

Summary of the position of the German Trade Union Confederation (Deutsche Gewerkschaftsbund, DGB)

The European Commission's proposed package of measures for improving work-life balance, including 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

Effective guidelines for fairer sharing of care responsibilities

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1. Legislative measures contained in 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 of the European Council presented by the European Commission on 26 April 2017

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The DGB expressly shares the objective of the Commission to offer men and women the same opportunities in the labour market and in their working lives and to split family time on a more even basis.

It supports the intention of the draft directive to give employees more opportunities and options for a work-life balance – whereby the role of men is given particular importance – as well as supporting modern approaches to family policies in the Member States.

The DGB supports the proposal as an effective guideline for fairer sharing of care responsibilities, especially:

- ***the introduction of an individual entitlement to paternity leave of at least 10 working days, paid at least at sick-pay level***
To give fathers the right to paternity leave sends out an important political signal in favour of equal treatment and raising the standard across Europe.
- ***four months individual parental leave - non-transferable between parents***
An individual's rights to at least four months' parental leave will also create financial incentives for partners to share childcare responsibilities.
- ***the right to flexible working arrangements for workers with children or other dependent relatives***; but the DGB demands for an *enforceable right to claim for* instead of the proposed right to request for flexible working arrangements. New rights to determine agreements on flexible working hours and an enforceable legal claim can only be created if Art. 9 and Art. 5(6) are clarified: the wording "the right to request..." should be replaced by "the right to demand ...".

The DGB demands a clear and legally binding non-regress-clause in the Work-Life-Balance Directive.

Instead of Art. 16 of the proposal we need a binding non-regress-clause; equal to Article 9 Sec. 4 of the I&C Directive 2002/14/EC, which says: *"Implementation of this Directive shall not be sufficient grounds for any regression in relation to the situation which already prevails in each Member State and in relation to the general level of protection of workers in the areas to which it applies"*.



Otherwise there is a risk of lowering of the standards already achieved in member states like Germany (e.g. the right to parental leave and parental leave benefit, in particular the flexible claim to parental leave in accordance with the German Bundeselternzeit- und Elternzeitgesetz) in course of implementation of the directive.

The DGB particularly welcomes minimum remuneration for parental leave, care leave and paternity leave equivalent to sick pay. This step must be followed through to its logical conclusion: such an allowance to compensate for wages lost during these periods must also include the corresponding amount to cover the contributions for all social insurance systems so that the employee's entitlement to benefits at a later period is not lessened.

The DGB criticises the fact that the proposal lacks a legislative section on updating the directive on maternity leave. Exclusively non-legislative measures outside the scope of the directive are planned for the period of maternity leave but they do not compensate for a reform of the EU Maternity Leave Directive, which has been pending for many years.

The DGB considers the scope of the directive to be important: it must apply to all employees, including those in atypical employment and also to all sizes of companies, including small and medium-sized companies.

The DGB stresses that the German word Urlaub ("holiday") is completely inappropriate in relation to the actual situation and significance of parental and carers' duties. The terms Elternzeit "parental leave" and Pflegezeit "carers' leave" should be used instead. The DGB also recommends replacing the word "father" with the "other parent" or "partner" in order to avoid discriminating against same-gender unions.

2. **Proposals for non-legislative measures in the European Commission's Communication "An initiative to support work-life balance for working parents and carers" of 26.04. 2017**

The DGB supports the proposed package of measures to improve the quality, accessibility, availability and affordability of child care and long-term care facilities, including better collection of pan-European data on the utilisation of family-related leave and flexible working arrangements by men and women, the provision of funds to finance new pilot projects to develop innovative working arrangements, sharing best practices with social partners and Member States, and the continued monitoring of gender-equitable utilisation of family-related leave and flexible working arrangements within the framework of the European Semester.

The DGB expressly welcomes the measures to counteract negative incentives for parents and carers (the majority are women) to take up employment. The Commission wants to provide country-specific aids to orientation through a coordinated European economic policy in the European Semester process, organise an exchange of information on proven procedures with social partners and Member States and improve data collection at EU level.

Specifically, the German regulations on marital tax status prevent equal participation of men and women in gainful employment and a more equal division of household and family management. A gradual transformation to individual taxation would increase the participation of women in the labour market and would contribute to the equal treatment of different forms of living and family life.

3. **Conclusion**

The DGB appreciates the European Commission's package of measures to improve the work-life balance as a step in the right direction and to bring about improvements in some Member States; however, it calls for specific corrections to the draft, especially for a binding non-regression clause and an enforceable right of employees to flexible working arrangements.