

**LBAS Gender Equality Forum: 20 January 2023**

**First conclusions of a survey of  
the national transposition of  
the EU Work-life Balance  
Directive (2019/1158)**

Lionel Fulton: Labour Research Department

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# What is the EU work-life balance directive (2019/1158)?

- ✓ Seen as an important step forward when adopted in 2019
- ✓ Covers four main areas:
  - ✓ Paternity leave (10 days at least at level of sick pay)
  - ✓ Parental leave (two out of four months are non-transferable)
  - ✓ Carers' leave (five days per year)
  - ✓ Flexible working (right to request while child under set age)
- ✓ Due to be transposed into national law by 2 August 2022

# Background to the survey

- ✓ This survey was carried out for Women's Committee of the European Trade Union Confederation (ETUC)
  - ✓ Similar to comparable surveys on other topics (position of young women, gender pay gap) in previous years
- ✓ Survey – sent out in May 2022 with a request for an update on the situation in November
- ✓ Level of responses lower than in previous surveys
  - ✓ Response from just 18 confederations in 13 countries

# Responses – just 18 from 13 countries

Confederation	Country	Confederation	Country
ÖGB	Austria	LBAS	Latvia
ABVV-FGTB	Belgium	UNIO	Norway
ACV-CSC	Belgium	NSZZ Solidarność	Poland
ČMKOS	Czech Republic	OPZZ	Poland
AKAVA, SAK, STTK	Finland	UGTP	Portugal
DGB	Germany	CCOO	Spain
ICTU	Ireland	UGT	Spain
CISL	Italy	TCO	Sweden

# Reasons for low response

- ✓ Perhaps because of timing
  - ✓ Many states had not completed the process at the time of the survey
- ✓ Perhaps because of complexity
  - ✓ Often involved changes to several pieces of legislation (30 in Finland)
  - ✓ Sometimes introduced with other measures:
    - ✓ Transparent and predictable working conditions directive (EU/2019/1152)
    - ✓ Sometimes part of more far-reaching measures
      - ✓ Greece (big change in union rights)
      - ✓ Spain (new family law)

# Consequences of poor response

- ✓ Need to look to other sources (primarily governments) to assess the extent of transposition
- ✓ But this makes it difficult to assess
  - ✓ Unions' involvement in process (were they consulted?)
  - ✓ Unions' influence on the process (did they make a difference?)
  - ✓ Unions' view of the directive (is it an improvement on the existing position?)
  - ✓ Unions' view of the transposition (did it go beyond the terms of the directive?)

# Extent of transposition in 28 states (EU plus Norway)

- ✓ States where directive was fully transposed on time (before 2 August 2022)
- ✓ States where transposed after deadline
- ✓ States where not yet transposed

# 11 states where the directive was transposed on time

- ✓ Bulgaria (28.07.22)
- ✓ Denmark (03.03.22 and 31.06.22)
- ✓ Estonia (18.10.21)
- ✓ Finland (14.01.22)
- ✓ Greece (19.06.21)
- ✓ Italy (30.06.22)
- ✓ Lithuania (28.06.22)
- ✓ Malta (13.07.22)
- ✓ Netherlands (13.10.21)
- ✓ Sweden (21.06.22)
- ✓ Norway- non-EU (18.03.22)

# Low level of transposition produced action

- ✓ European Commission announced on 21 September that it was taking initial action (sending formal letters) to 19 Member States for failing to inform it of progress in ratification
- ✓ Some states have subsequently transposed

# States where the directive has been transposed after the deadline

- ✓ Belgium (31.10.22 and 27.09.22) – in force 10 November 2022
- ✓ Germany (01.12.22) – but incomplete
- ✓ Latvia (06.07.22 and 27.09.22) – in force 1 August 2022 and 1 January 2023
- ✓ Poland (10.01.23)
- ✓ Romania (29.11.22) – in force 1 January 2023
- ✓ Slovakia (04.10.22) – in force 1 November 2022

# Still states where the directive NOT fully transposed

- ✓ 11 had not transposed at the end of November 2022 but since then some more countries have done so:
  - ✓ **Poland:** on 10 January
  - ✓ **Germany:** on 1 December (although not completely)
- ✓ But still delays
  - ✓ **Spain:** legislation agreed by government but still need to go through parliament

# Consultation with unions: has taken place

- ✓ All but one of the confederations said they had been consulted
- ✓ Examples:
  - ✓ Germany: DGB presented its view at a public session of the parliament on 7 November
  - ✓ Ireland: ICTU “We have met the responsible minister on a couple of occasions and sent views on the work life balance bill to our parliament”
  - ✓ Latvia: there were several meetings between the Ministry of Welfare and social partners and LBAS was very active, calling for paid care leave throughout the process
  - ✓ Poland: three national representative unions, NSZZ Solidarność, OPZZ and FZZ were formally consulted

# Consultation with unions: has been effective

- ✓ All unions reporting consultation say that their involvement has had an effect
  - ✓ Most say it has had “some effect”
  - ✓ One CISL (Italy) says it had “a major effect”

# Union view of the changes produced by the transposition

- ✓ Difficult to assess
  - ✓ Because of small number of responses
  - ✓ Because the final results of the transposition are not yet clear (and were even less clear when the responses came in)

# Union assessment of the directive: divided ( 13 confederations)

Union view	Paternity leave	Parental leave	Carer's leave	Right to request flexible working
Not an improvement	8	4	6	6
Slight improvement	-		1	2*
An improvement	4	7	5*	4
An improvement because of the transposition	1*	2*	1	1

\* = LBAS

# Positive union views of the transposition

- ✓ Ireland: expectation that the child's age limit for the right to request flexible working will be 12 not 8
- ✓ Italy: 10 days' paternity leave and parental leave extended from six to nine months
- ✓ Latvia: paternity leave is now 10 working days, previously 10 calendar days
- ✓ Poland: parental leave increased from 32 to 41 weeks
- ✓ Sweden: improvements in transferring parental benefit to other parent and greater protections when requesting flexible working arrangements

# Negative union views of the transposition

- ✓ Belgium: concern that carers' leave is not an improvement and the right to request may have little value
- ✓ Germany: concern about lack for paternity leave for second parents, thresholds in smaller companies; problems with protection; lack of enforcement, among others
- ✓ Latvia: obligatory transfer of parental leave shortens parental leave by two months in practice
- ✓ Slovenia: loss of 15 days paternity leave which goes to joint parental leave – failure to implement carers' leave

# Key summary points

- ✓ Directive has often not been implemented on time
- ✓ Unions have generally been consulted on its implementation
- ✓ It has produced changes
  - ✓ Unions often positive
  - ✓ But some feel opportunities have been missed
- ✓ Comment from Finnish unions

*“One goal of the reform is to increase the use of family leave, especially for fathers, but the situation may not change quickly. It requires big changes at workplaces as well”*

Thank you for your attention

Lionel Fulton [lfulton@lrd.org.uk](mailto:lfulton@lrd.org.uk)