



Annex

ETUC's Position on the Second Stage Consultation of the Social Partners at Community level on the Reconciliation of Professional, Private and Family Life

July 2007 (summary)

1. Introduction

On 30 May 2007, the European Commission launched the second phase of consultation of the European social partners on the issue of reconciliation of professional, private and family life. The document summarizes the replies of the European social partners to the first stage consultation document, issued on 12 October 2006 and asks their opinions about proposals for further action at EU level.

The ETUC expressed its views quite extensively on the first consultation document in its position, adopted on 8 December 2006 by its Executive Committee.¹ In its response in the second stage of the consultation, adopted in July 2007² the ETUC responds to the specific questions and proposals of the Commission in more detail, without repeating its previous positions on these issues. Both positions should therefore be read in conjunction with each other.

2. General comments: policy coherence is key

ETUC welcomed the Commission's second stage consultation document as an important and constructive step towards a proactive approach at EU level on the key issue of reconciliation of professional, private and family life, in the interest of men and women as well as economies and societies at large, especially in the context of the many demographic challenges that EU Member States are currently faced with.

Social partners at all levels have a major role to play, but the Commission rightfully also acknowledges the indispensable role of public authorities and the need for various forms of cooperation between social partners and public authorities at all relevant levels.

As has also been addressed by the European social partners in their Framework of Actions on gender equality, a variety of measures has to be taken in an integrated approach by all actors to achieve gender equality, and one important area for action is to make reconciliation of work, private and family life a reality for all workers around Europe.

¹ ETUC's Position on the First stage consultation: <http://www.etuc.org/a/3194>

² See full text of position in second stage consultation on ETUC website: <http://www.etuc.org/a/3910>

ETUC strongly believes that a **balanced policy mix** with regard to reconciliation should offer all workers:

- **adequate protection of mother and (unborn or just born) child** around the birth with regard to health and safety, physical needs (recovering and breastfeeding) and psychological needs (bonding);
- recognition of the **role of fathers** with regard to childrearing, which demands possibilities for fathers to bond with their children **in an early stage**, preferably from the moment of birth;
- **childcare and other care facilities** to ensure that children or sick and elderly parents and relatives are taken care of in good quality care, while the worker (male/female) is doing his/her paid job;
- **a variety of leave options** (parental leave, leave for 'force majeure', leave to care for a terminally ill relative, etc.) to deal with specific needs that demand a certain but temporary continuity of presence of a parent or carer (full time or part time), which should preferably be taken up by **both women and men** to ensure a more equal division of care tasks between them;
- an **organisation of working time** that allows workers (male/female) to combine a mainstream job with the demands arising from the care for children or other dependent family members, as well as with the time to develop and educate oneself and participate in public and social life outside the workplace. **Specific flexible working time arrangements** and possibilities to reduce or extend one's working time (reversible part time work) should complement a **general family friendly working time organisation**.

This policy mix should be **available to all workers** regardless of their income or social background, and regardless of the question if they live in a traditional or other family setting, and should be part of an overall strategy that allows workers throughout their life course to make use of the mix of measures that suits their specific needs without jeopardizing their job and income or social security and pension perspectives.

This means, that workers continue to need stability of jobs and income. It also means that jobs created in the provision of the necessary care and household services themselves also need to be sustainable in terms of job and income stability, social security protection and reconciliation opportunities. Any 'flexicurity' policy to be developed should take this perspective into account.

ETUC would like to emphasize the need for **policy coherence** in the development and implementation of strategies and measures, to prevent that actions taken contradict each other, or have adverse effects.

ETUC therefore regrets that the Commission, while referring to 'new forms of working' as an important issue, continues to downplay the need to address the organisation and regulation of working time in general.

ETUC also regrets that the important issue of essential household and domestic services both in terms of its organisation and the employment and working conditions of those providing the services, raised by ETUC in the first stage of the consultation, has not been taken up by the Commission in its second stage document.

ETUC urges the Commission to take these issues up in the follow up to the second stage consultation, and in its other actions to implement the Roadmap on Gender Equality.

3. Summary of Conclusions

- a) The Commission has asked the social partners to forward their views on the issues of **childcare** facilities, exchange of good practice, **encouraging men** to take up reconciliation measures and **new ways of working**.

The ETUC is giving a wide range of suggestions and making several proposals in these areas, especially emphasizing the need for an integrated approach offering a balanced policy mix to all workers, and the need for policy coherence, especially when it comes to policies around the organisation of working time and employment and working conditions of workers in care professions and household services. Actions and initiatives have to be taken at all levels, including the European level.

- b) The Commission has asked the social partners more specifically, with regard to **updating the regulatory framework**, to forward their opinion or recommendation on the proposals with regard to new types of leave (notably paternity leave, leave for adoption and leave to care for dependent family members), and maternity protection, and to notify the Commission about their intention to initiate the negotiating process in accordance with Articles 138 and 139 of the EC Treaty on these issues.

ETUC first of all is stressing that the necessary update of the regulatory framework should not limit itself to leave facilities, but also address the regulation of working time and of part time work. At EU level, the Working Time Directive and Part time work Directive need to be reviewed and updated to ensure policy coherence. In particular the introduction of the right for workers to request adaptation of hours and patterns of work and the right to request a – reversible - reduction or extension of working hours would be important pre-conditions to tackle gender segregation as resulting from traditional working time patterns, and would be an effective instrument to ensure that forms of flexibility are introduced that serve the reconciliation interests of workers.

The ETUC supports the Commission's views that new types of leave could, and in our view should, be introduced to better meet the needs of workers in reconciliation of work, private and family life, but in ETUC's view this should also include educational leave.

With regard to maternity protection, the ETUC shares the Commission's opinion that the current legal framework (Pregnant Workers Directive) should be improved, but would like to emphasize that not only elements of duration, payment and job-protection need to be addressed but also health and safety and breastfeeding provisions, in line with ILO convention 183 (as revised in 2000).

ETUC is ready to start discussions and negotiations with employers' organisations at EU level about the modalities in which minimum rights and conditions for the above mentioned forms of protection and leave could be regulated at European level, to underpin necessary developments and arrangements both in terms of collective bargaining and legislation at national and sectoral level, in the framework of the foreseen evaluation of the Parental Leave Directive.

- c) Finally, the Commission has asked the social partners to assess the provisions of their framework agreement on **parental leave** with a view to its review, and to report on progress by March 2008.

ETUC supports the Commission's views that the Parental Leave Directive could, and in our view should, be updated to better achieve its aims. ETUC stresses in particular the need to provide for adequate income protection during parental leave, in the interest of both women (income protection and reduction of the pay gap) and men (promotion of their take up).

ETUC agrees with the Commission that social partners have a fundamental role to play in any review of the Parental Leave Directive, which is based on the Framework agreement on parental leave adopted by the European social partners in 1995.

ETUC welcomes the commitment of European employers' organisations to achieving gender equality in general (through the Framework of Actions adopted in 2005) and to reconciliation of work, private and family life in particular, and in recognizing the important role social partners have to play at all levels together where appropriate with public authorities in this area.

ETUC therefore highly appreciates the fact that social partners have been able to reach agreement on a joint letter to the Commission of 11 July 2007, in which we have announced to set up a working group within the context of the European social dialogue to carry out an evaluation process of all elements of their framework agreement. We have also announced that we intend to use this opportunity to evaluate parental leave arrangements in connection with other arrangements supporting parents and work life balance, such as flexible working arrangements and childcare, as well as other forms of leave, to assess if joint actions need to be taken. A report on progress made will be presented to the Tripartite Social Summit of March 2008.

ETUC is ready to work together with European employers' organisations to ensure that genuine progress is made with regard to policies and measures, including legislative measures, supporting reconciliation. However, in case these discussions and negotiations would not lead to any concrete outcome in these areas, the ETUC would urge the Commission to take the necessary initiatives and come up with legislative proposals.
