



The Women Entrepreneurship Platform (WEP) Position on the Commission's proposal on a Reconciliation of Work and Family Life Directive COM (2017)253

Introduction

The Women Entrepreneurship Platform (WEP) representing over 10 million European women entrepreneurs, has studied the proposed directive on work-life balance and has prepared this position paper summarizing the key points that need to be reconsidered. Currently there is a loss of GDP in the European Labour market due to the gender gap which is estimated at 10%. Additionally, there are 3.3 million European citizens aged 15 to 34 giving up full-time work due to the lack of care services for their children and other relatives. Eurostat findings reveal that in the EU 31.5 % of working women work part-time compared with 8.2 % of working men, and just over 50 % of women work full-time, compared with 71.2 % of men, representing a full-time employment rate gap of 25.5 %; caring responsibilities are reasons for inactivity for almost 20 % of economically inactive women, while this is only the case for less than 2 % of economically inactive men. According to EIGE, improvements to gender equality would generate up to 10.5 million additional jobs by 2050 in the EU, the EU employment rate would reach almost 80 % and that EU GDP per capita could increase by between 6.1 and 9.6 % and boost growth by between 15 and 45 % in the Member States by 2050.

It is no surprise that the unfavourable work-life balance is particularly alarming for women. Nowadays, women are better qualified than ever before, and obtain better results than men in terms of educational attainment. Yet they are frequently overqualified for the jobs they do and are underrepresented in the labour market (only 63,5% are employed). The main factors behind this unfavourable situation are low pays (16,5% lower), an overall tendency to seek for part-time occupations, and the interruptions they take more often than man throughout their careers in order to care for children older family members or family members with disabilities. After having children, the absence of work-life balance provisions has pushed mostly women to look for part-time work arrangements or to leave the labour market altogether. WEP supports 'equal earner/equal carer' model and welcomes the proposal of a new Directive on work life balance, repealing the EU Directive on Parental leave 2010/18/EU.

It is important to have this directive introduced, notwithstanding resistance from Member States based on budgetary arguments. Balancing domestic and business life remains a struggle for women entrepreneurs across Europe. Women's choices and behaviours are influenced and constrained by institutional structures and normative environment. If a society mainly defines women through roles connected with family and household responsibilities, contextual values implicitly interpret women's entrepreneurship as less desirable and as a result provide lower normative supports.

The Directive should apply not only to workers who have an employment contract or other employment relationships (such as part-timers, fixed term contract workers, temporary agency workers) but also to atypical workers, such as self-employed and domestic workers. Full enforcement of the provisions of the Directive are needed in all companies, irrespective of their size while MSMEs are protected from administrative, financial and legal constraints by incentives that facilitate the transition process in each Member State.

New regulations should take account of the different forms of families (same-sex, non-married, single parent families, underage mothers etc.) existing in the society in European societies and remove any form of discrimination.

The Commission's Proposal

I. 10 Working Days of Paternity Leave paid at Sick Pay Level

We welcome the Commission's proposal of introducing a Paternity Leave. However, there is a disparity of approximately 12 weeks between maternity leave (14 weeks) and paternity leave (10 days). This difference continues to foster the inequality between women and men in the eyes of the employer. This hinders the advancement of equality between women and men as there is no equality of responsibilities.

II. 4 months non-transferable Parental Leave paid at Sick Pay Level

We welcome the fact that the Parental Leave is non-transferable and available more flexibly until the children are 12 years old instead of 8, as well as it being compensated. Parental responsibility in most countries covers the age of 18 years and parental leave options should cover the full span of childhood and adolescence. Children with special needs/disabilities can require long term ongoing care throughout childhood and adolescence and this should be taken into account as well.

However there are issues with the fact that the Parental Leave is paid at Sick Pay Level. First, Sick Pay Level vary widely between EU Member States and the replacement rates of compulsory sick pay can vary from 25% (SK) to 100% (BE, FI). This entails that fathers are unlikely to consider parental leave if there is a reduction in the income, especially when costs are increasing due to more children. This would in fact discourage fathers from taking parental leave, and this would not work towards closing the caring gap.

Furthermore, it is inherently morally wrong to pay parental leave at sick pay level. Fathers and mothers on parental leave are not sick. Paying parental leave at sick pay level acts as a 'parental penalty' for having children.

III. Right to request Flexible Working Arrangements (FWAs)

We welcome the introduction of a right to request Flexible Working Arrangements (FWAs) as this allows for temporal and spatial flexibility.

However, introducing such a right and limiting it to parents creates an 'us and them problem' and raises issues of fairness between workers. There is also the risk that such a limitation would reinforce gender stereotypes as more women than men are likely to opt for them. Policies on flexicurity should ensure that the concept of flexicurity does not get translated into exploitative working conditions (e.g. part time, non-secure, under-paid, short-contract work primarily offered to women) undermining any potentially positive development in the field of reconciliation.

We recommend that the EU should make it clear that the costs will not be borne by the employers. The right to ask for flexible working arrangements should be extended to all workers to avoid stigmas. Finally, at present 90% of fathers across the EU do not take parental leave. In order to encourage them to take paternity leave, the level of compensation must be high. Consequently, there should also be a clarification that the money will come from the State and National Insurance schemes.

IV. Full-time, part-time and contract positions



Article 2 of the proposal states that it applies “to all workers, men and women, who have an employment contract or an employment relationship”. We would ask for the provision to be clarified to ensure that full and part-time positions are treated equally regarding benefits.

V. Carers’ leave

We welcome Article 6 of the proposal introduces a right for carers to take at least five working days per year, per worker.

As recently stated in Eurocares, 80% of care is provided by informal carers, the majority represented by women. The EIGE’s Index shows that there is an unequal distribution between men and women and it remains one of the most problematic areas in the EU in terms of gender equality. There should be a redistribution of care responsibilities between men and women, as well as within the family and with the state. This should be redressed with access to caring services and adequate infrastructure. It is in the interest of the EU governments to improve the quality and the access to the services, as well as improving flexible working arrangements to meet the challenges of an ageing population.