

Advisory Committee on Equal Opportunities for Women and Men

**Ad-hoc opinion on the new initiative to address the challenges of work-life
balance faced by working parents and caregivers**

The Opinion of the Advisory Committee does not necessarily reflect the positions of the Member States
and does not bind the Member States

25.01.2017

Introduction

In August 2015, the Commission announced it would replace the 2008 proposal to revise the 1992 Maternity Leave Directive with the initiative '*A new start to address the challenges of work-life balance faced by working families*'¹. The aim of this new initiative is to tackle the low participation of women in the labour market, to encourage a more equal sharing of care responsibilities between women and men, and to strengthen gender equality. This would be done by improving and adapting the EU legal and policy framework, to allow for parents and those with dependent relatives to better balance their caring and professional responsibilities. The Commission has consulted the European social partners, in accordance with the Treaty, and has also carried out a public consultation². In preparing Community measures concerning the employment of women and the promotion of equal opportunities between women and men, the Commission has consulted the Advisory Committee on equal opportunities for women and men, and called for specific advice, notably on the following questions of relevance:

- How to address the growing needs for elderly care and their impact on work-life balance for women and men?
- how to promote an equal use of parental leave between women and men and how to improve men's take-up of flexible working arrangements?
- how to further stimulate changes in corporate culture, with a view to support a more equal sharing of care responsibilities and domestic tasks between women and men?
- would you think that the EU could develop and monitor benchmarks in the area of work-life balance policies and in particular the Barcelona targets?

1 http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_just_xxx_maternity_leave.en.pdf

2 http://ec.europa.eu/justice/newsroom/gender-equality/opinion/1511_roadmap_reconciliation_en.htm

Background and main challenges

The availability of work-life balance solutions influences decisions on work and childbearing, for example whether or not to continue participating in the labour market, whether to reduce hours worked, as well the choice whether or when to have children, or how many children to have. Overall, parenthood tends to have negative impacts on the employment rates of women and positive ones on men. Women with children are much more likely to work part-time than men with children. Women are more likely than men to assume care responsibilities for elderly or dependent family members. Unequal share of work and unpaid care work between women and men, joint taxation, discrimination and lack of accessible, affordable Early Childhood Education and Care (ECEC) and long-term care services are factors behind the overrepresentation of women who work part-time. This entails a risk of reduced employment and could lead to exit from the labour market or reduction in hours worked.

Early Childhood Education and Care³ has been shown to be a key driver of female labour market participation, yet it remains difficult to find available, affordable, quality ECEC for a suitable number of hours. Overall, women's lower pay relative to men, their higher concentration in part-time work and greater interruptions in their careers due to care contribute to a greater risk of poverty and social exclusion, as well as a large gender pension gap (40%).

Women continue to be underrepresented in the labour market, despite their higher educational attainment levels compared to men, and this represents a sub-optimal allocation of the skills and competencies they have acquired through education and a waste of resources for the EU economy. Following this trend, the EU would reach its goal of 75% of employment for women in 2038, while men have already reached 75% of employment.

A lack of paid leave arrangements can further reinforce gender differences with respect to work and care. Even where leave arrangements are available to women and men, men are reluctant to make use of these options for a number of reasons, such as fear of financial loss, fear of being penalised in access to promotion due to the workplace culture, and even fear of job loss⁴. Several Member States allow that one parent transfer his or her leave entitlements to the other, which results in men transferring their entitlements to women who thus take much longer leave than men.

Irregularity and unpredictability of working hours⁵, the widespread culture of “presenteism”, unavailability of flexible working hours or remote working, as well as unsocial hours of work can also be problematic from the perspective of work-life balance. Work disincentives can further compound these problems, When the tax-benefit systems in place reduce the incentives to work for the lower-earning partner in the couple, it becomes less financially advantageous for her (or him) to go to work or increase work hours thus enhancing the unequal distribution of time women and men spent in paid work and for care responsibilities, which results in greater risks of poverty for families and especially women.

3 In this opinion, the terms ‘childcare services’, ‘childcare facilities’ and ‘early childhood care education and education care (ECCEC)’ are used interchangeably

4 For example, in Sweden, working in small, male-dominated workplaces keeps fathers from using parental leave (OECD, 2011)

5 Workers (and especially women in many cases) are often confronted with precarious work and under-employment, including mini-jobs, zero hour contracts or broken hours.

Recommendations

1. General principles for the design of a policy framework

Reconciliation of work and family life is essential for the achievement of equality between women and men and requires equality between women and men in the allocation of care and domestic burdens and in the workplace. Article 8 of the TFUE states that in all its activities, the Union shall aim to eliminate inequalities and to promote equality between men and women and, according to article 153, that it shall support and complement the activities of the Member States in the field of equality between men and women with regard to labour market opportunities and treatment at work.

Develop an **integrated approach** based on the principle that **work-life balance concerns both women and men**. Promote a culture where **women and men are both equally considered actors in the paid economy and in their careers**, throughout their lives (“*equal earner-equal carer model*”).

Recognise, reduce and redistribute the burden of unpaid care work on women⁶. Women take on two thirds of parental care and three quarters of household chores⁷ and therefore they face major constraints on their time and opportunities to engage in paid work effectively. The issue of care is intimately connected to the private, employment and public spheres. Care for children and other dependent persons needs to be approached as a shared social responsibility and should be addressed by the Member States at the appropriate level.

Create optimal conditions, incentives and support so that women and men can make real choices, in particular with respect to equal participation in care and other unpaid work. To achieve this, both policies and legislation are necessary, each of them alone is not enough. A combination of strong policies and legislation is needed, including:

- several possibilities for taking leave, flexible working time arrangements and/ or reducing or extending working time, designed in a way that both men and women would equally use and that accommodates all types of family^{8 9},
- the provision of affordable and quality ECEC and long-term care services and infrastructure,
- individual tax-benefit systems which make work profitable for both partners;
- address gender discrimination and cultural norms and stereotypes as well as corporate cultures to create a social climate/discourse where combining work and care are acceptable and desirable for both women and men

Address work-life balance for women and men in a comprehensive way, in view of the range of measures¹⁰ that can affect work-life balance and women’s labour market participation. **Consistency and coherency between different pieces of legislation and between legal and policy tools is needed** to ensure that, instead of contradicting or weakening each other, the various measures taken in different fields enhance the promotion of equality between women and men to achieve equal economic independence in consideration of the multiple barriers to empowerment that women may face (including their race, age, culture, religion, disability). Measures in relation to work-life balance should be extended to all workers, so that workers in atypical forms of employment and self employed workers are able to enjoy them.

Ensure adequate social protection, including adequate pay whilst on leave, as an incentive to make use of leave rights, but also in order to decrease the risk of poverty during child rearing years. **Provide protection**

6 See UN Secretary-General report on women in development (A/70/256) available at http://www.un.org/ga/search/view_doc.asp?symbol=A/70/256

7 Report on equality between women and men 2015

8 Reversible part time

9 It is to be noted that some members highlight that part-time work does not necessarily strengthen women's position on the labour market and that working time arrangement are issues that should be handled by the social partners.

10 For example, the issue of reconciliation of work and private life is strongly related to policies in the fields of care, flexicurity, working time in general, taxation, insurance, employment, poverty, demography and services of general interest.

against discriminatory treatment in relation to parenthood, care provision and use of work-life balance measures. Women and men who avail themselves of work-life balance measures should be given guarantees of continued job security with the same conditions of contract in place and promotion possibilities. Any legislative measures should take into account all family structures that exist in European societies when addressing discrimination or discriminatory treatment¹¹.

11 including same-sex, non-married or single parent families, or teenage mothers as well as divorced parents

2. Recommendations on addressing the growing needs in terms of elderly and dependent care¹² and their impact on the work-life balance of women and men

Develop a comprehensive approach to address the growing needs in terms of elderly and dependent care, while respecting the large diversity of national policies. Such an approach could include quality public and private care services, improved working conditions in, and quality of, formal home-based care services, providing a flexible right to carers' leave (that would include protection against discrimination)¹³, allowing flexible working arrangements for both women and men¹⁴, and recognising the important role of informal carers and ensure they receive adequate support, including respite services. The care sector is predominately staffed by women and in view of the persistent pay gap, working conditions and adequate pay need to rise in line with other sectors and ensure gender equality. Formally recognised and valued care provision does play a vital role in a sustainable society and economy.

In many cases, family members take responsibility for helping and caring for the elderly. Looking ahead in view of the growing numbers of singles, lone children and lone parents there will be more pressure on informal carers. Already today a lot of informal care is done by migrant women. The EU could support Member States in **investing in and developing high quality, accessible and affordable care services** and infrastructures for elderly and dependent persons. **A bigger share of the current European Structural and Investment Funds (2014-2020) could be directed towards the development of quality care services for the elderly and dependent persons.** A clearer reporting on the spending on care services should be done at EU level.

The EU could create **voluntary guidelines for the establishment of national training and professionalization programmes for formal home care services providers**, as well as regarding the working conditions in occupations in the care sector¹⁵ in consideration of the the persistent gender pay gap while respecting the diversity of national policies.. This would contribute to improving the working conditions and quality of formal care services, especially home-based. Collecting and spreading best practices and information or guidance through Member States could be useful. Furthermore, more focus should be put on adequate economic, fiscal and social impact assesments of the return benefits of social investments in quality, accessible and affordable care services.¹⁶.

12 Including long-term care

13 SE does not support the provision of carers' leave beyond what is already provided in the parental leave directive and which would risk reducing female labour participation, they rather favour extensive system of public elderly care. Research done in Sweden in relation to care service for elderly shows that many elderly express that prefer professional care services to having to rely on relatives for care

14 while recognising the specific role of social partners in that matter.

15 for instance drawing from the ILO Policy Guidelines on the promotion of decent work for early childhood education personnel

16 In this regard, the Austrian Federal Chamber of Labour has studied the economic and fiscal return from Social Investment in childcare provision, concluding that investments in childcare leads to substantial returns on a medium and long-term perspective, and that depending on the concrete measure, they can be highly self-financing http://www.gender.gov.sk/wp-content/uploads/2016/08/Buxbaum_Bratislava-20-Sept-2016-final_ab.pdf - http://www.akeuropa.eu/en/publication-full.html?doc_id=304

3. Recommendations on how to ensure equal sharing of care responsibilities between women and men , promoting a more equal use of parental leave and of flexible working arrangements

Include incentives for men to take leave to care for their children in the form of non-transferable rights¹⁷, pay and other incentives, in order to **encourage fathers to make use of their entitlements** to parental leave. A parental allowance with paid non-transferable months of leave for both partners has contributed to an increase in fathers take up of parental leave¹⁸. Providing financial incentives if both the mother and the father decide to work part-time simultaneously is another example, from one Member State¹⁹, to increase the sharing of care responsibilities within the couple. In addition to addressing both partners in the couple when designing measures, the way it is communicated and the language used also matter: in particular, it has been shown that it is effective to explicitly refer to parental months for fathers. Most young women and men wish to equally share their employment and family responsibilities based on equal partnership. The preferences of many fathers to spend more time with their children require suitable governmental and company-based framework conditions.

An equal access to flexible working arrangements for both women and men should be promoted²⁰. Men and women are more likely to wish to have more flexible working hours, a release from work at short notice in case of child sickness, more offers of remote work and “almost” full-time jobs (about 35 hours per week). Many fathers, as well as mothers, who work full-time report that they wish to spend more time with their family, however they fear that, if they make use of family-friendly offers, they would face a lack of understanding and disadvantages in their career. While possibilities like flexible work or part-time jobs can support reconciliation between work and family life, they risk perpetuating the status quo of unequal distribution of tasks in work and family lives, unless they are **designed in a way to appeal to fathers and mothers to the same extent** and are used by them to the same extent²¹.

Gender stereotypes must be challenged in order to encourage men to make use of available work-life balance measures on equal footing with women. Campaigns at both EU and national level could **increase awareness and knowledge** of the work-life balance rights and possibilities, and could also help addressing unconscious gender norms that could act as barriers in taking family leave for men. To make a change it is important to acknowledge the need to address gender discrimination and stereotypes to create a social climate where combining employment and care work are normal for both women and men. Campaigns could also emphasize the benefits of family-friendly work environments for employees as well as for employers. Promote awareness-raising of the advantages of fathers’ equal participation and contribution in childcare. The role of fathers and shared parenthood could be promoted both toward employers, but also vis-à-vis families and society at large. Gender segregation in the workplace and in education should also be addressed. Measures are needed already at an early stage for example in schools and vocational guidance for both women and men to become more aware of all educational fields and occupations including the non-traditional ones.

17 Some members even mentioned compulsory rights as an incentive for fathers.

18 A comprehensive evaluation of benefits in Germany has shown that only the parental allowance with the non transferable months of leave for both partners (partner months), has contributed to fathers spending more time with their children and to mothers returning to work at an earlier stage when desired. <https://www.bmfsfj.de/blob/73850/1cea4bc07edb6697571c03c739ece52f/gesamtevaluation-endbericht-data.pdf> (page 381)

19 In Germany if mothers and fathers decide to work part-time simultaneously - both of them for four months at the same time and between 25 and 30 hours per week - they shall be granted four additional months of Parental Leave Plus Not only the bonus months, but Parental Leave Plus in itself is designed to create an incentive for both parents to work part-time simultaneously. Compared to basic Parental Leave, parents can share their leave and work reduced hours for longer and with better financial compensation for both partners.

20 Bearing in mind the crucial role of the social partners in this respect

The gender pay gap is at the same time a consequence and a driver²² of the unequal uptake of work-life balance measures by women and men, therefore policies need to be implemented to **address the pervasive gender pay gap** and strengthen the implementation of existing directives²³.

Stereotypical or discriminatory practices by employers may hinder the take up of work-life balance measures by men. **Protection against discrimination and unlawful dismissal related to use of work/life balance measures** should be ensured in practice for both women and men. Sanctions are needed if discrimination in relation to parental leave and work-life balance measures is not prevented.

Better involve national equality bodies in managing the European Structural and Investment Funds to ensure a targeted use of these resources in developing and implementing lasting work-life balance policies, as well as policies addressing the gender pay gap. Promote a greater role for equality bodies in promoting projects and programs in work-life balance at national level, using the European Structural and Investment Funds. European guidelines targeted at equality bodies for cooperation with key stakeholders could be issued.

Explore possibilities to **give EU-wide financial incentives for companies for implementing family-and-care-friendly policies adapted to the needs of working parents and of companies**, especially when they are also used by fathers, for example via a comparative study of the use of financial incentives in other policy fields.

22 The gender pay gap constrains the individual choice to take parental leave: economically speaking, it often simply makes more sense for fathers to continue working, especially if parental leave is paid at much lower rates than previous earnings, or is unpaid. If it is women who take parental leave, the impact on the household budget is often more moderate.

23 Directive 2006/54 on equal treatment of men and women in matters of employment and occupation and Directive 2010/41 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity.

4. Recommendations on how to further stimulate changes in corporate culture with a view to a better sharing of care responsibilities and domestic tasks between women and men

The involvement of the private sector is key to address the challenges of work-life balance. However, in many Member States corporate culture still remains an important factor influencing the *real possibilities* to take care of a child or other dependent person, even when there is a legal right to do so²⁴. So far, it is not part of the corporate culture in many companies that women and men would equally share their care responsibilities and domestic tasks. For this to change, top management commitment is required as well as a **multi-dimensional approach** which would also address leadership roles and prospects for women to become leaders at every stage of management in line with goal 5.5 of the Sustainable Development Goals which addresses the need for gender equality in all spheres of life.

Measures should be promoted, on the one hand, to **reduce the culture of "presentism"** which hinders a good work-life balance for women and men and on the other to **avoid the blurring of work and private life** and fight against the assumption of permanent availability new technologies and forms of work may give.

Knowledge should be developed on the relative costs and benefits of equal sharing of care responsibilities between women and men for individuals, families, companies, economies and societies. **Guidelines and funding should be provided at EU level to support comparative, periodic national data collection** on work-family policies²⁵ and their implementation (including sex-disaggregated data on take-up rates) at the national and workplace levels.

Research should be commissioned to **measure the impact of the implementation of work-life balance policies that result in an equal sharing of care responsibilities and domestic tasks** between women and men, on:

- business productivity and other relevant business performance indicators (across different sectors and occupations and company size);
- workers' well-being;
- women's access to more and better quality jobs including leadership positions, incidence of part-time among women and men, and other relevant labour market indicators
- men's themselves.

Research should also measure the impact or the costs of maintaining the status quo in business and countries. The economic advantages of a better sharing of care responsibilities between women and men could then be disseminated.

It would be useful to create **support mechanisms and different types of incentives to companies** providing effective work-life balance policies to support an equal sharing of care responsibilities²⁶. Incentives could be increased for companies reporting a balanced take-up rate of flexible working arrangements between women and men.²⁷ In design of fiscal and financial incentives (e.g. tax-breaks, direct subsidies etc.), **give priority**

24 Pregnancy and maternity leave related discrimination remains prevalent in some Member States .See reference in the analytical document accompanying the second-stage consultation of the social partners on possible action addressing the challenges of work-life balance faced by working parents and caregivers

25 Including those regarding legislation and voluntary family friendly arrangements in order to have well informed costs and benefits analysis

26 For instance, companies providing work-family policies likely to facilitate the full exercise of maternity and paternity rights in line or beyond the national legislation or companies creating worker support infrastructures, namely for the occupation of free time and holidays of their children or for the provision of family support services.

27 Labels could also be created, at national or EU level, to award companies with outstanding gender equality policies For example, in Spain a "Business Equality Label" distinguishes companies that stand out for their gender equality policies and practices, including those regarding reconciliation and co-responsibility. These companies belong to a Network where they share their experiences and good practices in this field.

and special consideration to SMEs, which face the greatest challenges, and social enterprises such as cooperatives, building up on documented national good practices²⁸..

The promotion of role model organisations and the organisation of peer reviews would also be important as well as the collection of **best practices**, accompanied by data, to allow other employers to consider their usefulness and suitability for the particular employer and workplace. It can be an effective way of changing employers' attitudes, practices, management skills and HR-policies, providing relevant examples likely to encourage innovative experiences in the area of reconciliation performed by companies, schools, local authorities, unions, political parties, civic, cultural and religious associations. The European Commission could facilitate exchange of good practices, organise peer-reviews and publish models of good practices.

28 Equality plans could also be promoted in companies and their implementation encouraged, through grants, in small and medium-sized enterprises. For example in Spain, according to the 3/2007 Gender Equality Act, companies with over 250 employees are obliged to formulate and implement gender equality plans. Financial support for the voluntary design and implementation of gender equality plans is also provided for companies that are not obliged to have them by law.

5. Recommendations on how to monitor the progress towards a better work-life balance and a more equal sharing of unpaid work

Benchmarks in the area of work-life balance

Benchmarks in the area of work-life balance policies, including an update of the Barcelona targets, could help to spur the policy process towards a more equal distribution of care responsibilities and domestic tasks between women and men. Consider benchmarks on the **uptake of flexible work arrangements and parental leave** by women and men, as well benchmarks for employers to offer and implement flexible work arrangements. Benchmarks could **support changes in employer's practices** on equality between men and women in the sharing of caring responsibilities, and the elimination of gender stereotyping.

Meet existing Barcelona targets agreed at EU level²⁹ for the availability and accessibility of ECEC services³⁰. Continue to monitor the availability of childcare facilities and envisage **an update of the Barcelona targets** to take better account of current situation and to give new momentum. Raise the targets to a more ambitious, yet realistic level, while taking into consideration existing rates. Support for Member States that have not yet achieved these targets is important. An update of the Barcelona target should take into account a number of issues that have been shown to remain crucial for the development of early childhood education and care services, such as quality, number of hours available, affordability, accessibility, out-of school services.³¹ The updated targets could be :

Member States should remove disincentives to female labour force participation, taking into account the demand for childcare facilities and in line with national patterns of provision, to provide childcare by 2020 to:

- at least 50 per cent of children **below 3 years of age**, as well as possibly 33 per cent of children attending formal quality childcare arrangements for a duration of at least 30 hours per week;³²
- at least 90 per cent of children **between 3 and the compulsory school age**. As well as possibly 90 per cent of children attending formal quality childcare arrangements for a duration of at least 30 hours per week ;
- Focus could be put on **out-of-school care services** with the development of possible targets for **children between 3 and the compulsory school age and school age children**: a percentage of children attending before/after school formal arrangements³³ (possibly 50% for the first age category and 90% for the second one); a percentage of children attending formal care arrangements during school holidays (possibly 50% for the first age category and 70% for the second one); a percentage of children accessing school meal services (possibly 90% for both age categories).

The review of the Barcelona targets should be linked to the UN Agenda 2030 and its Sustainable Development Goals (SDGs) which were adopted in September 2015.³⁴

Increasing attention has been paid to the fact that quantity of ECEC provision is not enough to meet parents' and children's demands, but that **good quality of ECEC** is of key importance. In line with the proposal for an EU-Quality Framework for Early Childhood Education and Care (2014)³⁵ a European benchmark on the quality of ECEC provisions could operate alongside the Barcelona target and would be, as proposed in this

29 In 2002, the Barcelona European Council set objectives 'to provide childcare by 2010 to at least 90 % of children between 3 years old and the mandatory school age and at least 33 % of children under 3 years of age'.

30 In 2014, 10 Member states only reached the Barcelona target for the youngest children while 9 reached it for the oldest children (irrespective of the hours of attendance)

31 COM (2013) 322

32 SE highlights that a provision of only 30 hours of early childhood education and care is not enough if we want both women and men to have the opportunity to work full time. The goal should be higher e.g. 40 hours at least

33 For instance in the premises of the school

34 The SDGs emphasize the centrality of gender equality and women's empowerment to achieve sustainable development, including through Goal 5 on gender equality and women's empowerment along with targets on gender equality in other goals. Goal 5 of the SDGs underlines the intention to take action on the unpaid economy. More precisely, it asks UN member states to recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate. The UN is currently working on a set of indicators to measure this target.

35 http://ec.europa.eu/education/policy/strategic-framework/archive/documents/ecec-quality-framework_en.pdf

framework, "at least 90% of ECEC provision is of good quality or better as measured by the national or regional criteria" which are based on the principles of the proposal for a Quality Framework³⁶.

The supply of quality ECEC services should be optimized during the **working hours** of their parents, it is important to ensure that state support to ECEC facilities is not partial (only part-time), thereby failing to contribute to any real increase in the labour market participation of women. Equinet (2013)³⁷ highlights that the two main challenges in care infrastructure are **demand exceeding supply** and **unaffordability**. Any update of the Barcelona targets should keep these two challenges in mind, ensuring that care services are not only available, but also accessible to all layers of society. It is important also to provide affordable childcare for school children **outside the school** hours including a good quality support in doing homework.

Periodical data collection could be improved to allow comparable monitoring of the use of formal and informal childcare services, including care provided by paid formal and informal domestic workers (who are not professional certified child-minders) as well as unpaid family members (especially grandparents).

Monitoring and supporting the achievement of the targets and sharing of best practices

In the European Semester of policy co-ordination, consider issuing **country-specific-recommendations (CSRs) on care services across the life-cycle**, and **CSRs on childcare referring to the Barcelona targets** where appropriate. Setting a target for the take-up leave of men as part of work-life-balance policies could also be considered and CSRs on work-life balance for women and men could also be useful. The annual European Commission's progress report on equality between women and men could include a specific chapter on the follow-up to CSRs and a monitoring of the different work-life balance targets. Progress in facilities for elderly or disabled dependents could also be monitored. The support of the European structural and investments funds (ESIF) and the EFSI package would also be important to help Member States to invest in care facilities. Member States could be allowed to **exempt initial costs from budget deficit calculations**, given the long term return on investment.

The **sharing of experiences in reconciliation and educational and recreational activities** should be encouraged with a particular focus on minimum quality requirements and staff training. The recognizing and valuing of women's unpaid care work can be facilitated by regularly **conducting time-use surveys** to uncover and measure women's and men's unpaid work, including care work. These initiatives are particularly useful for calculating, recognizing and making visible the changes in the unequal division of caretaking and domestic work between women and men.

36 In the framework Member States are invited to strengthen the quality of ECEC under 5 different areas : access to ECEC, the ECEC workforce, curriculum, monitoring and evaluation and governance

37 Equality bodies promoting a better work-life balance for all, available at http://www.equineteurope.org/IMG/pdf/wlb_for_website.pdf