

UEAPME¹ reply to the first phase consultation of the Social Partners on a “New Start” for Work-Life Balance

UEAPME takes note of the first stage social partners’ consultation launched on 11 November 2015 by the European Commission and would like to make the following comments.

Introduction

As rightly mentioned in the introduction, it is critical to address the issues of work-life balance and of women’s labour market participation in a comprehensive but also integrated manner.

In fact, before taking any new measure, it is necessary to understand the interaction between leave policies, flexible working arrangements, support services, care facilities and tax-benefit disincentives as well as the change of mind-set in the society and in particular of women and men notably when becoming parents.

The work-life balance and the reconciliation of work and family life is not a new topic but is still of great relevance, as proven by the extensive European legislation but also the national policy frameworks which already exist in the field.

As EU social partners, in our Work Programme 2015-2017, we also clearly acknowledged that promoting better reconciliation of work, private and family life, and gender equality remains a challenge that needs to be addressed and that we will address together.

In order to bring real added value, any new European initiative should take into account and compare the large diversity of national policies, tools and practices and in particular avoid new European measures which would undermine the coherence of national policy frameworks on work-life balance and reconciliation of work and family life.

As UEAPME, we fully agree with the objective and necessity of boosting women labour market participation and female employment for economic growth, which is lagging behind in several Member States. It is obvious that leave arrangements and flexibility in working arrangements are two major pillars of the reconciliation of work and family life. However, the payment of the leave arrangements, but even more so, the availability of support services including affordable childcare facilities, have a major impact on the choice of men and women for balancing work and family responsibilities.

The EC consultation paper contains different figures regarding the labour market representation of women. There are also some figures with regard to the way caring and domestic activities are shared between women and men. However, figures regarding work-life balance of women and men in Europe today are missing.

According to us, it would be highly relevant to rely on figures and information such as how many workers combine a full-time or part-time job with (young) children or care responsibilities and which are the difficulties they face. Some source of inspiration can be found in the OECD better life index, chapter work-life balance.

¹ UEAPME subscribes to the European Commission’s Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is [55820581197-35](https://ec.europa.eu/transparency/regexp1/index.cfm?do=entity.entity_details&entity_id=55820581197-35).

“A full-time worker in the OECD devotes 62% of the day on average, or close to 15 hours, to personal care (eating, sleeping, etc.) and leisure (socializing with friends and family, hobbies, games, computer, etc.)”.

“At close to 13%, the share of employees working 50 hours or more per week is not very large in the OECD. The percentage of male employees working very long hours across OECD countries is 17%, compared with 7% for women.” These figures suggest that – overall – the work-life balance of employees in the European Union is rather satisfactory. Such data should be better taken into account.

Response to the EU Commission questions addressed in the consultation

Q 1 – Do you agree with the description of the issues in this paper as correct and sufficient?

UEAPME generally welcomes the EC objective to achieve a better work-life balance for working families. However, the description of the issues is incomplete and somewhat biased. Some aspects are more highlighted than others. As a matter of fact, the EC consultation document puts a heavy focus on leave arrangements as a mean to increase the employment rate of mothers. The EC also very much emphasises the role of legislation and legislative framework and does not sufficiently take into account the choice of individuals and the influence of society at large including the persistence of gender stereotypes.

In some Members States statistics show that the presence of children does not fully explain the lower level of female employment. One example is Luxembourg, where the female employment rate is lower for women living in couples without children (58.9% in 2013) than for women living alone (72.2%) or women with children (79.8%). It shows that children are not the sole factor influencing the choice of women to participate or not in the labour market. More generally, society’s attitude should be changed as well. The EU could play an important role in promoting best practice examples which help to raise awareness.

In 2014, Poland introduced 26 additional weeks for maternity leave. However allowance was paid to more than 631 000 women, but only 315 000 of them decided to stay a full year at home with the child. It clearly shows that one in two women (50%) prefers to come back to work earlier despite the new measures taken by government to increase the length of maternity leave.

On leave arrangements, the EC consultation document described the situation where women are more likely to take leave or reduce their working hours in order to take care of children. It is also highlighted that women’s higher concentration in part-time work and greater interruptions in their careers contribute to a higher risk of poverty and social exclusion. However, these effects do not disappear when fathers are encouraged to take family-related leave.

For example, in Belgium, with the exception of maternity leave and paternity leave, all other types of leave are equally open to both, women and men, but in the age category under 50, women still take up 80% of all leaves. The EC consultation paper clearly does not sufficiently take into account the Member States’ diversity in this regard.

No doubt that women are under-represented in the labour market in some Member States, but in others, notably the Nordic countries, work-life balance for both women and men is much more satisfactory.

Furthermore, the issue of lack of childcare facilities is mentioned in the EC paper but not sufficiently analysed in terms of impact on women. As stated in the report, the progress towards the Barcelona objectives are slow and uneven and many parents experience difficulties in finding childcare soon after the birth or after childcare leave. **The lack of childcare facilities in many countries is one of the main reasons leading women to opt for part-time work. These constraints also have a direct impact on the level of pension.**

Another issue not mentioned is the lack of support, accompaniment and guidance for a quick and smooth return from maternity or parental leave to work. It is well known that the longer the leaves are, the less likely mothers are likely to come back to the labour market.

Last but not least, **the tax-benefit aspects play an important role on the return or not on the labour market after the birth of children**. Availability but equally cost of childcare facilities are put in balance with the net revenue of the household and when the mother earns less than the father, in most cases, the final decision is that the mother remains at home for the period before the compulsory school age of the child due notably to the tax-benefit system.

So tax-benefit aspects should be seriously considered at national level for a better conciliation of work-life balance.

Q 2 – Do you consider that improvements should be made to EU legislation to improve work-life balance for parents and people with caring responsibilities in view of the issues raised in point 4 of this documents, and of so what type of improvements?

In its roadmap on work-life balance, the EU Commission justified any new action at EU level through its competitiveness impact. As part of its subsidiarity check, the EU Commission states “Action at EU level is necessary because without a common framework guaranteeing a competitive level playing field, individual Member States may hesitate to regulate in this area on their own, as it could influence their relative competitiveness compared to other Member States”.

UEAPME disagrees with such a justification. For example, Belgium has a generous work-life benefit system, especially when it comes to leave arrangements. However, the debate on this topic is rather based on emotions and positions with regard to work-life balance without taken into account any competitive advantage or disadvantage.

So UEAPME does not see the need for improving the EU legislation on work-life balance. The current EU legal framework is broad and flexible enough and sufficient to cover the main issues having an impact on work-life balance and gender equality and which is of the EU competence.

1. Concerning **the parental leave directive**, its current design and content is flexible enough to be adapted at national level notably for a piecemeal or part-time take-up as foreseen in Clause 3.1(a).

Many Member States are already making full use of this flexible modality of application. Furthermore, if the leave is too fragmented, small businesses will hardly be able to cope with it. It should remain feasible for employers and be in the interest of both sides.

Concerning the maximum age of the child (8 years in the Directive), as representative of SMEs, we consider it as largely sufficient since it is already a long period for small and micro-companies to organise. Last but not least, the parental leave creates an individual right for both parents to take-up a parental leave which shows sufficient flexibility to allow fathers to take some leave at the occasion of the birth.

In a number of Member States, the maximum age is higher than 8 years and the positive impact of the take-up by father is not at all proven.

For example, in Belgium the maximum age is fixed to 12, however 73% of the employees that take parental leave are women. Increasing the maximum age is not the solution for better balance between women and men.

The true challenge is to find the right way to convince more fathers to take-up their entire right to parental leave.

In fact all existing possibilities of the parental leave directive have not yet been fully exploited, notably a higher share of non-transferable parental leave for fathers. The priority should be to exchange good practices among Member States to learn how to motivate fathers to better use it.

Since this directive is based on a European social partner agreement, which has been already revised in 2009 including the non-transferability of one of the four months, any further initiative for a possible change should respect the role and autonomy of social partners.

2. On the **maternity leave directive** and after the long lasting debates at EU level, we do not see the need for its review. It provides sufficient minimum protection at EU level. Actions or initiatives for a smooth return of mothers to work while continuing breastfeeding, including the issue of breastfeeding breaks, should remain at national level, and possibly for social partners, while taking into account the current national situation.
Furthermore, there is no need for increasing general protection against dismissal during this period. The EU Commission should better take into account the interaction of the maternity leave with some other leaves such as sickness leave in terms of costs notably when these costs are only covered by the employers.
3. On **special forms of leaves** such as leaves reserved for fathers, the parental leave already foresees one non-transferable month which should provide an incentive for fathers to take more leaves, and could be better used.
4. On **carers' leaves**, we agree that the realities of demographic change and age-related health conditions should require more attention. However, it does not mean the need for creating a right to carer's leave. In many Member States, there are different forms of arrangements between employers and workers for such leaves without a right to such leaves.
Furthermore, the introduction of such a new leave would bare the risk of providing another incentive for women not to work full-time anymore, since where it exists it is proven that women are more likely than men to take-up these leaves and reduce their working hours.
There is also the danger that longer care leaves will become a new way to exit the labour market early. Instead, Member States should invest more in affordable elderly care facilities.
5. **The lack of available and affordable childcare facilities** remains a real impediment for women to pursue their careers.
In 2002, the Barcelona European Council set up the objectives to provide childcare by 2010 to at least 90% of children between the ages of 3 and the mandatory school age and at least 33% of children under 3 years of age.
Only eleven Member States have met the first objective, while the 33% of coverage was only reached by 10 Member States.
In the case childcare is available but not fully used, it is linked to high costs of services and lack of flexibility in opening hours. According to the OECD (2012), increased enrolment in childcare has a positive effect on female employment, over and above the effect of public spending on paid leave and tax rates on the second earner. Action at EU level should primarily focus on childcare for children under three years of age.
Furthermore, Member States should consider the necessity for more flexible opening hours for childcare, before and after school hours.
6. On **flexible working arrangements**, UEAPME considers it as an important means for a good conciliation of work and family life if it respects certain conditions:
It should be a joint choice of employee and employer. Flexible working arrangements are best negotiated between employers and workers at the workplace notably in small businesses where the interests and needs of the two parties have to be taken into account.

Furthermore, we should avoid creating new costs (such as additional compensation) or burdens for SMEs and even more for micro-companies for which it is already more difficult to organise work and hire substitutes.

According to UEAPME, there is no need for creating a “right to flexible working arrangements”. A right to request flexible working arrangements with an obligation for the employers to give a clear reply on where it stands in the parental leave agreement is the best approach but it should not be introduced in the part-time directive. Flexible working arrangements should be part of the working time debate, and the working time regulation should be more flexible and simplified.

Q 3 – Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in point 4 of this consultation?

As UEAPME, we do not see any scope for initiating a dialogue under Article 155 TFEU on the issues raised by the Commission at this stage.

More important would be for the Commission to organise and encourage mutual learning through exchange of good practices among Member States.

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