
Answer to first-phase social partner consultation

Challenges of work-life balance faced by working parents and caregivers

I. Do you agree with the description of the issues in this paper as correct and sufficient?

On the general notion and scope of the initiative: As stated in a recent [resolution](#)¹ by its internal Commission ‘Women’s Rights and Gender Equality’ (FEMM), CESI has been against the withdrawal of the Maternity leave directive proposal by the European Commission. A revised ‘hard’ legislation on an increased EU-wide maternity leave standard would have been a useful step to enable women to participate more equally and fully in the economy. It would have been an important sign that the EU can bring real benefits to its citizens and make economies more socially just. In CESI’s view, ambiguous moves by the Commission about its own commitment to the file in late 2014/early 2015 further encouraged the Council to block it.

While CESI regrets that a higher EU maternity leave standard than is currently in place is not considered in the new initiative on work-life balance (meant to be the successor of the withdrawn maternity leave file), it nevertheless especially endorses the approach of a more equal sharing of caring and domestic activities between women and men. (Please see the recent [position](#)² on home based care by CESI’s FEMM Commission for further details.)

The consultation document addresses many of the diverse and multi-faceted problems in the field of work-life balance that the workers (that CESI represents³) face on a daily and recurrent basis. The description of the problems is in most cases generally correct. At the same time, CESI would like to share the following remarks:

- **The legislator as the decisive actor to bring employers on track towards better work-life balance schemes for employees:** In CESI’s view, the underlying raison d’être of the latest work-life balance initiative has been be the ongoing resistance by many employers across Europe for improved work-

¹<http://www.cesi.org/wp-content/uploads/2014/03/COM-FEMM-Position-Maternity-leave-directive-revision-2015-EN.pdf>

²<http://www.cesi.org/wp-content/uploads/2014/03/COM-FEMM-Position-Home-based-care-2015-EN.pdf>

³CESI represents more than five million workers, predominately from the public sector, uniting the interests of 43 international and national-level member organisations from 28 EU Member States and EU accession candidate countries. For more information, visit <http://www.cesi.org/>.

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life balance schemes for workers – a phenomenon which is continuously being reported by trade union members. The Commission should highlight this in a clear manner. The Commission should also duly underline that an adequate work-life balance contributes to less stress, illness and hence absenteeism of workers as well as to a higher work satisfaction, identification and hence productivity of employees. It should be made clear that all of this is in the interest of both workers and employers.

In the context of the above, CESI believes that it is the *primary responsibility of the legislator* to set the right framework conditions for a better work-life balance for employees by means of ‘hard’ binding rules and by raising more awareness for a new attitude towards work-life balance among employers.

- **New work-life balance schemes not at the expense of the workforce as a whole:** The Commission should clearly underline that schemes for a better reconciliation of work and family life must never occur at the cost of increased pressure on individual workers or the workforces as a whole. Most importantly, work flexibilisation in exchange of a mere increase in work intensification (amount of work to be accomplished by an employee per unit of time) or the shifting of work to other employees is not a solution that can allow adequate occupational health and safety of workers in the long run. Therefore, where measures for better work-life balance require more personnel, the Commission should stress that they must also be actually accompanied by a due recruitment of additional workers.
- **Monitoring and evaluating measures is key:** A concluding judgment on the proper functioning of many of the initiatives envisaged in the consultation document will only possible years after they have been implemented.
In this context, the Commission should push for careful and encompassing ex-ante assessments of initiatives are in this context highly important. Moreover, the Commission should propose an effective monitoring system should be set up at the EU level to keep track of the implementation and functioning of work-life balance schemes. This could be realised by means of new ambitious benchmarks rooted within the European Semester. Findings of monitoring exercises should be made public.

II. **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 document, and if so what type of improvements?**

CESI believes that changes to EU legislative texts are necessary to ensure a better work-life balance for workers. In addition and related to what is outlined in the consultation document, CESI would like to submit remarks on (1) the flexibilisation of working time and the location of work, (2) part time work, (3) childcare and (4) care for family members.

- (1) **On the flexibilisation of working time and the location of work:** The consultation document rightly notes the central importance to make work more flexible both time- and location-wise especially for working parents and carers. After all, working time and working patterns determine how and to what extent employees can engage in family- and care-related responsibilities.

At the same time – and while it is important that flexibility does not impose unnecessary costs on employers – it is equally vital to ensure that schemes for a better reconciliation of work and family life never occur at the cost of increased pressure on individual workers or the workforces as a whole. Mutual win-win situations need to be created.

As noted above, work flexibilisation in exchange of a mere increase in work intensification or the shifting of work to other employees is not a solution that can allow adequate occupational health and safety of workers in the long run. Accordingly, occupational health and safety measures and other preventive safeguards (such as the recruitment of additional staff) must be put in place to avoid such harmful developments whenever new schemes for a better work-life balance are being created.

In CESI's view, increased work flexibilisation can be particularly well achieved by means of:

- life work time accounts; and
- alternating telework. It is important to highlight that workers are in principle not less productive via telework than when being physically present on site in the office. Employers that continue to have concerns in this regard need to leave their convictions behind. For telework, however, effective safeguards need to be put in place to ensure that it is not abused by employers as a tool for permanent availability of workers. In fact, *unregulated* telework can be more of a burden than an ease in the life of workers.

Requirements to announce duty rosters timely can also ease the life of workers.

More flexibility location-wise can also be achieved in the context of internal work reorganisation or relocation exercises. Here, part time workers and working parents and carers should be given special protection via EU-level standards that fix, for instance, a maximum distance/time to reach the workplace. Moreover, safeguards should be put in place to protect part time workers from having to work longer than is specified in their work contract.

- (2) **On part time work:** A detailed and in CESI's view correct description of problems in the topic area 'Part time work' is missing in the consultation document especially with regard to the public sector. In the public services of many Member States, effective schemes to help bring employees working part time back to full-time work are missing or deficient. This means that voluntary part time work, started for instance due to family-related reasons, often ends up being forced part time work in the long run. This can lead to in-work poverty in the present and old age poverty in the future (since part time workers do not collect as many pension entitlements as full-time workers).

While this problem concerns both men and women in theory, there is, interestingly, an inherent gender dimension to it in practice: Forced part time work has shown to perpetuate gender inequalities. After all, in many households it is the woman rather than the man that starts working part time if it is required in the family. For example, it is typically the woman that works part time in order to invest more in raising the family's children or to care for elderly family members in need of help. In Germany, women account for more than 80% of all public sector employees in part time. In

sum, therefore, it is the women that experience disadvantages disproportionately if effective schemes to allow part time workers to return full time work are not in place.

In this context, CESI supports concepts for an easier switch between part time work and full-time work. Such concepts would need to be created in a way that allows more part time work to not only exist on paper but also be effectively exercised beyond exceptions in practice. More instruments for vocational education and training in part time should also be envisaged and working parents and carers in leadership and management positions should be given more possibilities to work part time too – naturally without part time work having negative implications on professional development opportunities.

- (3) On childcare.** CESI believes that work-life balance of parents is only possible if childcare is available to them. Therefore, CESI favours an EU-wide legal right to childcare. This relates to crèches, nursery schools/Kindergartens and all-day schools/day care centres.

To make this right work in practice, investments in the quantity of childcare workers, services and facilities need to be stimulated to the extent that childcare becomes effectively available on a continuous basis and affordable for all families and single parents – including the less well-off (see the abovementioned CESI FEMM Commission position on home based care for further details). CESI underscores the importance of social investments in childcare, which yield substantial positive returns in the long-run. Such investments should be encouraged via the European Semester, too. It could also be envisaged to end their full inclusion in the budgetary deficit calculations under the Stability and Growth Pact (SGP).

In the context of additional investments in childcare workers, it is especially important to take additional steps to attract more young people (and especially men) into childcare professions:

- Occupation profiles and definitions in the area of childcare should be spelled out more clearly and matched to each other.
- Vocational education and further training schemes in the childcare sector should be further developed.
- Working conditions in the childcare sector should be improved in terms of (1) more investments in childcare equipment and facilities, (2) adapted better healthcare provisions, (3) higher pay grades and (4) more favourable pension schemes. Workers should also be entitled to transfer their salary grades when they change from one childcare institution to another.
- The educator-child ratio should be raised in order to enable child carers to better live up to their educational responsibilities, which they identify with. This can be achieved through a recruitment of additional child carers.

Furthermore, to ensure a better level of quality in childcare, workers providing childcare services need to be professionalised in a more systematic way. To this end, binding, uniform and measurable standards need to be set.

- (4) On the care for family members.** In CESI's view, new measures are required to expand stationary and professional care and make home based care for family members more practical:

- While the need to provide professional and stationary care for family members is often key for workers to combine job requirements with care responsibilities, only few can currently afford it. Therefore, stationary and professional care must be made more affordable. Investments must be made to further raise the quality and quantity of available care services. This would enable more people (and especially women; see above) to remain in work in not stay at home and care for family members for prolonged periods of time.
- Home based care by family members can become necessary where external care services are either not affordable, not available or not wanted for another reason. In this context, and in line with the abovementioned CESI FEMM position on home based care, part time work as a result of family-related care responsibilities must be subsidised by the state so that caring workers continue to receive full salaries and will not lose out on pension and social security entitlements.

As stipulated in the abovementioned position on home based care, CESI highlights the importance of investments in better infrastructures for the provision of professional – and if required publicly subsidised – affordable care services and structures to support carers. This would yield substantial positive returns in the long-run and should be encouraged via the European Semester, too. As with investments in childcare, it could also be envisaged to end the full inclusion of investments in care services in the budgetary deficit calculations under the Stability and Growth Pact (SGP).

CESI is open for further consultations as regards existing best practices in individual EU Member States.

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

CESI is in principle always in favour of social partner dialogue under Article 155 TFEU. This also applies to topics related to work-life balance for employees. However, as stated above, CESI stresses the continued resistance by many employers across Europe for improved work-life balance schemes. In the context of this, the legislator has to act when social dialogue reaches its limits.