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P8_TA(2016)0226

Framework Agreement on parental leave

European Parliament resolution of 12 May 2016 on the application of Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (2015/2097(INI))

(2018/C 076/11)

The European Parliament,

- having regard to Articles 2, 3(3) and 5 of the Treaty on European Union,
- having regard to Articles 8, 10, 153(1)(i) and 157 of the Treaty on the Functioning of the European Union,
- having regard to Articles 7, 9, 23, 24 and 33 of the Charter of Fundamental Rights of the European Union,
- having regard to Council Directive 2010/18/EU of 8 March 2010, implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC,
- having regard to Council Directive 2013/62/EU of 17 December 2013 amending Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC, following the amendment of the status of Mayotte with regard to the European Union,
- having regard to the Presidency conclusions of the European Council held in Brussels on 23-24 March 2006 (777751/1/06 REV 1),
- having regard to the Commission communication entitled 'A better work-life balance: stronger support for reconciling professional, private and family life' (COM(2008)0635),
- having regard to the Commission recommendation of 20 February 2013 entitled 'Investing in Children: Breaking the Cycle of Disadvantage' (C(2013)0778),
- having regard to its resolution of 11 March 2015 on the European Semester for economic policy coordination: employment and social aspects in the Annual Growth Survey 2015 ⁽¹⁾,
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post-2015 ⁽²⁾,
- having regard to its resolution of 20 May 2015 on maternity leave ⁽³⁾,
- having regard to its resolution of 8 October 2015 on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ⁽⁴⁾,
- having regard to the European Parliamentary Research Service study of May 2015 entitled 'Gender equality in employment and occupation — Directive 2006/54/EC: European Implementation Assessment',

⁽¹⁾ Texts adopted, P8_TA(2015)0068.

⁽²⁾ Texts adopted, P8_TA(2015)0218.

⁽³⁾ Texts adopted, P8_TA(2015)0207.

⁽⁴⁾ Texts adopted, P8_TA(2015)0351.

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- having regard to the European Parliament Directorate-General for Internal Policies of the Union study entitled 'Maternity, Paternity and Parental Leave: Data Related to Duration and Compensation Rates in the European Union',
 - having regard to the European Foundation for the Improvement of Living and Working Conditions study entitled 'Promoting parental and paternity leave among fathers',
 - having regard to the Eurofound report entitled 'Maternity leave provisions in the EU Member States: Duration and allowances' (Eurofound, 2015),
 - having regard to the 2015 Eurofound report entitled 'Promoting uptake of parental and paternity leave among fathers in the European Union',
 - having regard to the Commission study of February 2015 entitled 'The Implementation of Parental Leave Directive 2010/18/EU in 33 European Countries',
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A8-0076/2016),
- A. whereas there is little chance of the 75 % employment rate target set in the Europe 2020 strategy being achieved for women (it currently stands at 63,5 %) by 2020; whereas, moreover, there is a need for proactive policies designed to help women enter and stay in the job market, and to safeguard and support their return as mothers to the job market with the objective of achieving stable and decent work, on equal conditions to men, especially policies that promote a better work-life balance for all parents;
- B. whereas the job performed by parents in the family and in raising children represents a measurable contribution to the economy, which is furthermore of great importance in view of demographic developments in Europe;
- C. whereas Directive 96/34/EC recognises the reconciliation of professional and private life as a separate topic, while Directive 2010/18/EU stipulates that all employees have a right to four months' unpaid parental leave, and that one of those months must be granted on a non-transferable basis; whereas the principle of gender equality in employment is now established in EU legislation; whereas career equality for men and women, including through the parental leave instrument, would help to achieve the 75 % employment rate target set out in the Europe 2020 strategy, and to resolve the problem of women faced with impoverishment being far more vulnerable, but also represents a measurable contribution to the economy, which is furthermore of great importance in view of demographic developments in Europe;
- D. whereas available data confirms that unpaid or poorly paid family leave results in low participation rates, and that fathers make use of very few of their parental leave rights; whereas entirely or partially non-transferable, properly paid parental leave is used in a more balanced way by both parents, and helps to reduce discrimination against women in the labour market;
- E. whereas a mixed model composed of both maternity and paternity leave and common leave, i.e. parental leave, allows both parents to properly co-decide how they can manage their leave entitlements, in the best interest of their children and considering their job specificities;

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- F. whereas parental leave has long-term benefits for children's development; whereas, within the framework of public policies in force on the matter, fathers' participation rate in parental leave in the EU Member States is rising but remains low, with only 10 % of fathers taking at least one day of leave; whereas, in contrast, 97 % of women use the parental leave that is available for both parents;
- G. whereas Eurofound studies have illustrated aspects that influence fathers' take-up rate of parental leave, which include the level of compensation, the flexibility of the leave system, the availability of information, the availability and flexibility of childcare facilities and the extent to which workers fear isolation from the labour market when taking leave; whereas numerous researchers ⁽¹⁾ suggest, however, that fathers who take parental leave build a better relationship with their children and are more likely to take an active role in future childcare tasks; whereas, these issues therefore need to be addressed;
- H. whereas the EU as a whole is facing a serious demographic challenge, as birth rates are decreasing in most Member States, and whereas family policies that are fair to men and women should improve women's prospects on the job market, improve work-life balance and reduce gender gaps as regards pay, pensions and life-long earnings and have a positive impact on demographic processes;
- I. whereas, according to Eurostat the number of people who took parental leave in 2010 was 3 518 600, and of those only 94 800 (2,7 %) were men; whereas, according to Eurofound ⁽²⁾ research, the gender gap in employment participation leads to serious losses for European economies, which amounted in 2013 to around EUR 370 billion;
- J. whereas the Commission, together with the Member States, should launch specific measures to foster a new kind of organisation of work, through more flexible models which, through work-life balance instruments, enable parents to exercise their right to parenthood effectively; whereas these measures could help to reduce the discrimination against women and help them to enter, stay in and return to the job market without any economic and social pressure;
- K. whereas, besides ensuring gender equality and women's access to employment, parental leave should enable parents to fulfil their responsibilities towards their children;
- L. whereas it is vital to ensure that women have the right to combine jobs with rights and the right to motherhood without being penalised for it, since women continue to be worst affected and suffer most discrimination; whereas examples of this discrimination include pressure from employers on women attending job interviews at which they are asked whether they have children and how old they are, with the aim of influencing women's decisions and opting for childless workers who are 'more available', along with growing economic and work-related pressure on female employees not to take maternity leave;
- M. whereas one of the issues restricting women from entering the labour market, and staying there, is their responsibility to care for children with disabilities, who are not self-sufficient and are thus dependent and/or belong to disadvantaged categories and groups;
- N. whereas where there are no provisions for leave, or where existing ones are considered to be insufficient, social partners, through collective agreements, may have an important role to play in establishing new provisions or updating current ones for maternity, paternity and parental leave;

⁽¹⁾ <http://www.oecd.org/gender/parental-leave-where-are-the-fathers.pdf>

⁽²⁾ <https://www.eurofound.europa.eu/news/news-articles/social-policies/international-womens-day-2016-the-campaign-for-equality-continues>

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- O. whereas a work-life balance is a fundamental right which should be fully incorporated into every EU text that might have an impact on the matter; whereas, more generally, the importance of having family-friendly working environments should be highlighted;
- P. whereas most EU Member States already comply with the minimum requirements of the Parental Leave Directive (2010/18/EU) and in many Member States national provisions go beyond these requirements;
- Q. whereas Member States should promote, in both the public and private sectors, business welfare models which require respect for the right to a work-life balance;
- R. whereas the differences in men's and women's uptake of maternity, paternity and parental leave manifest gender discrimination as regards childcare and female labour market participation; whereas, in many Member States, the measures taken to encourage men to assume an equal share of family responsibilities have not led to satisfactory results;
- S. whereas adequate, individual, compensated parental leave is crucial for same-sex parenting couples to be able to achieve a work-life balance;
- T. whereas women who exercise their right to a work-life balance by taking parental leave are faced with a stigma when they return to the labour market, which results in less favourable working conditions and precarious contracts;

Transposition of the directive

1. Stresses that the provisions necessary for the transposition of Directive 2010/18/EU take different forms in the various Member States; believes that the transposition should therefore comply fully with legislation in force in the area of collective bargaining between social partners;
2. Believes that, since not all Member States have followed the EU's separate or sequential approach to maternity and parental leave, classifying the different types of leave at EU level is difficult;
3. Recalls that gold-plating by Member States can add to the complexity of regulation and in effect reduce compliance; calls on the Member States to avoid adding administrative burdens when transposing EU legislation;
4. Encourages the Member States that have not yet done so to provide the Commission within a reasonable time with correspondence tables between the provisions of the directive and the transposition measures; considers it is crucial for Member States to ensure that the necessary inspection resources are in place to verify that legislation protecting parents' rights is being complied with; urges the Commission to monitor carefully the implementation of the directive in the Member States, so as to ensure that the adaptability offered by it is not carried to excess; considers the principle of sharing good practices to be a useful means of achieving these objectives;
5. Considers it regrettable that there are disparities between the transposition measures of the directive in the field of application, thus creating systems that benefit workers to varying degrees depending, for example, on their employment sector (more protection is provided for in the public sector across the EU than in the private sector, thus it has a pioneering role in the field) and the length of their contract; recommends, to that end, that all possible measures be taken to enable the directive to be correctly implemented, in a uniform manner, in both the public and private sector; stresses that everyone, without regard to gender, should be guaranteed the right to parental leave without discrimination, regardless of the employment sector or the type of contract under which working fathers and mothers are employed;
6. Welcomes the fact that some Member States have transposed the provisions of the directive beyond the minimum scope of application, enabling freelance workers, apprentices, same-sex couples and parents of adopted children to benefit;
7. Firmly believes that the provision of social welfare is a Member State competence;

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8. Calls for the Member States to adopt family-oriented social policies which provide for the application of all the benefits included in the directive in the event of a prolonged stay abroad by parents seeking to complete an international adoption procedure;

9. Notes that, more than a decade after the Member States transposed directive 96/34/EC, the gender imbalance in taking parental leaves persists; notes also the great disparity between Member States regarding the maximum duration, statutory form of parental leave and systems regarding pay during the leave period; believes that the issue of pay during leave is crucial to ensure that low-income parents and single parents benefit on an equal footing with all other parents; welcomes the various measures adopted to encourage fathers to use their parental leave; recognises the value of the EU as a means to focus Member States' attention on the need for action and for brokering exchanges of advice and assistance for those Member States that need it, particularly in the field of social welfare rights; believes that the Commission should propose measures that encourage fathers to take more parental leave and that Member States should promote a more effective sharing of best practices in this field;

10. Notes the decision taken by some Member States to only provide access to social welfare rights for a shorter duration than the maximum duration of parental leave, thus reducing the number of parents who actually use this maximum duration;

11. Calls on the Member States, together with the Commission, to guarantee that family rights assigned by public policies, including parental leave, are equal in terms of individual rights and equally accessible for both parents, so as to encourage them to achieve a better work-life balance and in the best interest of their children; stresses that those rights should be individualised as far as possible to help achieve the 75 % employment rate targets for women and men set in the Europe 2020 strategy and to promote gender equality; believes that a certain flexibility should be given to parents in the use of the parental leave, and that it should in no case constitute an obstacle to reaching the 75 % employment rate targets for women and men set in the 2020 strategy; considers that the system adopted by the social partners should promote the solution whereby a significant part of the leave remains non-transferable; underlines that both parents have to be treated in the same way in terms of rights to income and the duration of the parental leave;

12. Emphasises that families with children and parents taking a career break to raise them have to bear not only a loss of income but also higher expenditure and far too low a valuation of their parental role;

13. Notes the flexibility that the directive grants the Member States to define forms of parental leave — part-time or full-time — and the working and notice periods established as conditions for granting parental leave; notes that, in some Member States, workers on non-standard contracts such as fixed-term contracts⁽¹⁾ and zero-hour contracts⁽²⁾ are not always included in these measures and is concerned about abuse of these types of work contracts; notes the initiatives introduced by the Member States to give workers as much flexibility as possible in this area, ensuring that parental leave ties in with their professional and personal circumstances, but believes that all arrangements should have the aim of increasing the taking of parental leave;

14. Notes that the return to work after parental leave can be a difficult and stressful situation for both a parent and a child; calls on the Member States to adopt family policies facilitating a smooth and gradual return to work and an overall optimal work-life balance, while also considering the promotion of teleworking, home working and smart working, in a way that such policies do not impose an additional burden on employees;

15. Calls on the Member States, when making their arrangements, to ensure that enterprises can plan with certainty, and to pay particular attention to the needs of the smallest and small and medium-sized enterprises in this regard;

⁽¹⁾ Peter Moss in *the 10th International Review of Leave Policies and Related Research 2014*, June 2014, p. 39.

⁽²⁾ https://www.cipd.co.uk/binaries/zero-hours-contracts_2013-myth-reality.pdf

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16. Calls on the Commission to improve and strengthen the provisions of Directive 2010/18/EU regarding the conditions of eligibility and detailed rules for granting parental leave to those who have children with a disability or serious or long-term incapacitating illness, taking account also of best practice in the Member States (extension of the age limit of the child regarding eligibility for parental or childcare leave, easier access to part-time work arrangements on return, extension of leave duration, etc.);

17. Stresses the need to guarantee favourable conditions for the return to work of those who have benefited from parental leave, especially concerning reinstatement to the same post or an equivalent or similar post, in accordance with the contract or terms of employment, changes to working hours and/or routines on their return to work (including the need for the employer to justify any refusal) to benefit from training periods, from protection against dismissal and less favourable treatment as a result of applying for or taking parental leave, and a protection period after their return so that they can readjust to their job;

Towards an effective directive to address the challenges of a work-life balance

18. Notes the Commission's withdrawal of the draft maternity leave directive, and the fact that, in the context of the roadmap 'New start to address the challenges of work-life balance faced by working families', the Commission does not at this stage intend to publish a final report on the implementation of the directive on parental leave; calls on the Commission, while respecting the principle of subsidiarity, to return with an ambitious proposal that will effectively enable a better work-life balance;

19. Believes that political discussions should also focus on a range of non-legislative initiatives with a view to joint action with Member States and civil society to emphasise the role that parents play and to promote a work-life balance;

20. Believes that consideration should be given to a broad non-legislative initiative to promote the reconciliation of work and family life in the Member States;

21. Believes, in view of the overlapping nature of the different types of family leave, that coherence among the various texts is required at EU level with the involvement of social partners in order to provide families with life-cycle leave perspectives to promote a more equal share of care responsibilities between women and men; urges the Commission to consider activating the review clause in EU legislation on parental leave for that purpose; believes that more clearly worded legislation that removes complexity, improves compliance and protects workers is necessary;

22. Calls on the social partners, on the basis of the Commission report published in February 2015, to address the shortcomings of the Parental Leave Directive in fully achieving its objectives in terms of work-life balance, female labour market participation, demographic challenges and men's share of family tasks, including the care of children and other dependants; considers that more effective measures should be taken to encourage a more equal sharing of family responsibilities between men and women;

23. Stresses that satisfactory parental leave arrangements are closely linked to adequate pay; notes that where there are no provisions for leave, or where existing ones are considered to be insufficient, social partners, through collective agreements, may have an important role to play in establishing new provisions or updating current ones for maternity, paternity and parental leave; calls on the Member States, in agreement with the social partners, to reconsider their system of financial compensation for parental leave with a view to reaching a level that would act as an incentive for an adequate and decent level of income replacement, which also encourages men to take parental leave beyond the minimum time period guaranteed by the directive;

24. Believes that the promotion of individualisation of the right to leave and of positive action aimed at the promotion of the role of fathers is essential in helping to achieve a gender-balanced reconciliation of work and private life;

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25. Calls on the Commission and the social partners to consider offering an appropriate extension of the minimum duration of parental leave from four to at least six months to improve work-life balance;
26. Stresses that improved coordination, coherence and accessibility in the Member States' leave systems (maternity, paternity and parental leave) increases participation levels and overall efficiency; stresses in that regard that an EU directive on a minimum two-week paternity leave is essential and urgent;
27. Stresses the need to extend the period in which both parents can exercise their right to take parental leave; calls on the Commission and the social partners to increase the age of the child for which parental leave can be taken, and also to take into account that the possibility of parental leave for parents of children with disabilities or long-term illnesses should be extended beyond the statutory age of the child provided for in the directive;
28. Calls on the Member States and social partners to tackle the many obstacles to the return to work after a period of long parental leave, so as to stop this leave from becoming a trap of exclusion from the labour market; recalls in this context that equality between men and women can only be achieved through a fair redistribution of paid and unpaid work as well as of work, family and care responsibilities;
29. Calls on the Member States to continue their efforts towards greater convergence as regards the exchange of best practices in the area of work-life balance, paying particular attention to policies that help mothers to enter, stay in and return to the job market and fathers to participate in family life and that increase the participation of fathers in parental leave; encourages the Commission, together with Member States, to monitor and promote these actions;
30. Believes that, with a view to meeting the Barcelona objectives, alongside legislative measures to promote a work-life balance, the Member States, with the financial backing of the various EU instruments, should focus on introducing high-quality, inclusive, affordable and accessible public or private childcare, available from the moment a parent returns to the job market, with special attention to families that are poor and at risk of social exclusion;
31. Invites the Member States to raise parents' awareness of the benefits of participation in early childhood education and care programmes for their children and themselves; calls on the Member States to adapt the design and eligibility criteria of high-quality, inclusive early childhood education and care services to increasingly diverse working patterns, thereby helping parents maintain their work commitments or find a job, while keeping a strong focus on the child's best interests;
32. Believes that an integrated approach to gender equality — including policies for overcoming stereotyped gender roles — and work-life balance in all future EU initiatives would bring coherence and transparency to the process and would help ensure the promotion of a gender-balanced work-life balance; calls on the Commission and the Member States to raise awareness among society of the rights and legal action regarding work-life balance;
33. Calls on the Commission to gauge the positive influence of initiatives on improving work-life balance with a view to redistributing family, care and domestic responsibilities, and to extend the particular responsibilities of those caring for children with disabilities, in a position of dependency and/or belonging to disadvantaged categories and groups;

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34. Instructs its President to forward this resolution to the Council and the Commission.
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