Basic information

2017/0085(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Work-life balance for parents and carers **Subject** 4.10.02 Family policy, family law, parental leave 4.15.03 Arrangement of working time, work schedules 4.15.08 Work, employment, wages and salaries: equal opportunities women and men, and for all 4.15.12 Workers protection and rights, labour law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	CASA David (PPE)	03/10/2017
	Shadow rapporteur ARENA Maria (S&D) ŽITŇANSKÁ Jana (ECR) WEBER Renate (ALDE) GONZÁLEZ PEÑAS Tania (GUE/NGL) MITROFANOVS Miroslavs (Verts/ALE) AGEA Laura (EFDD) MÉLIN Joëlle (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs	BERGERON Joëlle (EFDD)	03/05/2017
FEMM Women's Rights and Gender Equality (Associated committee)	KOZŁOWSKA Agnieszka (PPE)	20/10/2017

Council of the European Union

Council configuration	Meetings	Date
Employment, Social Policy, Health and Consumer Affairs	3698	2019-06-13
Employment, Social Policy, Health and Consumer Affairs	3583	2017-12-08
Employment, Social Policy, Health and Consumer Affairs	3625	2018-06-21

European Commission	**Commission DG** / **Commissioner** Employment, Social Affairs and Inclusion / THYSSEN Marianne
European Economic and Social Committee	
European Committee of the Regions	

Key events

Date	Event	Reference	Summary
26/04/2017	Legislative proposal published	COM(2017)0253	Summary
15/05/2017	Committee referral announced in Parliament, 1st reading		
14/09/2017	Referral to associated committees announced in Parliament		
08/12/2017	Debate in Council		
11/07/2018	Vote in committee, 1st reading		
11/07/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
24/08/2018	Committee report tabled for plenary, 1st reading	A8-0270/2018	Summary
10/09/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
12/09/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
26/02/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2019)001488 PE636.275	
04/04/2019	Decision by Parliament, 1st reading	T8-0348/2019	Summary
04/04/2019	Results of vote in Parliament		
04/04/2019	Debate in Parliament		
13/06/2019	Act adopted by Council after Parliament's 1st reading		
20/06/2019	Final act signed		
20/06/2019	End of procedure in Parliament		
12/07/2019	Final act published in Official Journal		

Technical information

Procedure reference	2017/0085(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the European Union TFEU 153-p2-a2

	Treaty on the Functioning of the European Union TFEU 153-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/8/09836

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE618.193	06/03/2018	
Amendments tabled in committee		PE619.262	20/04/2018	
Amendments tabled in committee		PE620.919	25/04/2018	
Amendments tabled in committee		PE621.003	25/04/2018	
Committee opinion	JURI	PE606.271	23/05/2018	
Committee opinion	FEMM	PE618.327	30/05/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0270/2018	24/08/2018	Summary
Text agreed during interinstitutional negotiations		PE636.275	06/02/2019	
Text adopted by Parliament, 1st reading/single reading		T8-0348/2019	04/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)001488	06/02/2019	
Draft final act	00020/2019/LEX	20/06/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2017)0253	26/04/2017	Summary
Document attached to the procedure	SWD(2017)0202	27/04/2017	
Document attached to the procedure	SWD(2017)0203	27/04/2017	
Commission response to text adopted in plenary	SP(2019)443	12/06/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary

Contribution	ES_PARLIAMENT	COM(2017)0253	27/06/2017	
Contribution	PT_PARLIAMENT	COM(2017)0253	28/06/2017	
Contribution	IT_SENATE	COM(2017)0253	29/06/2017	
Contribution	RO_CHAMBER	COM(2017)0253	30/06/2017	
Reasoned opinion	PL_SENATE	PE607.882	30/06/2017	
Contribution	DK_PARLIAMENT	COM(2017)0253	03/07/2017	
Reasoned opinion	PL_SEJM	PE607.840	11/07/2017	
Reasoned opinion	NL_CHAMBER	PE607.873	11/07/2017	
Reasoned opinion	NL_SENATE	PE607.875	12/07/2017	
Contribution	CZ_SENATE	COM(2017)0253	24/08/2017	
Contribution	IT_CHAMBER	COM(2017)0253	19/09/2017	
Contribution	FR_ASSEMBLY	COM(2017)0253	24/06/2019	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR3138/2017	30/11/2017	
EESC	Economic and Social Committee: opinion, report	CES2275/2017	06/12/2017	

Additional information

Source	Document	Date
European Parliament	Briefing	
European Commission	EUR-Lex	

Final act

Directive 2019/1158
OJ L 188 12.07.2019, p. 0079 Summary

Work-life balance for parents and carers

2017/0085(COD) - 24/08/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by David CASA (EPP, MT) 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 Committee on Women's Rights and Gender Equality, exercising its prerogatives as an Associate Committee under Rule 54 of the Rules of Procedure of the European Parliament, has also expressed its opinion on the report.

The legislative proposal focuses on measures that address the under-representation of women in employment, improving conditions for the reconciliation of professional and private responsibilities, and unequal treatment and opportunities in the labour market. In addition, it encourages the strengthening of the role of men as caregivers in the family.

The committee recommended that the position of the European Parliament adopted at first reading following the ordinary legislative procedure amend the Commission proposal as follows:

Paternity leave: Members proposed that **fathers or the equivalent second parents**, as defined in national law, have the right to paternity leave of at least **ten working days** to be taken around the time of the birth, or adoption of a child. The right to paternity leave shall be granted irrespective of the length of service.

Member States shall assess whether it is appropriate to adapt the need for the conditions of access and detailed arrangements for the application of paternity leave to the needs of fathers with a disability, fathers of children with a disability including a mental health condition or a serious medical condition or illness, and single fathers, as defined in national law or practice.

Parental leave: Members proposed that workers should have an individual right to a paid parental leave of **at least 4 months that could be taken before the child reaches 10 years of age.** This age could be raised for children with a disability or chronic illness, adoptive parents, parents with disabilities and parents with mental health conditions. Member States shall assess the possibility of extending the provisions on parental leave laid down in the directive in regard to single parents.

Carers' leave: a carer is defined as a worker providing personal care or support to a **relative ora person from the worker's immediate circle** who is not a relative, following the written request of that person, due to a serious medical reason, including a disability, a chronic illness or a mental health condition, as well as hospitalisation, surgical intervention without hospitalisation, or an age-related impairment.

Member States shall take the necessary measures to ensure that workers have the right to carers' leave of at least **five working days** per year, per worker. Such right may be subject to appropriate medical substantiation of the care and support needs of the worker's relative or the person for whom the worker provides care. The information concerning the medical condition shall be confidential and shall be shared only with a restricted number of services involved.

Time off and flexible working arrangements: Members proposed that Member States should be able to specify, taking into account in particular the constraints of micro, small and medium-sized enterprises, **a reasonable period of notice** to be given by the worker to the employer and be able to introduce a requirement for a minimum period of service, of no longer than six months, before the worker is entitled to benefit from that right.

The employer should justify any postponement of parental leave in writing. In the event of a justified deferral, the employer, where possible, should offer **other flexible forms of parental leave.** Members also wanted workers with a child under the age of 10 to have the right to request **flexible work arrangements**.

Adequate income: Member States should ensure that workers exercising their right to leave receive adequate payment or allowance. Members proposed that the level of payment or allowance should be at least **78% of the worker's gross salary** for parental and carer's leave, and **80%** for paternity leave.

The committee specified that the directive should not be a valid justification for reducing the rights granted to workers or reducing the level of protection already granted to workers in the Member States in any form whatsoever.

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.

Work-life balance for parents and carers

2017/0085(COD) - 12/07/2019 - Final act

PURPOSE: to ensure the effective implementation of gender equality with regard to labour market opportunities and treatment at work across the Union.

LEGISLATIVE ACT: Directive (EU) 2019/1158 of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.

CONTENT: this 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.

The Directive applies 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

Member States have the option of introducing or maintaining provisions that are more favourable to workers.

The Directive lays down the individual rights in the following areas:

Paternity leave

Under this Directive, fathers or, where and insofar as recognised by national law, equivalent second parents, shall 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. The right to paternity leave shall be granted irrespective of the worker's marital or family status, as defined by 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.

Parental leave

Each worker shall have 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.

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.

Member States shall:

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

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

- take the necessary measures to ensure that when considering requests for full-time parental leave, employers shall, prior to any postponement in accordance with paragraph 5, offer, to the extent possible, flexible ways of taking parental leave.

Carers' leave

This new concept means 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.

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. The use of that right may be subject to appropriate substantiation, 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.

Flexible working arrangements

Workers with children up to a specified age, which shall be at least eight years, and carers, shall have the right to request flexible working arrangements for caring purposes. Employers shall consider and respond to requests for flexible working arrangements within a reasonable period of time, taking into account the needs of both the employer and the worker. 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.

Protection against adverse treatment or consequences

Member States shall introduce measures necessary to protect workers, including workers who are employees' representatives, from any adverse treatment by the employer or adverse consequences resulting from a complaint lodged within the undertaking or any legal proceedings for the purpose of enforcing compliance with the requirements laid down in this Directive.

Where workers who consider that they have been dismissed on the grounds that they have applied for, or have taken leave, shall establish, before a court or other competent authority, facts capable of giving rise to a presumption that they have been dismissed on such grounds, it shall be for the employer to prove that the dismissal was based on other grounds.

ENTRY INTO FORCE: from 1.8.2019.

TRANSPOSITION: 2.8.2022 at the latest.

Work-life balance for parents and carers

2017/0085(COD) - 26/04/2017 - Legislative proposal

PURPOSE: establish a renewed framework to strengthen equality between men and women with regard to labour market opportunities and treatment at work across the Union and to repeal Directive 2010/18/EC.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

Following the withdrawal of the Commission's 2008 proposal to revise Council Directive 92/85/EEC 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 (the Maternity Leave Directive), the Commission announced its intention to prepare a new initiative that would undertake a broader approach.

This proposal for a Directive is part of a package of measures to deliver on the Commission's commitment. It aims at addressing women's under-representation in employment and support their career progression through improved conditions to reconcile their working and private duties.

In 2015, the employment rate of women (age 20-64) reached 64.3%, compared to 75.9% of men. **The gender employment gap in the labour market is most acute for parents** and people with other caring responsibilities.

This contributes substantially to the gender pay gap, which over the working life accumulates into gender pension gap (on average 40% in the EU).

One of the main causes for this problem is an **inadequate work-life balance policy**.

The current legal framework at the Union and Member States' level provides limited provisions for men to assume an equal share of caring responsibilities with women. Reducing the gap is crucial to achieving greater gender equality.

IMPACT ASSESSMENT: a preferred combination of options was identified which includes the following:

- **maternity leave**: non-legislative measures to enhance the enforcement of current legislation on dismissal protection;
- **paternity leave**: introduction of an individual entitlement of 10 working days, paid at least at sick-pay level;
- **parental leave**: revision of currently existing entitlement in order to provide for (i) the right for flexible uptake (i.e., part-time, piecemeal), (ii) 4 months leave non-transferable between parents, and (iii) payment of 4 months at, at least, sick-pay level;
- carers' leave: introduction of an individual entitlement of 5 days per year, paid at, at least, sick pay level;
- **flexible working arrangements**: right for parents of children up to 12 and carers to request flexibility in working hours, schedule or place of work for a set period of time, with no obligation for the employer to grant the requested change.

CONTENT: the **general objective** of this proposed Directive is to ensure the implementation of the principle of equality between men and women with regard to labour market opportunities and treatment at work.

Through adapting and modernising the EU legal framework, the Directive will allow parents and people with caring responsibilities to reconcile better their work and caring duties. The Directive builds on the existing rights and strengthens them in places or introduces new rights. It does maintain the level of protection already offered by the EU acquis.

The **specific objectives** of the Directive are defined as follows:

- to **improve access to work-life balance arrangements** – such as leaves and flexible working arrangements;
- to increase take-up of family-related leaves and flexible working arrangements by men.

Minimum requirements: the proposal lays down minimum requirements designed to achieve equality between men and women with regard to labour market opportunities and treatment at work through facilitating the reconciliation of work and family life for working parents and carers.

To that end, it provides for individual rights related to: (i) paternity leave, parental leave and carers' leave; (ii) flexible working arrangements for working parents and carers.

Scope: the proposal applies to all workers, men and women, who have an employment contract or employment relationship.

- Paternity leave: the text introduces the **right for fathers to take paternity leave in the form of a short period of leave, not less than 10 working days**, on the occasion of the birth of their child. This leave is intended to be taken around the time of the birth and it has to be clearly linked to this event.

In order to avoid any discrimination between married and unmarried couples and between heterosexual and homosexual couples, the right to paternity leave should be without prejudice to marital or family status as defined in national law.

- Parental leave: it is stated that a the majority of fathers do not avail themselves of their right to parental leave or transfer a considerable proportion of their leave entitlement to mothers. It is considered that the current Parental leave Directive has been insufficient in enabling both parents to make equal use of their entitlements.

This provision aims at tackling the shortcomings identified by (i) establishing a **minimum period of parental leave of at least four months of parental leave which cannot be transferred between parents**, (ii) introducing more flexibility as regards the forms in which the parental leave can be taken (full-

time or part-time basis, or in other flexible forms), given that flexibility makes it more likely that parents, in particular fathers, will take up their entitlement to such leave.

Another provision in this Directive address the issue of **remuneration during leave** as this has a major impact on the take up of leave by fathers. The provision leaves it for Member States to decide on (i) the length of the notice period to be given by the worker, (ii) on whether or not the right to parental leave may be subject to a period of work qualification and/or a length of service qualification, and (iii) defining the circumstances in which the employer may be allowed to postpone the granting of parental leave by a reasonable period.

Lastly, this provision aims at ensuring that Member States should assess the need for adjusting the conditions of access and detailed arrangements of parental leave to the specific needs of parents in particularly disadvantaged situations related to disability or long-term illness and adoptive parents.

- Carers' leave: this provision introduces the new annual right for workers to take a period of leave from work in the event of serious illness or dependency of a relative. In order to protect the employer from abuse of this right, proof of the illness or the dependency situation may be required prior to granting of the leave.

Time off from work on grounds of force majeure: it is also provided to maintain the existing workers' right to take time off work in case of force majeure. This right, already foreseen by the Parental Leave Directive, can be used by all workers (not only parents or care-givers within the meaning of this Directive) for urgent family reasons.

Adequate income: the proposal establishes the right for workers making use of the different types of leave to **receive an adequate allowance during the minimum period of leave**. The level of the allowance should be at least **equivalent to the level of sick pay**.

Flexible working arrangements: the Parental Leave Directive already provides for the possibility to ask for two types of flexible working arrangements (working patterns and working hours) for parents returning from parental leave. The current proposal extends these two existing forms to a third form of flexible working arrangement (**remote working possibilities**) and further extends the personal scope of those rights to all carers and workers with children up to a given age, which shall be at least **twelve**.

In order to take account of the needs of employers and workers, this provision gives Member States the possibility to **limit the duration of flexible working arrangements**.

Employment rights: the Parental Leave Directive includes the right to return to the same job or, if that is not possible, to an equivalent or similar job, the right to maintain rights acquired or in the process of being acquired by the worker on the date on which parental leave starts. The proposal builds on the existing rights and equally foresees the minimum protection of the employment rights of parents and carers through allowing them to return to their (equivalent) job, to **benefit from any improvement of working conditions during their absence**, to maintain their acquired rights and to maintain their employment relationship while being on leave.

Protection from dismissal and burden of proof: the Parental Leave Directive already provides protection against dismissal on the grounds of an application for, or the taking of, parental leave. If, in spite of this protection, a worker considers that he or she has been dismissed on the grounds of applying for or enjoying the rights referred to in the proposed Directive, or 6, or of exercising the right to request flexible working arrangements, this provision places on the employer the burden to prove that the dismissal was due to **other objective reasons**.

Penalties: the provision requires Member States to provide for effective, proportionate and dissuasive penalties, be it fines and/or compensations, for breaches of the obligations under this Directive, and to make sure that they are applied.

This provision requires Member States to provide workers complaining about breaches of national provision adopted pursuant to this Directive with adequate judicial protection against any adverse treatment or consequences by the employer, without which the effective implementation of the principle of equal treatment would not be possible.

Transposition and implementation: at the time of its entry into force, **Directive 2010/18/EU on parental leave shall be repealed**. Member States shall have two years to transpose the proposal for a Directive into national law. Member States may entrust the Social Partners with the implementation of the Directive.