Work-life balance for parents and carers

2017/0085(COD) - 04/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 490 votes to 82, with 48 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Subject matter and scope

The proposed Directive lays down minimum requirements designed to achieve equality between men and women with regard to labour market opportunities and treatment at work, by facilitating the reconciliation of work and family life for workers who are parents, or carers. To that end, this Directive provides for individual rights related to the following: (i) paternity leave, parental leave and carers' leave; (ii) flexible working arrangements for workers who are parents, or carers.

The Directive shall apply to all workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State, taking into account the case-law of the Court of Justice.

Paternity leave

Under the amended text, Member States shall take the necessary measures to ensure that fathers or, where and in so far as recognised by national law, equivalent second parents, have the right to paternity leave of 10 working days that is to be taken on the occasion of the birth of the worker's child. Member States may determine whether to allow paternity leave to be taken partly before or only after the birth of the child and whether to allow such leave to be taken in flexible ways.

The right to paternity leave shall not be made subject to a period of work qualification or to a length of service qualification.

Parental leave

Member States shall take the necessary measures to ensure that each worker has an individual right to parental leave of four months that is to be taken before the child reaches a specified age, up to the age of eight, 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.

Member States shall:

- ensure that two months of parental leave cannot be transferred;

- establish a reasonable period of notice to be given by workers to employers where they exercise their right to parental leave;

- provide that the request for parental leave must specify the desired start and end dates of the leave period;

- take the necessary measures to ensure that workers have the right to request parental leave using a flexible solution;

- take the necessary measures to ensure that, when considering requests for full-time parental leave, employers offer, as far as possible, flexible ways of taking parental leave.

Carers' leave

This has been defined as leave from work for workers in order to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason, as defined by each Member State.

Member States shall take the necessary measures to ensure that each worker has the right to carers' leave of five 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. Member States may allocate carers ' leave on the basis of a reference period other than a year, per person in need of care or support, or per case.

Payment or allowance

With regard to paternity leave, 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.

With regard to parental leave, such 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.

Where Member States ensure a payment or an allowance of at least 65 % of the worker's net wage, which may be subject to a ceiling, for at least six months of parental leave for each parent, they may decide to maintain such system rather than provide for the payment or allowance.

Flexible work 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. Employers shall provide reasons for any refusal of such a request or for any postponement of such arrangements.

Member States may make the right to request flexible working arrangements subject to a period of work qualification or to a length of service qualification, which shall not exceed six months.

Workers who exercise their right to take leave or to request flexible working arrangements as provided for in this Directive shall enjoy protection from dismissal and any preparatory steps for a possible dismissal on the grounds that they have applied for, or have taken, such leave or that they have exercised their right to request such flexible working arrangements. Workers who consider that they have been dismissed on the basis that they have exercised such rights shall be able to ask the employer to provide duly substantiated grounds for the dismissal. Where a worker has applied for, or has taken, paternity leave, parental leave or carers' leave as referred to in this Directive, the employer shall provide the grounds for dismissal in writing.