Report 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

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The European Parliament adopted by 491 votes to 101, with 38 abstentions, a resolution 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.

Parliament recalled that 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. It felt, therefore, that there is a need for proactive policies designed to help women enter and stay in the job market.

Transposition of the directive: Parliament stressed that the provisions necessary for the transposition of Directive 2013/62/EU on the application of the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC takes different forms in the various Member States. Accordingly, it believed that the transposition should comply fully with legislation in force in the area of collective bargaining between social partners. It also felt that classifying the different types of leave at EU level is difficult, since not all Member States have followed the EU's separate or sequential approach to maternity and parental leave.

Parliament recalled that gold-plating by Member States can add to the complexity of regulation and in effect reduce compliance; calls on the Member States to avoid adding administrative burdens when transposing EU legislation.

In general, Parliament encouraged the Member States that have not yet done so to provide the Commission within a reasonable time with correspondence tables between the provisions of the directive and the transposition measures. It considered it is crucial for Member States to ensure that the **necessary inspection resources are in place to verify that legislation protecting parents' rights is being complied with**. The Commission is urged to produce a report on this issue.

Regretting the fact that there are **disparities between the transposition measures** of the directive in the field of application (e.g. more protection is provided for in the public sector across the EU than in the private sector), Parliament recommended that all possible measures be taken to enable the **directive to be correctly implemented**, in a uniform manner. It welcomed the fact that some Member States have transposed the provisions of the directive beyond the minimum scope of application.

It asked Member States to adopt family-oriented social policies that provide for the application of all the benefits included in the directive in the event of a prolonged stay abroad by parents seeking to complete an **international adoption procedure**.

Gender imbalance: Parliament noted that, more than a decade after the Member States transposed the directive, the gender imbalance in taking parental leaves persists. It stated that the issue of pay during leave is crucial for low-income parents. It believed that the Commission should propose measures that encourage fathers to **take more parental leave**. The Commission is called upon to guarantee that family rights assigned by public policies, including parental leave, are equal in terms of individual rights and equally accessible for both parents so as to encourage them to achieve a better work-life balance and in the best interest of their children. Those rights should be individualised as far as possible to help achieve the 75 % employment rate targets for women and men set in the Europe 2020 strategy.

With regard to income, Parliament noted that families with children and parents taking a career break to raise them have to bear not only a loss of income but also higher expenditure. It also noted that the flexibility that the Directive grants Member States to define forms of parental leave means that workers on non-standard contracts, such as **fixed-term contracts**, are not always included.

Members States were called upon to ensure:

- that enterprises can plan with certainty, and to pay particular attention to the needs of the smallest and small and medium-sized enterprises in this regard;
- favourable conditions for the return to work of those who have benefited from parental leave, especially concerning reinstatement to the same post or an equivalent or similar post.

Towards an effective directive to address the challenges of a work-life balance: Parliament noted the Commission's withdrawal of the draft maternity leave directive, and called on the latter to return with an ambitious proposal that will effectively enable a better work-life balance while respecting the principle of subsidiarity. Consideration should be given to a broad non-legislative initiative to promote the reconciliation of work and family life in Member States.

At the same time, Parliament called for the social partners, on the basis of the draft implementation report, to acknowledge **the failure** of the Parental Leave Directive in achieving its objectives in terms of work-life balance, female labour market participation, demographic challenges and men's share of family tasks, including the care of children and other dependants. It considered, therefore, that more effective measures should be taken to encourage a more equal sharing of family responsibilities between men and women.

Parliament called on the social partners, on the basis of the Commission report published in February 2015, to address the **shortcomings** of the Parental Leave Directive in fully achieving its objectives in terms of work-life balance, female labour market participation, demographic challenges and men's share of family tasks, including the care of children and other dependants. It considered that more effective measures should be taken to encourage a more equal sharing of family responsibilities between men and women.

Fair pay and extension of the minimum time period of parental leave: Parliament stressed that satisfactory parental leave arrangements are closely linked to **adequate pay**. In this regard, it called on Member States, in agreement with the social partners, to reconsider their system of financial compensation for parental leave with a view to reaching a level that would act as an incentive for an adequate and decent level of income replacement. It believed that the promotion of **individualisation of the right to leave** and of positive action aimed at the promotion of the role of fathers is essential. It called on the Commission and the social partners to consider offering an appropriate extension of the minimum duration of parental leave **from four to at least six months** to improve work-life balance.

Parliament went on to call for:

- an EU directive on a **minimum two-week** paternity leave;

- the need to **extend the period in which both parents can exercise their right to take parental leave**;
- an increase in the age of the child for which parental leave can be taken, and also the possibility of parental leave for **parents of children with disabilities** or long-term illnesses should be extended beyond the statutory age of the child provided for in the directive;
- tackling the many obstacles to the return to work after a period of long parental leave;
- the **exchange of best practices** between Member States in the area of work-life balance, paying particular attention to policies that help mothers to enter, stay in and return to the job market;
- raising parents' **awareness** of the benefits of participation in early childhood education and care programmes for their children and themselves;
- adapting the design and eligibility criteria of high-quality, inclusive early childhood education and care services to increasingly diverse working patterns;
- policies for overcoming stereotyped gender roles and ensuring the promotion of a gender-balanced work-life balance.

Lastly, Parliament called on the Commission to gauge the positive influence of initiatives on improving work-life balance with a view to redistributing family, care and domestic responsibilities, and to extend the **particular responsibilities** of those caring for children with disabilities, in a position of dependency and/or belonging to disadvantaged categories and groups.