



2017/0085(COD)

23.5.2018

OPINION

of the Committee on Legal Affairs

for the Committee on Employment and Social Affairs

on the proposal for a directive of the European Parliament and of the Council
on work-life balance for parents and carers and repealing Council Directive
2010/18/EU
(COM(2017)0253 – C8-0137/2017 – 2017/0085(COD))

Rapporteur: Joëlle Bergeron

PA_Legam

SHORT JUSTIFICATION

The Commission considers that the proposal for a directive is consistent with the need to take a broader approach to the issue of the work-life balance and reflects recent societal trends.

Its aim is to address the under-representation of women in the labour market and to support their career progression by making it easier for them to reconcile their professional and family responsibilities. With this aim in view, it lays down minimum criteria needed to establish proper equality between men and women as regards labour market opportunities and treatment at work. It promotes non-discrimination and gender equality by adapting and updating the EU legal framework in this area.

In the EU, most people working part time are women (32% of all women, as against 8% of men), and this is largely due to the difficulties they face in reconciling their professional and private lives. This in turn very often leads to very significant pay and pension gaps between men and women. The current legal framework in the EU and in the Member States offers men few incentives to take on an equal share of family duties. These shortcomings must be addressed as a matter of urgency. Your rapporteur very much endorses the specific objectives set in the proposal for a directive, which involve in particular improving access to schemes which make it easier to reconcile professional and private life and encouraging more men to make use of family leave and flexible working arrangements. On that latter point, the level of pay offered to people on parental leave is an important consideration in ensuring fairness in the way that men and women take such leave. The gender gap in this regard is considerable, however, as parental leave pay is currently ridiculously low. The Commission proposal to bring parental leave pay up to the same level as sick pay is a step forward. What we need to keep in mind at all times and use as the guiding principle is child protection. Your rapporteur has no doubt that it is in a child's best interests to be brought up and cared for by, and have the company of, both parents equally. She therefore takes the view that men and women should be put in a position to play an equal role in raising a family. This can be done by eliminating inequalities between women and men in paid and unpaid jobs, and by encouraging them to take an equal share of responsibility for work in the home and for caring for children and relatives who require assistance.

Due account needs to be taken of the requirements of and the constraints on employers, however – particularly in small companies made up of two or three people. Granting parental leave can put such companies in a very difficult position. For that reason, your rapporteur highlights the need to guarantee employers better protection, but also to prevent abuses of the system by workers absent for what they claim are urgent family reasons. With that aim in mind, the right to parental leave should be made contingent on the submission of supporting documents and completion of a minimum period of service of no more than nine months. Leave for carers should also be better regulated to protect employers against abuses of the system. At the same time, it is essential that workers wishing to care for a close relative be given the opportunity to establish a better work-life balance, so that they do not quit the job market once and for all.

Your rapporteur also stresses that the situation of parents of a child with a disability or a serious illness and instances of multiple births or adoptions have not been taken into account by the Commission. She takes the view that the option to double parental leave should be available in such cases.

The same should apply to single parents, who are constantly increasing in number and who cannot be ignored.

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Employment and Social Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Equality between men and women is a fundamental principle of the Union. According to Article 3 of the Treaty on European Union the promotion of equality between women and men is one of the Union's aims. Similarly, Article 23 of the Charter of Fundamental Rights of the European Union requires equality between women and men to be ensured in all areas, including employment, work and pay.

Amendment

(2) Equality between men and women is a fundamental principle of the Union. According to Article 3 of the Treaty on European Union the promotion of equality between women and men is one of the Union's aims. Similarly, Article 23 of the Charter of Fundamental Rights of the European Union requires equality between women and men to be ensured in all areas, including employment, work and pay. ***This Directive contributes to those objectives by eliminating disparities, strengthening gender equality, promoting a high level of employment and consolidating the Union's social dimension, as well as boosting upward convergence in the Member States with regard to of social benefits.***

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Article 33 of the Charter of Fundamental Rights of the European Union provides for the right to protection from

Amendment

(3) Article 33 of the Charter of Fundamental Rights of the European Union (***the Charter***) provides for ***legal, economic***

dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child, to reconcile family and professional life.

and social protection of the family, the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child, to reconcile family and professional life.

Amendment 3

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) People with disabilities should have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, as well as a work environment adapted to their needs.

Amendment 4

Proposal for a directive Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Equality of treatment and opportunities between women and men should be ensured and fostered in all areas, including participation in the labour market, terms and conditions of employment and career progression. Women and men have the right to equal pay for work of equal value.

Amendment 5

Proposal for a directive Recital 5

Text proposed by the Commission

Amendment

(5) Work-life balance policies should

(5) Work-life balance policies should

contribute to the achievement of gender equality by promoting the participation of women in the labour market, *making it easier for men to share caring responsibilities on an equal basis with women, and closing* gender gaps in earnings *and pay*. Such policies should take into account demographic changes including the effects of an ageing population.

contribute to the achievement of gender equality by promoting the participation of women in the labour market *and encouraging the participation and role of men in family life, in accordance with Article 24 of the Charter, which provides that every child is to have the right to maintain on a regular basis a personal relationship and direct contact with both parents unless that is contrary to the child's interests, in favour of the fair sharing of responsibilities for bringing up and caring for children, thereby helping to close the* gender gaps in earnings, *pay and pensions*. Such policies should take into account demographic changes including the effects of an ageing population. *In that context, promoting a better work-life balance could represent an important incentive for increasing the birth-rate.*

Amendment 6

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) According to the data for October 2017 (Commission statistics), the male employment rate in the Union was 71,9 %, compared to the female employment rate of 61,4 %, despite the fact that women have a higher level of education.

Amendment 7

Proposal for a directive Recital 7

Text proposed by the Commission

Amendment

(7) Work-life balance remains *however* a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female

(7) *The rise of the dual-earner household has led to work intensification and greater pressures on, and demands for, work-life balance. As a result, work-*

employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women *tend* to work *less* hours in paid employment and spend more time fulfilling unpaid care responsibilities. Having an ill or dependent relative has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market entirely.

life balance remains a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, *elderly dependents or immediate relatives with incapacitating chronic diseases*, women *are obliged* to work *fewer* hours in paid employment and spend more time fulfilling unpaid care responsibilities. *This contributes substantially to the gender pay gap, which is as high as 28 % in certain Member States, and accumulates over the working life into a gender pension gap, which averages 40 % in the Union, and results in a higher risk of poverty and social exclusion for women.* Having an ill or dependent relative has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market *in part or* entirely.

Amendment 8

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) *According to Eurofound data, over three million people have left full-time employment because of they lack facilities for childcare or care for dependent family members.*

Amendment 9

Proposal for a directive Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) *Children should have the right to*

affordable early childhood education and care of good quality.

Amendment 10

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. Lack of paid paternity and parental leave in many Member States contributes to the low take-up of such leave by fathers. The imbalance in the design of work-life balance policies between women and men reinforces gender differences between work and care. Conversely, use of work-life balance arrangements by fathers, such as leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for paid employment.

Amendment

(8) The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. ***There are no harmonised Union rules providing for paternity leave or leave to take care of ill or dependent relatives, with the exception of absence for reasons of force majeure.*** Lack of paid paternity and parental leave in many Member States contributes to the low take-up of such leave by fathers. The imbalance ***or inadequacy*** in the design of work-life balance policies between women and men ***slows down growth, leads to a departure from the objectives of social inclusion, puts women at greater risk of poverty, especially in old age, and*** reinforces gender differences between work and care. Conversely, use of work-life balance arrangements by fathers, such as ***leave, sufficient incentives to avail themselves of such*** leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for paid employment ***and their social, economic and professional emancipation.***

Amendment 11

Proposal for a directive

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Parents and other people with

caring responsibilities should have the right to suitable leave, flexible working arrangements and access to care services. Women and men should have equal access to special leave of absence in order to fulfil their caring responsibilities and should be encouraged to use them in a balanced way.

Amendment 12

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) It is important to achieve a balance between professional, private and family life by means of a broad approach which includes legislative and non-legislative action, such as effective incentives and measures, such as tax credits for childcare and for caring for people in need.

Amendment 13

Proposal for a directive

Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) The social partners should be consulted about the design and implementation of economic, employment and social policies according to national practices. They should be encouraged to negotiate and conclude collective agreements in matters relevant to them, while respecting their autonomy and their right to collective action.

Amendment 14

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) It is appropriate to repeal and replace Directive 2010/18/EU which currently regulates parental leave by putting into effect a framework agreement concluded between the social partners. This Directive builds, in particular, upon the rules laid down in Directive 2010/18/EU and complements them by strengthening existing rights and by introducing new rights.

Amendment

(10) It is appropriate to repeal and replace Directive 2010/18/EU which currently regulates parental leave by putting into effect a framework agreement concluded between the social partners. This Directive builds, in particular, upon the rules laid down in Directive 2010/18/EU and complements them by strengthening existing rights and by introducing new rights. ***Nothing in the proposed Directive should be interpreted as diminishing previously existing rights pursuant to that Directive.***

Amendment 15

**Proposal for a directive
Recital 11**

Text proposed by the Commission

(11) This Directive lays down minimum requirements related to paternity, parental and carers' leave and to flexible working arrangements for parents and workers with caring responsibilities. **By** facilitating the reconciliation of work and family life for parents and carers, this Directive should contribute to the Treaty-based goals of equality between men and women with regard to labour market opportunities, equal treatment at work and the promotion of a high level of employment in the Union.

Amendment

(11) This Directive lays down minimum requirements related to paternity, parental and carers' leave and to flexible working arrangements for parents and workers with caring responsibilities, ***while respecting national rules on leave and flexible working arrangements that comply with the requirements of this Directive and enabling Member States and the social partners to determine the specific provisions thereof. The Directive fully respects the freedom and preferences of workers and families to organise their lives and does not impose on them any obligation to avail themselves of its provisions. If a wide margin of manoeuvre for decision-making is achieved at individual and national level,*** by facilitating the reconciliation of work and family life for parents and carers, this Directive should contribute to the Treaty-based goals of equality between men and women with regard to labour market opportunities, equal treatment at work and

the promotion of a high level of employment in the Union, *as well as of a decent standard of living for workers and their families.*

Amendment 16

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) This Directive should apply to all workers who have employment contracts or other employment relationships. As is currently the case under Clause 2(3) of the Annex to Directive 2010/18/EU, this should include contracts relating to employment or employment relationships of part-time workers, fixed-term contract workers or persons with a contract of employment or employment relationship with a temporary agency.

Amendment

(12) This Directive should apply to all workers who have employment contracts or other employment relationships. As is currently the case under Clause 2(3) of the Annex to Directive 2010/18/EU, this should include contracts relating to employment or employment relationships of part-time workers, fixed-term ***or open-ended*** contract workers or persons with a contract of employment or employment relationship with a temporary agency.

Amendment 17

Proposal for a directive

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The Directive prioritises the establishment of a good work-life balance without resorting to the introduction of precarious and atypical working conditions.

Amendment 18

Proposal for a directive

Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) This Directive aims to improve and strengthen the provisions concerning

admissibility and regulatory certainty for the granting of parental leave to those with children with disabilities or serious long-term illnesses, especially in order to avoid arbitrary treatment regarding the granting of leave for the relevant age groups going beyond current provisions, the introduction of vouchers or special contributions to meet the costs of child care services.

Amendment 19

Proposal for a directive Recital 13

Text proposed by the Commission

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to paternity leave for **fathers** to be taken on the occasion of the birth of a child should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law.

Amendment

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to paternity leave for **the second parent** to be taken, **if requested**, on the occasion of the birth **or adoption** of a child should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law **irrespective of the seniority or the nature of the employment contract**.

Amendment 20

Proposal for a directive Recital 14

Text proposed by the Commission

(14) As the majority of fathers do not avail themselves of their right to parental leave or transfer a considerable proportion of their leave entitlement to mothers, in order to encourage the second parent to take parental leave, this Directive, while maintaining the right of each parent to at least four months of parental leave currently provided for by Directive

Amendment

(14) As the majority of fathers do not avail themselves of their right to parental leave or transfer a considerable proportion of their leave entitlement to mothers, in order to **foster a close early relationship with the child and** encourage the second parent to take parental leave, this Directive, while maintaining the right of each parent to at least four months of parental leave

2010/18/EU, extends from one to four months the period of parental leave which cannot be transferred from one parent to the other.

currently provided for by Directive 2010/18/EU, extends from one to four months the period of parental leave which cannot be transferred from one parent to the other.

Amendment 21

Proposal for a directive Recital 15

Text proposed by the Commission

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least **twelve** years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave **and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service.** To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement. Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave

Amendment

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least **thirteen** years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification **in writing** for the postponement. Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations (single parents, children with disabilities, serious illnesses).

should be adapted to the specific needs of parents in particularly disadvantaged situations.

Amendment 22

Proposal for a directive Recital 16

Text proposed by the Commission

(16) In order to facilitate the return to work following parental leave, workers and employers should ***be encouraged to maintain contact during the period of leave and may*** make arrangements for any appropriate reintegration measures, to be decided between the parties concerned, taking into account national law, collective agreements and practice

Amendment

(16) In order to facilitate the return to work following parental leave, workers and employers should make arrangements for any appropriate reintegration measures, to be decided between the parties concerned, taking into account national law, collective agreements and practice

Amendment 23

Proposal for a directive Recital 18

Text proposed by the Commission

(18) In addition to the right to carers' leave provided for in this Directive, all workers should maintain their right to take time off from work ***on the grounds of force majeure*** for urgent and unexpected family reasons, currently provided for by Directive 2010/18/EU, under the conditions established by the Member States.

Amendment

(18) In addition to the right to carers' leave provided for in this Directive, all workers should maintain their right to take time off from work for urgent and unexpected family reasons, currently provided for by Directive 2010/18/EU, under the conditions established by the Member States.

Amendment 24

Proposal for a directive Recital 19

Text proposed by the Commission

(19) To increase the incentives for

Amendment

(19) To increase the incentives for

workers with children and caring responsibilities, men in particular, to take the periods of leave provided for in this Directive, they should have the right to an adequate allowance while on leave. The level of the allowance should be ***at least equivalent to what*** the worker concerned would receive in case of sick leave. Member States should take into account the importance of the continuity of the entitlements to social security, including healthcare.

Amendment 25

Proposal for a directive Recital 21

Text proposed by the Commission

(21) In order to encourage working parents and carers to remain in the work force, ***those workers should be able*** to adapt their working schedules to their personal needs and ***preferences***. ***Working*** parents and carers should ***therefore*** be able to request flexible working arrangements, meaning the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. In order to address the needs of workers and employers, it should be possible for Member States to limit the duration of flexible working arrangements, ***including a reduction in working hours***. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. The ultimate decision as to whether or not to accept a worker's request for flexible working arrangements should lie with the employer. Specific circumstances

workers with children and caring responsibilities, men in particular, to take the periods of leave provided for in this Directive, they should have the right to an adequate allowance while on leave. The level of the allowance should be ***adequate and no less than the amount*** the worker concerned would receive in case of sick leave. Member States should take into account the importance of the continuity of the entitlements to social security, including healthcare.

Amendment

(21) In order to encourage working parents and carers to remain in the work force, ***employers should give them the possibility*** to adapt their working schedules to their personal needs and ***preference***. ***Without abusing that right, working*** parents and carers should be able to request flexible working arrangements, meaning the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. In order to address the needs of workers and employers ***and ensure that they are properly balanced***, it should be possible for Member States to limit the duration of ***part-time work, giving priority to other*** flexible working arrangements. While working part-time has ***indeed*** been shown to be useful in allowing some women to remain in the labour market after having children ***or other family responsibilities***, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. The ultimate decision as to whether or not to

underlying the need for flexible working arrangements can change. Workers should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

accept a worker's request for flexible working arrangements should lie with the employer. Specific circumstances underlying the need for flexible working arrangements can change. Workers should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

Amendment 26

Proposal for a directive Recital 23

Text proposed by the Commission

(23) Workers exercising their rights to leave or to request flexible working arrangements should be protected against discrimination or any less favourable treatment on that ground.

Amendment

(23) Workers exercising their rights to leave or to request flexible working arrangements should be protected against discrimination, ***retaliation*** or any less favourable treatment on that ground.
Exercising one's right to leave or flexible working arrangements should not have adverse effects on the level of employment or other working conditions.

Amendment 27

Proposal for a directive Recital 24

Text proposed by the Commission

(24) Workers exercising their rights to take leave or to request flexible working arrangements provided for in this Directive should enjoy protection from dismissal and any preparations for a possible dismissal on the grounds that they applied for, or have taken such leave or have exercised the right to request such flexible working arrangements. Where workers consider that they have been dismissed on those grounds, they should be able to ask the

Amendment

(24) Workers exercising their rights to take leave or to request flexible working arrangements provided for in this Directive should enjoy protection from dismissal, ***pressures and mobbing to the detriment of the worker*** and any preparations for a possible dismissal on the grounds that they applied for, or have taken such leave or have exercised the right to request such flexible working arrangements. Where workers consider that they have been

employer to provide duly substantiated grounds for the dismissal.

dismissed on those grounds, they should be able to ask the employer to provide duly substantiated grounds for the dismissal.

Amendment 28

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down minimum requirements designed to achieve equality between men and women with regard to labour market opportunities and treatment at work through facilitating the reconciliation of work and family life for working parents and carers.

Amendment

This Directive lays down minimum requirements designed to achieve equality between men and women with regard to labour market opportunities and treatment at work ***in terms of social rights and pay*** through facilitating the reconciliation of work and family life for working parents and carers.

Amendment 29

Proposal for a directive Article 2 – paragraph 1

Text proposed by the Commission

This Directive applies to all workers, men and women, who have an employment contract or employment relationship.

Amendment

This Directive applies to all workers, ***both*** men and women, who have an employment contract or employment relationship ***as defined in law, collective agreements and/or the practice applicable in each Member State.***

Amendment 30

Proposal for a directive Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) "paternity leave" means leave from work for ***fathers*** to be taken on the occasion of the birth of a child;

Amendment

(a) "paternity leave" means ***paid*** leave from work for ***the second parent*** to be taken on the occasion of the birth ***or adoption*** of a child;

Amendment 31

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) “parental leave” means leave from work on the grounds of the birth or adoption of a child to take care of that child;

Amendment

(b) “parental leave” means ***paid*** leave from work on the grounds of the birth or adoption of a child to take care of that child;

Amendment 32

Proposal for a directive

Article 3 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ‘single parent’ means a person who is neither married nor in a partnership as recognised by national law, and who has the sole parental responsibility for a child.

Amendment 33

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that ***fathers have*** the right to take paternity leave of at least ***ten*** working days on the occasion of the birth of a child.

1. Member States shall take the necessary measures to ensure that ***the second parent has*** the right to take ***mandatory paid*** paternity leave of at least ***fourteen*** working days on the occasion of the birth ***or adoption*** of a child, ***or at least fifteen days in the event of multiple births or adoptions.***

Amendment 34

Proposal for a directive

Article 4 – paragraph 2 a (new)

2a. *The right to paternity leave referred to in paragraph 1 shall be granted irrespective of the second parent's length of service and the nature of the employment contract.*

Amendment 35

Proposal for a directive Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least **four** months to be taken before the child reaches a given age which shall be at least **twelve**.

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least **six** months to be taken before the child reaches a given age which shall be at least **thirteen**.

Amendment 36

Proposal for a directive Article 5 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The length of parental leave shall be doubled for single parents.

Amendment 37

Proposal for a directive Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least four months of parental leave cannot be transferred.

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least four months of parental leave cannot be transferred. ***The duration of parental leave shall be doubled for***

parents looking after a child with a disability or seriously illness.

Amendment 38

Proposal for a directive Article 5 – paragraph 4

Text proposed by the Commission

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed **one year**. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC²¹, with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

²¹ Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

Amendment

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed **nine months**. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC²¹, with the same employer, the sum of those contracts shall be **compulsory** taken into account for the purpose of calculating the qualifying period.

²¹ Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

Amendment 39

Proposal for a directive Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Workers shall be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including during their probation period.

Amendment 40

Proposal for a directive Article 5 – paragraph 7

Text proposed by the Commission

7. Member States shall assess the need for the conditions of access and detailed arrangements for the application of parental leave to be ***adapted to*** the needs of adoptive parents, parents having a disability and parents with children with a disability or long-term illness.

Amendment

7. Member States shall assess the need for the conditions of access and detailed arrangements for the application of parental leave to be ***extended to meet*** the needs of adoptive parents, parents having a disability, ***single parents (single-parent families)*** and parents with children with a disability or ***serious*** long-term illness. ***In particular, for parents of children with a disability or serious illness, as certified in accordance the Member State's health authorities, rejection of requests for parental leave shall be prohibited.***

Amendment 41

**Proposal for a directive
Article 6 – paragraph 1**

Text proposed by the Commission

Member States shall take the necessary measures to ensure that workers have the right to carers' leave of at least ***five*** working days per year, per worker. Such right ***may*** be subject to appropriate substantiation of the medical condition of the worker's relative.

Amendment

Member States shall take the necessary measures to ensure that workers have the right to ***paid*** carers' leave of at least ***seven*** working days per year, per worker. Such right ***shall*** be subject to appropriate substantiation of the medical condition of the worker's relative.

Amendment 42

**Proposal for a directive
Article 6 a (new)**

Text proposed by the Commission

Amendment

Article 6a

***Leave for mothers and the second parent
where they have a disability***

The Member States shall guarantee that the length of types of leave described in this Directive is extendible by at least 50 % for mothers and the second parent

where they have a disability.

Amendment 43

Proposal for a directive Article 7 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that workers have the right to time off from work on grounds of force majeure for urgent family reasons in cases of illness or accident making the immediate presence of the worker indispensable. Member States may *limit* the right to time off from work on grounds of force majeure *to a certain amount of time per year or per case, or both*.

Amendment

Member States shall take the necessary measures to ensure that workers have the right to time off from work on grounds of force majeure for urgent family reasons in cases of illness or accident making the immediate presence of the worker indispensable. Member States may *make* the right to time off from work on grounds of force majeure *conditional on the submission of evidence they consider to be appropriate*.

Amendment 44

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that workers exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment or an adequate allowance *at least equivalent to what* the worker concerned would receive in case of sick leave.

Amendment

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that workers exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment, *a tax credit* or an adequate allowance *that is no less than the amount* the worker concerned would receive in case of sick leave.

Amendment 45

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least **twelve**, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Amendment

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least **thirteen**, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Amendment 46

**Proposal for a directive
Article 9 – paragraph 2**

Text proposed by the Commission

2. Employers shall consider and respond to requests for flexible working arrangements referred to in paragraph 1, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request.

Amendment

2. Employers shall consider and respond **in writing** to requests for flexible working arrangements referred to in paragraph 1, taking into account the needs of both employers and workers. Employers shall justify **in writing** any refusal of such a request.

Amendment 47

**Proposal for a directive
Article 9 – paragraph 3**

Text proposed by the Commission

3. When flexible working arrangements referred to in paragraph 1 are limited in duration, the worker shall have the right to return to the original working pattern at the end of the agreed period. The worker shall also have the right to request to return to the original working pattern whenever a change of circumstances so justifies. Employers shall be obliged to consider and respond to such requests, taking into account the needs of both employers and workers.

Amendment

3. When flexible working arrangements referred to in paragraph 1 are limited in duration, the worker shall have the right to return to the original working pattern at the end of the agreed period.
Provision shall also be made for a transitional protection period following the worker's return to work in order to allow the worker an easier and more effective reintegration into professional life, bearing in mind that, during that protection period, the use of new technologies could help workers to move

more quickly towards resuming work in a lasting, more agile manner, while updating their skills. The worker shall have the right to request to return to the original working pattern *at the same level of employment*. Employers shall *justify in writing any refusal of such a request*.

Amendment 48

Proposal for a directive Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to prohibit less favourable treatment of workers on the ground that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or on the ground that they have exercised their right to flexible working arrangements referred to in Article 9.

Amendment

Member States shall take the necessary measures to prohibit ***discrimination and*** less favourable treatment of workers on the ground that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or on the ground that they have exercised their right to flexible working arrangements referred to in Article 9.

Amendment 49

Proposal for a directive Article 12 – paragraph 2

Text proposed by the Commission

2. Workers who consider that they have been dismissed on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6 or of exercising the right to request flexible working arrangements referred to in Article 9 *may* request the employer to provide duly substantiated grounds for the dismissal. The employer shall provide those grounds in writing.

Amendment

2. Workers who consider that they have been dismissed on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6 or of exercising the right to request flexible working arrangements referred to in Article 9 ***shall be entitled to*** request the employer to provide duly substantiated grounds for the dismissal. The employer shall ***be required to*** provide ***in due time*** those grounds in writing.

Amendment 50

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that ***those penalties are applied***. ***Penalties shall be effective, proportionate and dissuasive. They may take the form of a fine. They may also comprise payment of compensation.***

Amendment

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that effective, proportionate and dissuasive ***penalties are applied***.

Amendment 51

Proposal for a directive Article 14 – paragraph 1

Text proposed by the Commission

Member States shall introduce measures necessary to protect workers, ***including workers who are employees' representatives***, from any adverse treatment by the employer or adverse consequences resulting from a complaint lodged within the undertaking or any legal proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.

Amendment

Member States shall introduce measures necessary to protect workers from any adverse treatment by the employer or adverse consequences resulting from a complaint lodged within the undertaking or any legal proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.

Amendment 52

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the body or bodies designated, pursuant to Article 20 of Directive 2006/54/EC, for the promotion, analysis, monitoring and support of equal treatment of parents and

Amendment

Without prejudice to the powers of the labour inspection services or other bodies, including social services, responsible for monitoring workers' rights, Member States shall ensure that the body or bodies

carers without discrimination on grounds of sex are also competent for issues falling within the scope of this Directive.

designated, pursuant to Article 20 of Directive 2006/54/EC, for the promotion, analysis, monitoring and support of equal treatment of parents and carers without discrimination on grounds of sex are also competent for issues falling within the scope of this Directive.

Amendment 53

Proposal for a directive Article 16 – paragraph 1

Text proposed by the Commission

Member States may introduce or maintain provisions that are more favourable to workers than those laid down in this Directive. They shall however ensure that at least four months of parental leave remain non-transferable in accordance with Article 5(2).

Amendment

Member States may introduce or maintain provisions that are more favourable to workers than those laid down in this Directive, ***but shall not lower the standards laid down in their national legislation.*** They shall however ensure that at least four months of parental leave remain non-transferable in accordance with Article 5(2) ***and that the leave protection is mandatory for the parents of children with a disability and serious illnesses, as certified in accordance with the Member State's health authorities.***

Amendment 54

Proposal for a directive Article 18 – paragraph 1

Text proposed by the Commission

1. ***At the latest***, by ***five*** years after the entry into force of this Directive, Member States shall communicate to the Commission all relevant information concerning the application of this Directive ***necessary for the Commission to draw up a report to the European Parliament and the Council on the application of this Directive.***

Amendment

1. By ... ***[three*** years after the entry into force of this Directive], Member States shall communicate to the Commission all relevant information concerning the application of this Directive ***and an in-depth evaluation of the effects of the Directive on female employment statistics, accompanied, if appropriate, by a legislative proposal.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

| | |
|---|--|
| Title | Work-life balance for parents and carers |
| References | COM(2017)0253 – C8-0137/2017 – 2017/0085(COD) |
| Committee responsible Date announced in plenary | EMPL 15.5.2017 |
| Opinion by Date announced in plenary | JURI 15.5.2017 |
| Rapporteur Date appointed | Joëlle Bergeron 3.5.2017 |
| Discussed in committee | 9.10.2017 21.11.2017 21.2.2018 |
| Date adopted | 27.3.2018 |
| Result of final vote | +: 19 –: 2 0: 1 |
| Members present for the final vote | Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Kostas Chrysogonos, Rosa Estaràs Ferragut, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Heidi Hautala, Sylvia-Yvonne Kaufmann, António Marinho e Pinto, Emil Radev, Julia Reda, Evelyn Regner, Pavel Svoboda, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka |
| Substitutes present for the final vote | Luis de Grandes Pascual, Pascal Durand, Angel Dzhambazki, Evelyne Gebhardt, Virginie Rozière, Rainer Wieland |
| Substitutes under Rule 200(2) present for the final vote | Mylène Troszczynski |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

| 19 | + |
|-----------|--|
| ALDE | António Marinho e Pinto |
| EFDD | Joëlle Bergeron |
| GUE/NGL | Kostas Chrysogonos |
| PPE | Rosa Estaràs Ferragut, Luis de Grandes Pascual, Emil Radev, Pavel Svoboda, Axel Voss, Rainer Wieland, Francis Zammit Dimech |
| S&D | Enrico Gasbarra, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Sylvia-Yvonne Kaufmann, Evelyn Regner, Virginie Rozière |
| VERTS/ALE | Max Andersson, Pascal Durand, Julia Reda |

| 2 | - |
|-----|--|
| ENF | Marie-Christine Boutonnet, Mylène Troszczynski |

| 1 | 0 |
|-----|------------------|
| ECR | Angel Dzhambazki |

Key to symbols:

+ : in favour

- : against

0 : abstention