

30 September 2016

# **CEEMET Response**

## **Second Phase Social Partner Consultation on**

### **Possible action addressing the challenges of work-life balance faced by working parents and caregivers**

[C(2016) 2472 final]

#### **CEEMET KEY MESSAGES**

1. CEEMET fully supports the general objective to increase the number of women in the labour market; however, we do not believe that there is a need for legislative action to revise existing EU directives on maternity or parental leave, nor to create legislation on other forms of leave. The current directives provide for adequate EU level minimum standards.
2. CEEMET recommends the Commission to focus on non-legislative measures, especially such that support Member States in improving access to and quality of childcare facilities, social care for the elderly and all-day schools. The shortage of such facilities hinders female labour market participation and contributes to labour market segmentation.
3. The EU needs to respect the principles of subsidiarity and proportionality as well as of social partner autonomy. The Commission should continue to work closely with European social partners independently of the outcome of the social partner and public consultations. Any action at EU level needs to more closely take into account the role of national social partners and avoid duplicating work done on national level.
4. Companies together with their workers are best placed to decide the type of flexible working arrangements that can be applied to meet the individual and collective needs. New legislation can have an adverse effect if it does not take into account the challenges faced by individual companies and their workers.

## 1. What are your views on the possible legislative avenues for EU action and the related parameters set out in section 5 of this document?

As stated in our reply to the first phase social partner consultation, CEEMET fully supports the general objective to increase the participation of women in the labour market. However, the observations of the employers' organisations within the framework of this first phase consultation appear to not have been taken into account by the European Commission.

CEEMET wishes to emphasise that a sufficient framework already exists at EU level.

Moreover, any proposal at an EU level must respect the principles of subsidiarity and proportionality, the diversity and complexity of systems of leave at a national level and existing legislation that already underpins flexibility at work. The national systems that currently exist have adjusted to the particularities of each Member State's labour market and CEEMET strongly believes that national authorities and social partners, at both national and sectorial level, together with companies and their workers, are best placed to introduce new measures enhancing a better work-life balance.

### ➤ *Maternity leave*

CEEMET does not believe that there is any requirement for additional protection at an EU level. With regard to the protection against dismissal for women taking up maternity leave, in addition to the specific protections that are currently in force, women are also protected in general against gender discrimination, not only by virtue of Article 157 of the TFEU, but also by several legal provisions at national level.

CEEMET does not support changes extending the length of the leave, and nor does it support any further measures on an EU level regarding the level of allowance payable during this leave. The overriding reasons for this are the differentials in the financing of leave existing at national level and likely impact that changes would have upon companies and Member States, who would be faced with choices such as imposing an obligation on employers to pay the remuneration, increasing the national tax base, or attempting to absorb the cost in their national social security systems.

Finally, as pointed out in our reply to the first phase social partner consultation, the measures proposed by the European Commission may have the unintended consequence of negatively impacting the employment of women across Europe.

➤ *Paternity leave*

CEEMET does not believe that there is a need for legislation on an EU level on paternity leave. Several Member States have already introduced paternity leave and parental leave already exists for both mothers and fathers.

Whereas CEEMET supports non-legislative initiatives encouraging a change in societal perception regarding caring responsibilities which are typically weighted in favour of women and against men, CEEMET believes that legislative interference in this perspective is unlikely to achieve a positive outcome.

➤ *Parental leave*

It appears that the analysis of the European Commission falls short of taking into account all existing national systems of leave for parents, as the leave available to parents to take care of children also exists outside the framework of parental leave *stricto sensu*.

As pointed out with regard to maternity leave, another obstacle for further action on EU level are the existing national differences in financing of leave. Additional burdens on companies and Member States should be avoided.

➤ *Carers' leave*

Here again it appears that the analysis of the European Commission falls short of taking into account all existing national systems of leave for carers, for example, motivated time credit leave in Belgium appears to not be taken into account.

Also, reference can be made to the observations above within the framework of maternity leave and parental leave regarding the financing of the leave. National authorities and social partners at national level are best placed to take decisions on this matter.

➤ *Flexible working arrangements*

CEEMET encourages initiatives on a company level, since companies, as appropriate together with their workers, are best placed to decide which flexible working arrangements would meet the individual and collective needs of all workers and their companies.

When introducing flexible working arrangements, it is of the utmost importance to take the particularities and the necessities of each company and all of their workers into account. Digitalisation will enable more autonomy in terms of time in space. However, working arrangements primarily have to reflect what companies need for production to stay



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competitive. The European Commission must therefore respect the autonomy of the parties who conclude work and collective agreements on work flexibility.

Moreover, it should be noted that in some Member States, the government and social partners are currently working on legislative measures to introduce further flexibility in employment relationships, notably with regard to occasional remote working, the greater sharing of parental leave within the extended family and working time. Action at an EU level may conflict with actions taken on national and sectorial level and with the ongoing social dialogue on these matters.

Taking into consideration the wide range of different forms of work and complex legislation on working time, pay and leave in the Member States on both national and sectorial level, there is a concern that measures taken at EU level would not take into account the particularities of existing national and sectorial regulations.

In conclusion, CEEMET does not support any further legislative action on EU level with regard to the different types of leaves, nor with regard to flexible working arrangements.

## **2. Are the EU social partners willing to enter into negotiations with a view to concluding an agreement with regard to any of the elements set out in section 5 of this document under Article 155 TFEU?**

CEEMET is not willing to enter into negotiations with its social partner, taking into consideration the above.

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