
Resolution of the ‘Women’s Rights & Gender Equality’ Commission’

Priorities: Proposal for a Directive on work-life balance for parents & carers (COM(2017) 253 final)

The Women’s Rights & Gender Equality Commission’ of the European Confederation of Independent Trade Unions (CESI) notes the following priorities to achieve progress on gender quality under a new Directive on work-life balance for parents & carers, proposed by the European Commission in the context of the European Pillar of Social Rights in April 2017:

- The **additions to leave rights** -10 working days of paternity leave when a child is born, 4 months of non-transferable parental leave per parent with flexible take-up possibilities until the child reaches the age of 12, 5 days of carers’ leave per year per worker, and time off from work on grounds of force majeure- stipulated in the proposed Directive on work-life balance for parents and carers (COM(2017) 253 final) are preconditions to promote much-needed improvements in work-life balance for parents and carers. These should not be watered down.

A revised, stronger maternity leave with full pay and effective protection against dismissal, not considered by the Directive, should still be on the EU’s policy agenda;
- The **scope of the Directive** (recital 12) should be extended on the basis of a new, overarching and horizontal definition of the term ‘worker’, as considered by the European Commission in its first phase social partner consultation paper C(2017)2611 final on a possible revision of the Written statement directive 91/533/EEC,¹ in order to ensure that improved work-life balance also reaches those currently earning their living in (largely unregulated) forms of bogus self-employment and emerging (often equally unregulated) so-called new forms of employment;
- The proposed Directive must promote an equal sharing of domestic and caring responsibilities between men and women in order to counter long-standing stereotypes about traditional gender roles for women in caring and domestic responsibilities and narrow gender pension gaps. To this end, the proposed individual, non-transferable right to a paid **parental leave** of four months is instrumental;

¹ „Any person who for a certain period of time performs services for and under the direction of another person in return for which he receives remuneration“.
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- The provisions in the proposed directive on **flexible working arrangements** (Article 9) on a right to return to full time following a period of part-time in the context of parental leave are instrumental to prevent forced, long-term part-time work with inevitable reductions in pensions. However, the wording to enable part-time work in the first place is too vague (Articles 9 and 5.5): To prevent unjustified denials of requests for flexible/reduced working time by workers, there should be clearer conditions under which when employers can deny requests;
- Article 10 on the **maintenance of employment rights** is vital to provide security to the workers that no rights will be lost as a result of leave periods under the Directive. However, any negative repercussion of leave under the Directive and pension entitlements should be precluded. Private caring is also a service to the society as a whole since it replaces, to a certain extent, the need for the state to provide care services – In this context, and while it must remain clear that the state remains chiefly in charge to provide care services and facilities, there should be made no difference between work as occupation (with pension entitlements) and work as private carer (with no pension entitlement).