provision of professional care, enables care for dependants and offers the carer adequate remuneration and social protection;
16. Calls on the Member States to introduce 'care credits' for both women and men as equivalent periods for building up pension rights in order to protect those taking a break from employment to provide informal care to a dependant;

Care for dependants

17. Calls on the Member States to effectively implement the Barcelona targets by 2020 and to endorse the 2014 quality framework on early childhood education and care;
18. Urges the Member States to invest in and ensure the availability of and universal access to affordable and high-quality early childhood education and care, elderly and dependant care by, for example, increasing public expenditure on care services and incentivising employer contributions to care costs, including by making better use of EU funds, and calls for the MFF revision to be used to invest in social infrastructure;
19. Calls for the introduction of targets on care for elderly and other dependants, with monitoring tools within the European Semester; calls on Eurostat and Eurofound to collect relevant data and to carry out studies;
20. Calls on the Commission and the Member States to establish qualitative standards for all care services;

Quality employment

21. Points out the high levels of working poor throughout Europe, with people having to work more and longer, even combining several jobs, in order to earn a decent income; calls on the Member States and social partners to develop measures ensuring adequate wages for all workers, and to close the gender pay gap;
22. Supports 'smart working' but rejects a shift from a culture of presence to a culture of permanent availability; calls on the Member States, when developing smart working policies, to ensure these do not impose an additional burden on the worker;
23. Is concerned about the increased amount of involuntary part-time work; stresses that when a worker chooses part-time work, the quality of their employment and non-discrimination against them as compared to full-time workers must be guaranteed;
24. Points out that excessive working hours and insufficient rest periods, as well as the disproportionate output required, are major factors in increased levels of occupational accidents and diseases; calls on the Commission to initiate infringement proceedings against Member States who are failing to implement the Working Time Directive;
25. Calls on the Commission to review and on Member States to implement the Equal

Treatment Directive 2006/54/EC¹;

Quality of life

26. Underlines that leisure inequality and unequal sharing of responsibilities between women and men has an impact on women's personal development, learning of new skills and languages, and participation in social, political, cultural and community life;
27. Stresses that gender segregation, pay and pension gaps, gender stereotypes and high levels of stress in managing professional and private life are reflected in women's high physical inactivity rate and have a huge impact on their physical and mental health²;
28. Calls on the Member States and social partners to develop and put in place policies for educational and training leave and to make learning outside work accessible to workers in disadvantaged situations;
29. Calls on the Member States to put in place adequate income schemes to enable people to live a life in dignity, to support full participation in society and to ensure independence throughout the life cycle;
30. Instructs its President to forward this resolution to the Council and the Commission.

¹ 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 occupation (recast), OJ L 204, 26.7.2006, p. 23.

² European Parliament Directorate-General for Internal Policies of the Union study of March 2016 entitled 'Differences in Men's and Women's Work, Care and Leisure Time'.

EXPLANATORY STATEMENT

Over the past decades, the reconciliation of professional, private and family life has become recognised as a fundamental right. Whereas some initiatives have already been taken both at European and national level, it is still an area in which further progress has to be made to ensure a satisfactory work-life balance for all. This does not only improve a person's own well-being but also benefits society as a whole, also because people with a satisfactory work-life balance are more productive at work. This requires transforming the working environment as well as stepping away from the idea that (paid) work is the only useful and therefore valuable way for a person to spend his time. It is furthermore important to incorporate a lifecycle approach in work-life balance policies to ensure everyone is supported at different moments throughout their life and can actively participate in the labour market and in society as a whole.

The European Parliament has decided to draft this own-initiative report to bring more attention to the debate and to prompt the Commission to step up its work in this field in general, but also more specifically as a reaction to the roadmap and public consultation published in 2015 titled 'A new start to address the challenges of work-life balance faced by working families'. The objective for this Commission initiative is to increase the participation of women in the labour market by modernising and adapting the current EU legal and policy framework to today's labour market to allow for parents with children and/or other dependent relatives to better balance family and work life, allow for greater sharing of care responsibilities between women and men, and to strengthen gender equality in the labour market.

In the opinion of the rapporteurs, who welcome the Commission initiative, the need to modernise work-life balance framework at the EU level is obvious for several main reasons: society has seen demographic changes spurring more care needs, new ways of working have emerged, unemployment is still at unprecedented high levels, the diversity of family relationships and parenting arrangements has increased, parenthood still has strikingly negative effects on the employment rates of women and the current EU framework is falling very short of addressing this most important aspect of persisting gender inequality.

Women are increasingly well-qualified, even outperforming men in terms of educational attainment¹, and yet they continue to be under-represented in the labour market, or employed in jobs below their skill level. Overall low pay, a higher concentration in part-time work and greater interruptions in careers due to caring for others (children and/or dependent relatives) contribute to a greater risk of poverty and social exclusion for women as well as a large gender pension gap (40%). In addition to that, gender employment gap is causing higher poverty levels among children and households in general, in families, where only one of the parents is employed. Finally, absence of work-life balance solutions influences people's decision to leave the labour market or reduce their working hours after having children and/or having to care for a dependent relative, the choice of if or when to have children, or how many children to have and has continuous negative effect on Europe's demography which we

¹ In 2014, 42.3% of women (30-34) had tertiary education or higher compared to 33.6% of men.

cannot afford to have. To sum up, according to estimates, gender employment gap is costing EU around 370 billion euros per year, or 2.8% of EU GDP¹.

The aim of this report and of work-life balance policies in general is not only to promote gender equality in employment and other spheres of life, but also to give children the possibility to reach their full potential by providing them with high quality early childhood education and care, access to leisure, cultural and sport activities and time with their parents. Proper work-life balance policies will also help to ensure a higher quality of life and security for other dependants, in particular older dependants and dependants with disabilities or long-term illnesses.

The Rapporteurs are deeply concerned with the fact that current measures in place in Member States are not always improving, or even worsening the situation, causing negative effects on the well-being of all people as well as on their employment participation and productivity. There is a need for strong action at both European and national level for legislative measures, including on different types of leave, combined with non-legislative measures, such as awareness and information campaigns, controlling mechanisms and monitoring of the situation.

The Rapporteurs are convinced that for reconciling work, private and family life there is no 'one-size-fits-everyone' solution, and the appropriate balance has to be found for every person, in order to fit their personal and family's needs.

Action needed at EU level to improve work-life balance

It is time for the EU to take action to promote an upward convergence among Member States in work-life balance solutions. It is crucial if we are to achieve real gender equality, fight in-work, child and female poverty, make better use of people's skills and talents, and take action to tackle demographic challenges in the EU. There is both the need to modernise the existing EU legislation, to address shortcomings or lack of legislation in certain areas as well as to strengthen the coordination between Member States in order to ensure a level playing field regarding the costs and benefits of reconciliation policies.

Sufficient shared leave arrangements. Lack of paid leave arrangements for fathers compared to mothers, or insufficient incentives to use them, supports gender inequality when sharing work and family care obligations between women and men, instead of addressing it. With women being the main users of family-related leave, their position in the labour market is weakened as regards employability, pay or career development, while at the same time men are not supported or motivated to take up time to spend with and care for their family. To address this, this report calls on the Commission to:

- present a proposal for a revised **Pregnant Workers (Maternity Leave) Directive 92/85/ECC**, which currently dates back to 1992 and which was adopted under the EU competence in workplace health and safety. Currently existing directive provides for 14 weeks of paid maternity leave and the protection against dismissal. Revision should

¹ Eurofound (forthcoming), 'The Gender Employment Gap – Challenges and Solutions' estimates the public finance costs (income transfers/benefits) as well as foregone income (e.g. foregone earnings, foregone taxes and social security contributions) of the gender employment gap.

aim at prolonging paid maternity leave with a diverse formula of payment to allow for accommodation of specific needs and traditions in different Member States;

- present a **Paternity Leave Directive** to ensure that men take up their share of caring responsibilities, foreseeing a minimum mandatory and non-transferable paid leave for fathers;
- present an implementation report of the **Parental Leave Directive 2010/18/EU**,
- put forward a **Carers' leave directive**, as a supplement to the provision of affordable professional care and to enable workers to care for dependents.

During the past crisis, austerity measures have resulted in a *lack of accessible, available and affordable quality care services* for children, older relatives, family members with disabilities or those with illnesses, which puts pressure on people and women in particular, to reduce their working time, opt for part-time work or interrupt their careers. Ultimately this hinders participation in the labour market, as well as progression in employment and personal development. It is therefore necessary to change the stereotypes on women and men's role and make the change to a society where women and men are equal earners and equal carers.

The crisis also caused an increase of working poor throughout Europe with people having to work more and longer, even combining several jobs, in order to earn a decent income. The impact on women has been even higher since in general they already earn less for the same work performed by men. For these reasons it is important to put in place measures that ensure adequate wages for all workers, and to close the gender pay gap.

Understanding the role of working arrangements and promoting good practices. Different working arrangements, such as telework, flexible working hours or part-time work can never be an obligation for anybody, but always have to stay a choice for the worker concerned, so it does not cause an additional burden for the personal and family situation of both women and men.

Labour market conditions favourable for work-life balance can only be created and a *quality life* can only be achieved, if people have enough time outside of work for personal development, for example through education and training, and for leisure. The Commission should therefore step up its actions towards Member States that fail to properly implement the Working-time Directive. Furthermore, Member States are encouraged to put in place measures supporting educational and training leaves and career breaks.