
Answer to second-phase social partner consultation

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

Preliminary remarks

As stated in the response to the first phase of this consultation, CESI is disappointed that the Commission withdrew its Maternity leave proposal last year. CESI encourages the Commission to re-consider an expansion of maternity leave to 18 weeks when political circumstances are favourable.

Overall, CESI welcomes the objective of the European Commission to bring better and innovative work-life balance measures especially to working women. CESI also welcomes the Commission's objective to encourage a more equal sharing of leave times between male and female household members, with a view to a more equal sharing of care responsibilities and career opportunities between men and women.

In relation to the reference to CESI on page 4 of the European Commission's analysis of the first phase consultation, CESI would like to note that non-legislative actions to support better work-life balance can indeed have a positive effect for workers, but that they should always be considered as accompanying additions to legislative measures. CESI is convinced that non-legislative action alone will not deliver sufficiently.

1. What are your views on the possible legislative avenues for EU action and the related parameters set out in section 5 of this document?

Maternity leave

CESI welcomes the objective of the Commission to achieve a strengthened protection of women in the context of maternity leave.

- **Extension of the period of dismissal protection.** CESI is in favour of a general dismissal protection period of six months after the end of maternity leave. It should be considered that there are Member States which have other forms of leave that immediately follow maternity leave (such as parental leave) and which have their own dismissal protection rules.

- **Prohibition of preparation of steps to dismissal.** In principle, CESI clearly favours the prohibition of preparatory steps for dismissal. The Commission should lay out more clearly which types of preparatory steps could be considered in order to establish technically and legally soundproof ways to implement each specific type of prohibition.
- **Right to written reasons for dismissal.** CESI is in favour of a right to written reasons in cases of dismissal in exceptional circumstances not connected to pregnancy. Anchoring such a right in European legislation could also further legitimise this entitlement in countries that already have such provisions in their national legislative frameworks.
- **Entitlements to breastfeeding mothers.** CESI favours standards concerning special entitlements for parents at work, especially for breastfeeding mothers, in relation to breaks and/or extra facilities.

Paternity leave and parental leave

CESI is in favour of a further development of parental leave at EU-level. Parental leave should be further extended. CESI considers that fathers and mothers should be each entitled to an adequate fixed period of leave, rather than allowing transfers of leave entitlement between mothers and fathers (which would likely lead to mothers taking most of the parental leave and thus counteract the objective to achieve a more equal take-up of leave times between men and women).

To further incentivise the take-up of parental leave, it should be as career-neutral as possible. This means that financial support should mitigate financial losses as much as possible, since economic considerations still too often prevail on whether parental leave is taken up or not. Moreover, there should be no gaps in social security or pensions contribution payments so that taking parental leave will have no negative financial implications at a later stage or during retirement age. At the same time, tax benefits for companies encouraging parental leave among the workforce could be considered.

Carers' leave

CESI supports the project of introducing a carers' leave at EU-level. Such a leave scheme should be as flexible as possible for the workers so that a new carer's leave can serve as a real help for men and women with domestic care responsibilities. Rigid schemes would in many cases not be effective since domestic care responsibilities are often hard to foresee and emerge rather quickly.

As with parental leave above, carers' leave should be designed as much in a career-neutral way as possible. Public budgets should financially support carers' leave schemes in order to make them feasible for employers and avoid additional costs for workers.

Flexible working arrangements

CESI generally agrees with the reasoning set out in section 5.5 of the consultation document. CESI stresses the importance of granting employees more control over their working time. More family- and carer-friendly flexible working arrangements could increase the employees' satisfaction and help square working and family-related responsibilities. Flexible working schemes can also bring additional productivity and labour market participation and hence benefit employees too.

In this context, more family-and carer-friendly flexible working arrangements should not only relate to the total amount of working hours but also to the location of work. Work timetables and schedules should not be overly rigid and new technologies should be exploited to make use of telework – provided they do not put the worker’s health at risk through constant availability requirements. There must be a legal right to enter part time work and to return back to full time afterwards.

2. Are the EU social partners willing to enter into negotiations with a view to concluding an agreement with regard to any of the elements set out in section 5 of this document under Article 155 TFEU?

CESI is in favour of social partner negotiations with a view to concluding agreements with regards to the elements mentioned in this consultation. CESI re-iterates that social dialogue should be truly inclusive and give due attention to the representation of all workers.

If social partner negotiations do not yield in outcomes that bring real improvements for workers, CESI calls on the legislator to act.