

17 December 2015

CEEMET Response

First Phase Social Partner Consultation on

A 'New Start' for Work Life Balance [C (2015) 7754 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. Instead, CEEMET recommends the Commission to focus on non-legislative measures, especially such that support Member States in improving and facilitating better and more 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. Member States should ensure that quality care is available for children and other dependents during common working times at an affordable cost.
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. Do you agree with the description of the issues in this paper as correct and sufficient?

CEEMET acknowledges the importance of the objectives set out in the European Commission's initiative on *addressing the challenges of work-life balance faced by working parents and caregivers*, particularly the focus on increasing the overall participation of women in the labour market. However, we do not believe that the analysis of the issues in the consultation paper is balanced and, moreover, we do not support the assumption of a legislative need for action at EU level.

As a recognized European social partner, CEEMET sees it as fundamental that social partner autonomy is respected and that social partners can engage, prior to legislative considerations on EU level, in this area. Since this is an area which part of the social partners' autonomous work programme 2015-2017, it is important that this new initiative is dealt with in cooperation with the social partners, to avoid duplication draw upon the expertise of the social partners.

The Commission's roadmap and consultation document lack depth in reflecting how Member States have implemented different measures to promote the reconciliation of work and family life. Maternity and parental leave platforms have been adjusted to particular labour markets, national legal framework and societies, with the support of, national social partners. The differences between Member States require a more in depth analysis before further actions are considered.

The principles of subsidiarity and proportionality must be respected. National authorities are best placed to introduce their own tailor made legislation and supporting social measures. Further, EU directives already provide for adequate minimum standards and proposing further legislation may negatively interfere with existing and successful national platforms. CEEMET instead recommends that the Commission focuses on non-legislative measures as proposed in Option 2 of the Commission Roadmap, especially considering that:

- Companies, with their workers, are best suited to determine how flexible forms of employment can meet individual needs. Flexible employment contracts help retain skilled workers and meet the demand from employees for more agile working to cater for their own needs or the needs of dependents. Companies already offer a wide range of flexible working patterns as well as tailored support programmes for employees who require leave. This is becoming embedded as companies need to constantly respond to new economic and societal challenges to remain globally competitive and retain skilled and motivated employees of all ages and genders.

Unnecessary regulatory intervention is likely to impede the ability of employers to provide flexible working arrangements for their staff and penalise future parents seeking flexible working. Legislation can have an adverse effect if it does not take into account the

challenges faced by individual companies. It is important that policy makers respect the limits of placing responsibility on employers to achieve work-life balance objectives.

- The EU can support Member States in creating better framework conditions, investing in child and elderly care and mitigating child care costs. CEEMET sees a major need in providing better childcare facilities, social care for the elderly and all-day schools. The shortage of such facilities is a brake on female labour market participation and contributes to labour market segmentation. It is important to ensure that quality care is available for children and other dependents during common working times at an affordable cost. The Commission itself reports that childcare costs are the key reason that mothers cite for not returning to work or working part time.¹ In a non-binding Resolution in 2015, the EU Parliament called on the Commission to offer Member States more financial support for affordable childcare systems.² CEEMET fully supports this and considers that the Commission could increase resources spent in this area.
- There is a general need to change societal perceptions regarding women's participation in the labour market as well as their traditionally considered role as primary carers. Changing these perceptions is essential so that men can also increasingly contribute in carers' roles and are incentivised to take leave which is already available. To achieve this it is important to overcome traditional role models by promoting new ones. To be successful this has to start already at elementary school-level. Children need to see more young female graduates and engineers entering traditionally male-dominated sectors, such as the MET industries. This can be done through EU-funded support programmes for schools or EU-funded information campaigns such as the European Commission's programme "Science – It's a girl thing". The Commission could expand these projects at all levels, national, regional and local level – involving companies when possible - and in cooperation with the corresponding authorities.

2. Do you consider that improvements should be made to EU legislation to improve work-life balance for parents and people with caring responsibilities in view of the issues raised in point 4 of this document, and if so what type of improvements?

CEEMET does not see a need for the European Commission to open up any of the existing directives on leave that are mentioned in the consultation document under point 4 based on the issues identified, neither individually for revision nor collectively as part of a broader proposal. We also do not support new legislation on new forms of leave. There already exist

¹ Commission progress report of 3 June 2013 on the Barcelona objectives

² EU Parliament REPORT on progress on equality between women and men in the EU in 2013, 28 January 2015

a wide range of possibilities, such as part-time work, flexible working time arrangements, parental leave, maternity leave and other forms of statutory and non-statutory leave, that provide for adequate reconciliation of work and family life.

A. Regarding the Maternity Leave Directive (92/85/EEC):

CEEMET remains of the position that revising the Maternity leave directive is not necessary and will not improve existing maternity leave provisions which are and should remain rooted in occupational health and safety protection. The impact of proposed regulatory changes to the existing provisions related to women returning to work would vary considerably from one Member State to another due to differences in national legislation on maternity leave and other forms of leave. We also do not support changes extending the length of maternity leave as this will not contribute to reconciling work and family life unless appropriate services are made available to support families when mothers return to work. Changes to the associated employment rights would result in increased costs for many European employers and reduce flexible working opportunities for other groups of workers.

If a proposal for revision, similar to the one appropriately decided to be withdrawn in July 2015 under the Commission's better regulation programme REFIT, was put forward, our principal concern would be over changes to protection against dismissal and the additional red tape for companies, which could potentially lead to an indirect and unintended negative impact on the employment of young women across Europe. We also recommend that the additional costs and administrative burdens that would be imposed on European companies and their workers by possible changes should be carefully analysed before any steps are taken to consider another legislative proposal on the Maternity leave directive.

B. As concerns the Parental Leave Directive (2010/18/EU):

CEEMET is of the view that it is unnecessary to revise the legislation on parental leave and that any further considerations to do so need to be elaborated within the framework of the social partners' joint-autonomous work programme 2015-2017. It should be avoided at all costs to circumvent and weaken the role of social partners at EU level.

In addition, CEEMET does not see a need for *provisions entitling workers to take parental leave on a piecemeal or part-time, paid or und paid basis* to be regulated on EU level. This needs to be left to the Member States and the discretion of social partners. Existing and differing provisions on Member State level exist as a result of the respective national contexts. EU level action to revise Parental leave, which in Member States is often legally intertwined with Maternity leave, would require complicated revisions of the regulations in many Member States which would significantly disrupt the existing national legal framework.

Many Member States already have legislation that allows persons taking parental leave to be active on a part-time basis with their current employer. Introducing mandatory remuneration

for parental leave on an EU level should be avoided and should equally remain under the scrutiny of national social partners and national authorities.

C. EU level provisions for other forms of leave, such as *Carers leave and special leave reserved for fathers*:

CEEMET sees addressing the challenges associated with carers involved in child, sickly and elderly care as a major task in an ageing society and finding workable solutions as increasingly important. Whilst forms of carers leave have been introduced in a small number of Member States, these forms of leave should also be left to the competences of social partners and national authorities. Clearly, the most important priority is governmental investment in the child and elderly care infrastructure. This needs to be done in a framework where efforts can be measured, such as is set out in the Barcelona objectives.

The EU should further increase its support to Member States for creating better infrastructure through continuing and developing existing programmes and existing financing opportunities. Continuing to issue country-specific recommendations as well as developing further support programmes for their implementation is essential. Introducing a new form of carers leave will not solve the issues that exist in areas where the main problem is the lack of affordable and accessible child and elderly care facilities.

Furthermore, companies are well placed to deal with individual needs. Employees might find themselves in a situation where they have to care for a dependent relative at short notice – in this case the employer can offer a range of measures to support the employee. Internal policies can be introduced that can include provisions for carers leave or other special leave arrangements, such as paid or unpaid emergency leave, or other flexible working possibilities such as part-time options or teleworking.

In terms of **Paternity leave**, again, there is no need for new legislation. Several Member States already introduced their own provisions on paternity leave. Whilst the amount of days allocated to paternity leave remain minimal, the Commission could engage in promoting best-practice exchanges and continue to facilitate dialogue among national policymakers at EU level on this form of leave to encourage national discussions, where appropriate.

D. New EU level rights regarding flexibility in working arrangements:

CEEMET and its national member federations do not support the creation of “*new rights at EU level to allow workers to benefit from more flexible working arrangements*”. Companies are best placed to internally offer flexible working patterns balancing the needs of all workers



Council of European Employers
of the Metal, Engineering and
Technology-based industries

and there is already sufficient EU legislation that regulates work-life balance and flexibility in working arrangements.³

3. Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in point 4 of this consultation?

No, for the above-mentioned reasons we do not see a need to initiate a dialogue under Article 155 TFEU. Should the Commission remain of the view that EU action is necessary in view of maternity, parental or other forms of leave, we recommend that this initiative should be translated into non-binding recommendations, based on the exchange of good practice, produced with the agreement of Member State Governments and the social partners.

³ The Working time directive (2003/88/EC) limits the average working week to 48 hours, allows for derogations as well as opt-outs. The part-time work directive (97/81/EC) prohibits discrimination against part-time workers and facilitates changing from full-time to part-time and vice versa. The Parental leave directive (2010/18/EU) specifies a minimum of four months of parental leave per parent on the birth or adoption of a child; one month is non-transferable to encourage fathers to take this leave. It also gives workers the right to request changes to working schedules when returning from parental leave, and to take time off for important and urgent family reasons. In 2002 the European social partners also agreed on a Framework agreement on teleworking.