

The Women Entrepreneurship Platform (WEP) Position on the MEP Kozłowska-Rajewicz's Draft Opinion on a Reconciliation of Work and Family Life Directive COM (2017) 253

I. Article 2 - Scope

Amendment found in MEP Kozłowska's Opinion:

Amendment 8: This Directive applies to all workers, men and women, who have an employment contract or employment relationship as **defined by law, collective agreement and/or practices in force in each Member State.**

Our suggested amendment:

This Directive applies to all workers, men and women, who have an employment contract or employment relationship, **full-time or part-time, including domestic workers and atypical workers**, as defined by law, collective agreement and/or practices in force in each Member State.

Justification: We would ask for the provision to be clarified to ensure that full and part-time positions are treated equally regarding benefits.

II. Article 4 –Paternity Leave

Amendment found in MEP Kozłowska's Opinion:

Amendment: 2a. Member States may make the right to paternity leave subject to a period of work qualification or a length of service qualification not exceeding one year. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC, with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

Our suggested amendment:

Deleted

Justification: We believe that introducing this restriction only for the paternity leave will only foster the existing inequalities of responsibility. We believe that introducing such a restriction in terms of the flexible working arrangements is enough to guarantee certainty and security to both employee and employer (Amendment 23).

Suggested amendment:

4.1. Member States shall take the necessary measures to ensure that fathers have the right to take paternity leave of at least **twenty working days** on the occasion of the birth of the child or **adoption** of a child.

Justification: We believe that the disparity of 12 weeks between maternity leave (14 weeks) and paternity leave (10 days proposed by the Commission's proposal) is disproportionate. The 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.

III. Article 5 – Parental Leave

Amendment found in MEP Kozłowska's Opinion:

Amendment 16: Member States shall establish **framework guidelines** for the period of notice to be given by the workers to employers when exercising the right to parental leave, **specifying the intended beginning and end of the period of leave**. In doing so, Member States shall take into account the needs of both employers, **especially micro, small and medium-sized undertakings**, and workers. **Member States shall also take into account force majeure as well as the possibility for a mutual agreement on changes to the period of notice between the worker and the employer.**

Justification: We welcome the amendment as this will increase the certainty and reduce the administrative burden for MSMEs.

Amendment found in MEP Kozłowska's Opinion:

Amendment 18: Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work or in other flexible forms. Employers shall consider and respond to such requests, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request.

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Justification: We believe it is important to give certainty and transparency to employees, and maintain a level of accountability on employers.

IV. Article 8 – Adequate Income

Suggested amendment:

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that workers exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment or an adequate allowance at least equivalent **to 75% of their salary**.

Justification: We believe that paying parental leave at Sick Pay Level carries too many issues. 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.

V. Article 13 – Penalties

Amendment found in MEP Kozłowska's Opinion:

Amendment 25: Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are effective, proportionate and dissuasive.

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are **applied. Penalties shall be** effective, proportionate and dissuasive. **They may take the form of a fine. They may also comprise payment of compensation.**

Justification: We believe that deleting the highlighted parts of the provision considerably weaken the enforcement provisions of the directive.