

Work-life balance package

Why is work-life balance important?

Policies to help people balance professional, private and family life improve quality of life for both women and men and increase participation in the labour market, particularly for women.

They are also an important element in dealing with demographic ageing: those countries with more women in employment are also the countries with the highest birth rates.

Improving work-life balance is at the core of Europe's strategy for growth and jobs and the European Parliament has consistently called for more action to improve work-life balance, as have national governments in the Council.

How can it be improved?

Strategies to support work-life balance include a number of different elements and require the commitment of various players. Adequate provision of childcare facilities, entitlement to leave and flexible working arrangements are core components of the policy mix, while European, national and local authorities as well as social partners at European, national and sectoral levels all have a role to play.

What does this package consist of?

The Commission's work-life balance package consists of four main parts: a policy document (communication) explaining the background and context, two legislative proposals (to revise existing directives) and a report on progress made by EU countries towards the so-called 'Barcelona targets' for childcare provision (see also [IP/08/1449](#) and [MEMO/08/592](#)).

The legislative proposals aim to:

- 1) strengthen women's legal entitlement to family-related leave, namely maternity leave;
- 2) ensure equal treatment of the self-employed and their assisting spouses.

What will change under the new maternity proposals?

Existing EU legislation on maternity leave (Directive 92/85/EEC) provides for a minimum leave period of 14 weeks and for a minimum payment during this leave at the level of sick pay.

The main points of the new proposal are:

- an extension of the duration of maternity leave from 14 to 18 weeks;
- the principle of full pay during the 18 weeks, with a possibility however for Member States to introduce a ceiling that must not be below sickness pay.

- the right for women coming back from maternity leave to ask for flexible work arrangements. The employer must examine such a demand but has no obligation to accept it;
- the proposal also increases the flexibility for women to decide when to take their maternity leave, before or after giving birth.
- Already now, women cannot be dismissed during their maternity leave for reasons of pregnancy or maternity. Under the new directive and in line with the ECJ ruling in case C-460/06 (Paquay), even the preparation of dismissal *during* maternity leave for a dismissal *after* a woman's return is prohibited.

Why do we need to revise the existing legislation?

Better provisions for balancing professional, private and family responsibilities help women to work and have a family at the same time. It is important to encourage more women to enter the employment market and stay there, even after they have children. Under the Lisbon strategy for growth and jobs, it has been made clear that women's potential in the labour market is essential. We also know that there is a positive correlation between birth rates and the quality of reconciliation facilities such as child care facilities and flexible working arrangements. Moreover, many stakeholders and institutions have called for improvements to the existing European legislation in this field. Strengthening rights linked to maternity is one step to improving work-life balance.

The period of 18 weeks has been recommended by the International Labour Organisation – the UN body dealing with labour issues – since 2000 and 13 Member States already have 18 weeks of maternity leave or more in place (BU, CZ, DK, EE, FI, HU, IE, IT, LT, PL, RO, SK and UK).

How will this improve things for women?

Women are more likely to stay in the labour market when they have sufficient time to care for their baby and have a solid and guaranteed right to return to the same job after taking family-related leave. If maternity leave is too short, women sometimes choose or are forced to give up their career and stay at home. Improved maternity leave thus helps women who are already in the labour market to stay there. Studies show that measures to improve family-related leave (maternity leave, parental leave, paternity leave) can help increase women's employment rate by 3-4%.

The proposed extension gives women and families the possibility to build a stable relationship with the child, allowing women to recover from giving birth, breastfeed the child longer and take care of the child until childcare (formal or informal) is available.

What are the existing periods and conditions of maternity leave in EU countries?

The following table gives an overview of existing provisions in EU countries. It forms part of the impact assessment for the new proposal and is based on information provided by national governments.

Country	Duration	Obligatory period	Payment
AT	16 weeks	8 weeks before and 8 weeks after	100% of average earnings
BE	15 weeks	1 week before birth, 9 after birth	Dependent on SPF ('Sécurité sociale')
BU	315 days	45 days before and 95 after birth	135 days are paid at 90% of average income, the rest at social security benefit
CY	16 weeks	No info received	75 % of average income of 12 months
CZ	28 weeks	none	69% of average income of 12 months with ceiling
DE	14 weeks	6 weeks before, 8 weeks after birth	100% of last (average) earnings
DK	18 weeks	none	According to most collective agreements: 100% of salary
EE	140 calendar days	No, but maternity benefit decreases if maternity leave starts less than 30 days before expected date of birth	100% of average earnings of preceding calendar year
EL	17 weeks	7 before, 9 after birth	100% of previous monthly salary
ES	16 weeks, transferable to partner	6 weeks after birth for mother	100% of calculation basis
FI	105 working days	2 weeks before estimated birth	Payment is depending on previous earnings (decreasing after the first 56 working days after birth) minimum amount is 15.20 EUR per day, otherwise depending on collective agreements
FR	16 weeks	2 weeks before and 6 weeks after	100% of earnings in last 3 months with ceiling
HU	24 weeks	As a recommendation 4 weeks before birth	70% of the former salary (sickness pay)
IE	42 weeks	2 weeks before birth, four weeks after birth	26 weeks are paid at a level of 80% of earnings with ceiling
IT	5 months	2 months before, 3 months after birth	80% of average daily remuneration paid in the month preceding leave
LT	126 calendar days	yes	100% of average earnings
LU	16 weeks	8 weeks before, 8 weeks after confinement	100% of average earnings
LV	112 days	2 weeks before and 2 weeks after confinement	100 % of average earnings
MT	14 weeks	4 weeks before, 6 weeks after birth	Full pay
NL	16 weeks	4 weeks before and 6 weeks after birth	Full pay
PL	18 weeks (parts of which can be taken by father)	8 weeks after birth	100% of average earnings
PT	120 days	6 weeks after birth	100% of the base salary

RO	126 days	42 days after delivery	Maternity allowance on the basis of 85% average income
SE	7 weeks before and 7 weeks after confinement, then until child is 18 months old	2 weeks before or after confinement	390 days are paid at 80% of earning, 90 days are paid at a minimum allowance
SI	105 days	28 days before due birth date	100% of average earnings
SK	28 weeks	14 weeks	55% of daily assessment basis, upper limit 15 000 SKK (about 500 EUR)
UK	52 weeks	2 weeks after birth	Employer pays 90% of former income first 6 weeks, then lump sum (about 151 EUR)

What about the proposal on self-employed women?

Member States would be required to at least give self-employed women the choice to be covered by a social security scheme providing for maternity leave.

The Commission's proposal updates existing legislation (Directive 86/613/EEC) by saying that Member States must provide that self-employed women can, if they so request, benefit from the same maternity leave as employees (as set out in Directive 92/85/EEC currently under revision). 19 EU countries already provide for this (CY, DK, EE, FI, DE, HU, IE, IT, LV, LU, MT, NL, PL, PT, SK, SI, ES, SE, UK).

The proposal strikes the right balance between the need to improve the protection of self-employed women and the recognition of the specificities of self-employment, where the freedom to choose one's working time arrangements is crucial.

What are 'assisting spouses' and how will they be affected?

'Assisting spouses' are defined as spouses of the self-employed worker (male or female) who regularly contribute to the activities of the family business without being a partner or employee, for example on a farm or other small family business.

In 18 Member States (AT, BU, CZ, EE, FR, DE, EL, IE, IT, LV, LT, MT, PL, PT, RO, SK, SI, and UK), the contribution of assisting spouses is not recognised for the purpose of social protection. As a consequence, 'assisting spouses' who have worked for decades in the family business could be left without any revenue or protection in case of divorce or death of the self-employed worker.

The proposal provides that Member States must ensure that assisting spouses can, at their request, benefit from at least an equal level of protection as self-employed workers.

What is the Commission doing about other forms of leave, like parental leave?

The Commission consulted European employers' and trade union representatives on possible work-life balance measures in two stages during 2006 and 2007, covering all forms of leave, such as maternity, paternity and parental leave.

The social partners decided in July 2008 to launch formal negotiations on updating the existing EU rules on parental leave (Directive 96/34/EC – itself based on a

framework agreement between the European social partners) so the Commission is not making any proposals in this field.

According to EU rules, the social partners have a period of nine months to carry out their negotiations. Should they reach an agreement to revise the current directive, the Commission will then make a proposal to give their agreement legislative effect.