

EPSU response to the EC Consultation of the European social partners on measures to facilitate the reconciliation of professional, private and family life

Adopted by the EPSU Executive Committee on 20 & 21 November

1. EU policies on reconciliation

Reconciliation of professional and family responsibilities has been a theme on the European social agenda for many years and the Commission has also previously consulted the social partner on this issue¹. Recent initiatives include:

- Agreement by the Council on specific targets for the provision of childcare, as part of the European employment strategy²;
- Adopting a guideline on reconciliation in the Integrated Guidelines for Growth and Jobs adopted in July 2005 to coordinate the Member States' economic and employment policies in the years 2005-2008;³
- Adoption by the Commission of the "EU roadmap for equality between women and men"⁴, which pinpoints measures to reconcile work and private life as one of its priority topics for action in the years 2006-2010. The Roadmap foresees the adoption of a Communication on the pay gap and an analysis of job classification in care and health services in 2007;
- Adoption by the Council of the "European Pact for Gender Equality", which promotes policies enabling a better work-life balance in order to achieve economic growth, prosperity and competitiveness in the EU⁵
- Adoption in 2005 by the EU social partners on the framework of actions on gender equality⁶, which features reconciliation as one of the four key policy areas.
- Adoption by the Council last July of the Recast directive on equal treatment between women and men in employment (2004)⁷
- Also, as part of the Beijing +5 follow-up process, the French Presidency in 2000 developed a set of indicators on reconciliation including on flexible working schemes, parental and other forms of leave, and care service opening hours.

¹ 1995 consultation on the reconciliation of professional and family life. This led to the framework agreement on parental leave (which also includes provisions on urgent family leave), implemented as a directive.

² Paragraph 32 of the Presidency Conclusions of the Barcelona European Council of 15 and 16 March 2002 states that: "(...) Member States should... provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age;

³ Cf. Guideline 18, which states that the Member States should promote a life-cycle approach to work, through:
- resolute action to increase female participation and reduce gender gaps in employment, unemployment and pay;
- a better reconciliation of work and private life and the provision of accessible and affordable childcare facilities and care for dependants.

⁴ COM (2006) 92 final This communication is available in French, English and German from the following website: http://ec.europa.eu/employment_social/gender_equality/index_en.html

⁵ The text of this Pact can be found in the Annex II (pp.27-28) of the Presidency Conclusions, available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/89013.pdf

⁶ http://ec.europa.eu/employment_social/dsw/actFindRecord.do. A first report has been drafted on implementation.

⁷ <http://register.consilium.europa.eu/pdf/en/06/st03/st03621.en06.pdf>

2. Content of the consultation paper

Good childcare and eldercare facilities, plus flexible and manageable (from the worker's point of view) working time arrangements, are necessary components of policies to support the reconciliation of professional and family responsibilities.

The consultation paper mentions these different aspects, although falls short of referring to problems caused by excessive working hours and the current debate on the working time directive. This is a pity as surveys by the European foundation for the Improvement of Living and Working Conditions confirm that most men and women would prefer to avoid the extremes of both excessive working (over 45 hours) and marginal part-time work (under 20 hours).

In comparison to the 1995 consultation paper on the same issue, greater weight is perhaps given to reconciliation of professional and family responsibilities as being a private rather than a social issue (as is reflected in the title). The paper mentions that the decision to have a child is a "personal" choice, and it emphasises that there are many different ways (and so choices) to achieving reconciliation. With this approach gender equality is less of a focus, and there is little in the consultation paper on the need to support men's involvement in family responsibilities⁸.

The consultation paper notes that progress has been made at EU level to ensure maternity and parental rights for workers, although there are important differences between the EU Member States in terms of the level of protection provided. This is especially true in relation to the income that accompanies these rights and the extent that men take-up their share of family responsibilities.⁹

Also absent from the paper is an explicit reference to the broader context of care delivery and its effect on care workers and social exclusion. It is essential that the ongoing restructuring of the state and privatisation of public services does not occur on the backs of workers and care service users, a majority of whom are women. A gendered and social analysis of the changes introduced by privatisation is therefore also needed.

3. Questions put to the social partners

There are five questions put to the social partners. These are given below in italics, with suggested EPSU response below.

(i) Do you consider that there is a need for further action on reconciliation between professional, private and family life in the European Union? If you consider action to be necessary, should such action be undertaken at Community level, national level, enterprise or sectoral level?

We support further action to support the reconciliation of professional and family life, for two main reasons: First, because an emerging EU labour market needs EU social standards to underpin it; and secondly, because gender equality, which is clearly part of the EC remit, risks being undermined by increasing differentiation in national policies to support

⁸ Surveys also confirm the continuing 1/3-2/3 division of paid and unpaid working time between men and women.

⁹ Caution is however needed in making comparisons; e.g., between a long period of unpaid parental leave with a period of short paid leave.

reconciliation. EU action in this area should reflect, and give support to, the concept of “family” in its broadest sense.

It seems to us that it is particularly important to underline the need for a EU approach to reconciliation of professional and family responsibilities, and to prevent the development of an “à la carte” (or subsidiarity) approach to equality.

The EU needs to intensify its action in this area precisely because of (too great) differences that exist between Member States, including in relation to the provision of quality and affordable childcare and eldercare (and care for people with disabilities) services. These services are central to underpin reconciliation of professional and family life. In many countries such services are lacking. There is also a growing problem of public authorities relinquishing responsibility for care services. These then become too expensive, partly due to the fact that they are privatised and not any more subsidised by the State. The lack of finance and investment in public childcare and eldercare services needs to be addressed also at EU level.

We would also like to emphasise in this respect the link between working conditions in care services and quality of care.

The 2006 report from the European Foundation for the Improvement of Living and Working Conditions on employment developments in childcare says that targets to improve quality of life, to combat social exclusion and discrimination, to promote better wages and childcare developments cannot be achieved without efforts to standardize childcare policy across Europe. This echoes the Commission’s own analysis made some 10 years ago¹⁰. The Foundation’s report also stresses that it is important to just view childcare from both a social and economic perspective, and draws attention to shortcomings in both the quality and quantity of care in the new Member States in particular.

On the issue of wages, the report concludes that increasing salary levels in this sector “should be a prime consideration”. In this regard, the Commission’s proposal in the Gender Equality roadmap 2006-2010 to examine job classification in care services will be of great relevance. This exercise should be carried out with a view to improving wages in this sector for the benefit of workers and community at large, and should involve European social partners in this sector.

Regarding the reference in the consultation paper to “private” life, we think that better reconciliation policies would help tackle many of the problems relating to conflicts between professional and private life in general (e.g. if we manage to control excessive and irregular working hours through the revised working time directive). However, there are also separate issues to do with “private” life, e.g. data protection, employment relations, health and safety, which are linked more generally to workers’ and trade union rights and social dialogue.

(ii) What are the main areas in which improvements could be needed, taking into consideration in particular: 1) working time and flexible working arrangements; 2) new possibilities offered by information technologies; 3) availability and quality of childcare and

¹⁰ See Council Recommendation 92/241/EEC (1992) on childcare. The Commission’s report on its implementation noted that “in most of the Member States, quality assessment of the services provided is limited and hardly ever goes beyond the formulation of minimum standards covering the infrastructure as such. Moreover, levels of professional qualifications and training requirements vary greatly according to the different types of service offered and between Member States. In spite of the growing number of jobs generated by the sector, efforts to re-evaluate the importance of people employed in childcare services and in ensuring adequate training remain modest.” <http://europa.eu/scadplus/leg/en/cha/c10916.htm>

care services for the elderly and other dependants; 4) leave, including paternity leave and leave to care for an elderly parent or a child or other family member with a disability?

(iii) By which means do you consider that better reconciliation between professional life and private and family life could be achieved?

One of the most important issues today is to tackle problems of excessive working hours and too short working hours, both of which distort men and women's ability to share professional and family responsibilities, while they widen gender inequalities at work and at home. Leave arrangements are of course useful, but if basic working patterns are "unfriendly" to reconciliation, then they can only do so much.

Also, investment is needed in, quality childcare (and increasingly) eldercare facilities.

In this respect, EPSU favour a strong EU approach to reconciliation, one that is embedded in gender equality principles.

There are a number of areas where new EU standards should be proposed: for example regarding:

- reduction of maximum weekly working hours
- right to flexible working patterns (building on clause 5 of the cross-sectoral agreement on part-time work)
- measures to support the development of quality childcare (for children of all ages) and eldercare facilities, including a concrete Action Programme and necessary resources (building on the recommendations and targets in the Integrated Guidelines).
- right to payment for parental leave through social security / taxation arrangements for at least the minimum period covered by the parental leave Directive
- revision of the maternity Directive (92/85/EC) in order to strengthen leave entitlements and payments and in order to comply with the ILO Convention 183 (2000) -e.g. right to breastfeed; inclusion of domestic staff; extension of pre-natal portion of maternity leave; shift of burden of proof. The ETUC and European Parliament demand such a revision.
- right to paid paternity leave:
- Adoption of a EU directive protecting and promoting public services (SGI), as called for by the ETUC and EPSU, would contribute to achieving gender equality and work/life balance objectives at national level.

Given that most men and women across the EU say that they want to avoid the extremes of marginal part-time work (under 20 hours) or excessive working (over 45 hours), this would seem an area for priority action. Clearly it would be a major step in the wrong direction if the revised working time directive would exacerbate, rather than reduce, excessive working time. In this respect, our call to abolish the clause on the individual opt-out from the maximum working week, is also fully justified to avoid an opt-out from work/life balance requirements.

On part-time work, a key issue here is its quality and reversibility over the life course. To use again the example of childcare, in many member states employment in this sector is not offered on a full-time basis. This is a problem for carers who want to increase their working hours. From this perspective, it is worth looking at ways of combining all-day care with after-school care that would enable more staff to work full-time.

(iv) Do you consider the existing Community legislation (notably on parental leave and protection of maternity) is adequate to help meet the needs for reconciliation between professional and private and family obligations and to create the conditions for more equal sharing of professional, private and family responsibilities between women and men?

Existing legislation needs to be built on and strengthened. As mentioned there are a number of areas where EU legislation could be introduced or strengthened, e.g. the lack of payment for parental leave.

Thought needs to be given to improving take-up by men to such rights. The individual right to parental leave in the framework agreement on this subject was an attempt to do this. A right to paid paternity leave would be helpful in this respect.

As a general principle, future EU initiatives should strive to meet the overall objective of reconciling work and family life, including, for instance, in the revised working time directive.

Stronger implementation of equal pay between women and men and improving women's wages are also central to achieving a good work/life balance. In particular, and in combination with paid paternity leave, better wages for women would weaken the argument that men cannot afford to take up paternity leave because their income is higher than their partner/spouse.

(v) How can the best balance be struck between the costs and benefits – for both individuals and companies – of measures permitting reconciliation of professional, private and family life?

Reconciliation of professional and family life should not be seen only in relation to individual and companies, but in relation to society as a whole and quality of life. Sustained involvement of social partners would, in any case, help ensure that new and/or revised initiatives balance out employees and employers' interests.