



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

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 current response in the second stage of the consultation, the ETUC will respond 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.

The Commission's consultation paper invites the EU social partners to express their views and put forward proposals on the following subjects:

- I. How to increase the availability, affordability, accessibility and quality of childcare? And how to promote and increase the availability, affordability, accessibility and quality of social services and care facilities for the elderly, people with disabilities and other dependants;
- II. How to enhance the dissemination at all levels of experience gained in the context of the Framework of Actions on Gender Equality, and on how to reinforce the exchange of good practices on reconciliation in the European Union;
- III. How to encourage men to avail themselves of measures aimed at reconciliation, and how to promote a change of culture supporting men in making such choices;
- IV. What kind of innovative, adaptable and flexible work arrangements could be further developed and promoted, using, as the case may be, the contribution of new technologies in this context and/or the support of e-Learning policies and techniques.

¹ ETUC's Position on the First stage consultation of the Social Partners at Community level on the Reconciliation of Professional, Private and Family Life,
<http://www.etuc.org/a/3194>

Furthermore, the Commission strongly encourages social partners to initiate the negotiation process on the basis of the proposals put forward in the consultation document with regard to

- a) the introduction of new types of leave: paternity leave, leave to care for dependent family members, adoption leave;
 - b) the improvement of maternity protection (Pregnant Workers Directive 92/85/EEC) in three areas: duration of leave, level of payment, protection of women returning from maternity leave;
- and failing that, to forward an opinion or recommendation on the objectives and contents of these proposals.

Finally, the Commission considers that improvements to Community provisions in relation to parental leave could be considered in order to better achieve the aims of the Parental Leave Directive 96/34/EC, based on a framework agreement of the European social partners.

The Commission has identified six areas where provisions in relation to parental leave could be improved, namely:

- i. incentives for fathers to take parental leave
- ii. employment rights and prohibition of discrimination
- iii. duration of parental leave
- iv. flexibility in relation to the taking of leave
- v. age of the child in respect of which parental leave can be taken
- vi. payment

The Commission requests 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.

2. General comments: policy coherence is key

ETUC welcomes 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.

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 been 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. Specific comments and responses

I. Childcare and care facilities for other dependants

ETUC welcomes the general acknowledgement of all relevant stakeholders including employers' organisations of the central role of public authorities with regard to the provision of adequate facilities for childcare and care for other dependants.

This is a particularly important understanding in a time in which public authorities increasingly are under pressure to reduce their responsibilities in this area and leave them to private initiatives. These then often become too expensive, partly due to the fact that they are privatised and only partly or not at all funded anymore by the State. The lack of budgets and investment in public childcare and eldercare services needs to be addressed also at EU level. At the very least, EU macroeconomic guidelines should not contradict the need to increase public funding in these areas.

ETUC affiliates in the public sectors report that increasingly care services both for children as for other dependants have to perform according to market and free competition principles. In several examples this market-oriented approach has had a detrimental effect on the quality and accessibility of the services, not to mention working conditions in these sectors. We are of the opinion that the general public interest should prevail in these services – a view which is shared by the Commission in its White Paper on SGI. National and local authorities should continue to be able to take all necessary measures to ensure quality and accessibility of the services as well as the right to in-house provision, and not be subject to EU internal market rules.

<p><i>A) How to increase the availability, affordability, accessibility and quality of childcare.</i></p>
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The provision of generally available good quality care and education structures for children of all ages, supporting parents and families to raise the amount of children they would like to have, is an essential element of the EU Social model, and indispensable for the future of Europe.

In ETUC's opinion, the importance of adequate childcare provision for society cannot be underestimated. Childcare services are not only essential for many workers to reconcile their professional, private and family life, but they are also conducive to achieving social cohesion, and play a key role in social (children and family) protection systems.

We ask the Commission therefore to not only look at the “economic” value of child care services, in terms of pre-conditional to female labour market participation, but also at their social value, taking into account the EU strategy on the Rights of the Child.

The ETUC welcomes the Commission’s intention to come up with a Communication in 2008 on the availability, quality and affordability of childcare, and expects the Commission to actively involve social partners , and in particular the relevant sectoral social partners, in the further development of policies on childcare including the drafting of the Communication. ETUC urges the Commission to come up with concrete, far reaching and effective initiatives and actions as time is running out.

The following issues should be urgently addressed (non-exhaustive list):

a) Availability: putting more pressure on Member States to reach the targets

In its response to the first stage consultation document, the ETUC has emphasized the lack of sufficiently available, accessible, affordable and quality childcare in most EU countries, and stressed the urgent need to address the provision of childcare as a general interest as much as primary school education. Member States should be demanded to develop it as a generally available public/social service. It is important that further development and governance of these services will be done in cooperation with all the relevant national and local stakeholders, including the social partner organisations.

The low coverage of childcare services for children aged between 0-3 is of priority concern. Urgent, tailored measures must be implemented if we want to reach the Barcelona target of 33 percent of children covered by 2010, which is still below what is needed in practice! With regard to the second target on childcare services (for children between 3 and the age of school), despite a greater supply of such kind of structures in Member States, the Barcelona objectives also risk not to be reached.

According to the ETUC,

- the Commission should take targeted action towards those Member States (MS’s) that are not doing enough in order to reach these targets;
- to be more effective in this regard, the Commission could adopt stricter and more precise guidelines addressed to MS’s, and indicators to measure progress;
- a targeted coordination activity in the framework of the OMC would also be very useful.
- good practice experiences of MS’s with programme’s, including cooperation with social partners, could be discussed and disseminated more widely;

- the Commission could provide for more targeted funding of programmes to increase and improve childcare facilities, including through the European social fund.

b) Quality: promoting high quality childcare as a general interest, and include the quality of workplaces in childcare

As the European industry federation for workers in education ETUCE, affiliated to the ETUC, has pointed out in its separate response to the Commission in this second stage of the consultation (which is focussing entirely on childcare), it is of major importance to adopt a coherent and comprehensive approach to the issue of childcare and early childhood education, placing the child's development and well being at the centre of it. Although the availability of childcare is one of the pre-conditions for gender equality and equal opportunities for women and parents in the labour market, the quality of childcare – both in terms of the child's well being and health as well as its opportunities to develop and learn – is decisive, first and foremost for parents to entrust their children to such facilities, secondly to ensure that a sound foundation is laid down for the child's social and educational future, including lifelong learning.

Principles for quality standards should be developed at EU level, and Member States should be obliged to adopt, maintain and monitor clear quality criteria to ensure that the provision of care meets the necessary requirements.

To ensure the quality of childcare provision, the quality of those providing these services is key. Childcare workers should be well trained and motivated and cooperation with parents should be ensured. Not only must therefore proper training and certification be ensured, it is also important – as has also been underlined by EPSU in its response in the first stage of the consultation - to guarantee proper working conditions and higher wage levels (as also recommended by the European Foundation for living and working conditions).

This would indirectly also contribute to decreasing the gender pay gap, as the undervaluing of work in care professions is one of the causes of the persistent pay gap. ETUC has therefore already in its response in the first stage welcomed the Commission's proposal in its Roadmap on gender equality 2006-2010 to promote examining job classification in the care sector. This exercise should clearly involve the European social partners in the relevant sector(s). We would have also liked to see this issue more explicitly addressed in the Commission's Communication on Equal Pay.

c) Affordability: generating sufficient resources as a public responsibility

It would be useful to carry out a comparative study on the variety of ways used in MS's to finance childcare services, with contributions by the state, and/or employers and/or individual parents and their effects on accessibility and affordability and quality, since there is a clear lack of data (see about this also the CARE campaign of the European Women's Lobby - EWL).

ETUC affiliates stress the need to need to implement policies focussing on the supply side instead of the demand. Several ETUC affiliates therefore put into question current policies in their countries to introduce tax allowances or "cheque-services". Although these might be helpful to support some parents financially, they are not considered as an appropriate solution to address the structural need to create sufficient childcare places and proper jobs in childcare, and often mainly favour higher-income workers.

Childcare services should be part of the general social security systems and financed through solidarity funding systems where charges depend on the family income, or subsidized by the State and be at low cost or free of charge at least for low-income families. This should create affordable services for the whole of the population. Affordability of childcare is an issue for every family and parent: in most countries childcare facilities are deemed expensive thus forming a barrier to female participation in the labour market.

ETUC would like to emphasize the need for more policy coherence regarding childcare and early informal childhood education, too often seen as a private matter to be dealt with by individual parents, as compared to formal primary school education which is clearly seen as a general interest and a state obligation. An integrated approach needs to be adopted, looking at childcare as an indispensable element of children's development, protection and education.

In several countries, interesting tripartite partnership approaches are developed, which comprise for instance: a strong participation of the State (to set-up new structures, pay the workers of the sector and their training modules), plus a contribution from the employers' side (thus "mutualizing" the costs of the increased flexibility) and a fee paid by parents on the basis of their revenue and on official thresholds.

The creation of company 'kindergartens', although useful in a situation of total absence of other organised structures, is by many ETUC affiliates not seen as an adequate long term solution, as it binds the childcare provision too much to the job of one of the parents (often the mother), and in this way also hinders job-mobility. A better alternative would be to ask from enterprises – in a public-private partnership, and/or supported by collective agreement – to contribute in financing places in public childcare structures.

d) Accessibility: everywhere and for everyone, with reasonable opening hours

Programmes and targets regarding an increase in childcare should ensure that childcare structures are put in place that are regionally well spread, proportionally available in relation to the age of the population, the employment rate of men and women, and the number of children in the age brackets 0-3 and 3-school age in the given area, etc.

Childcare should be available for all citizens, already in work or unemployed, including job-seeking workers not receiving any social benefits, and those following training in preparation of their re-insertion into the labour market

Also, it should be ensured that children from a migrant or ethnic minority background have equal access and are at least proportionally covered by programmes and funding measures.

With regard to opening hours, there is a complex relationship to working hours that should be recognized and addressed in a balanced way.

Within reasonable limits, childcare centres should have opening hours that are compatible with an average day time job (between 8 am and 6 pm), also taking into account the wellbeing of children and the generally acknowledged need of children to have a regular and stable rhythm in life.

However, increasingly, workers are confronted with irregular scheduling of their working hours (evening and weekend work, shift work and night work). With the growth of the services sectors, and the pressure to provide services around the clock, there is an increasing pressure on workers and families to adapt family life to the logic of work organisation. Depending on the possibility workers have to influence the scheduling of their working hours themselves (flexible working arrangements on their request) they can or cannot cope with the existing opening hours of childcare centres.

It is questionable if this should one-on-one lead to adapting also childcare services to this logic, making them available on a 24-hour basis (which would also have far reaching consequences for the workers in the childcare sector).

The ETUC would rather see a multifaceted approach, improving the possibilities for parents and carers to adapt their working time pattern to their needs, and – where necessary – also increase the range of flexible childcare arrangements, including within certain limits childcare outside daytime hours, and care services that can be used part time or occasionally.

e) Childcare is important but not sufficient: promoting an integrated approach

The above mentioned example of the relationship between working time organisation and childcare needs shows the importance of an integrated approach to reconciliation policies.

Childcare alone will not be able to solve all the problems working parents may have to reconcile work, private and family life. Also, although in some countries it maybe true that long leave periods for parents (mostly mothers) of young children are covering up for the lack of childcare facilities, it is clear from experiences in several Member States (especially the Nordic ones) that a combination of measures such as paid parental leave, a high supply of childcare services and flexible working time arrangements in full time employment lead to higher female labour market participation and also higher birth rates.

In this regard, the ETUC would like to draw the Commission's attention also to the interesting experiences with the Italian 'Time in the City' legislation, adopted in the beginning of the 1990's, which gave local mayors in Italian cities the power to restructure working time and opening hours across all sectors, including public services, schools, transport, business, shops, banks, etc. in order to improve the quality of services to citizens, and at the same time the quality of life in the cities. Such innovative approaches could help break through the vicious circle of adapting workers and their children to a potentially one sided dictate of the modern 24-hour economy.

B) How to promote and increase the availability, affordability, accessibility and quality of social services and care facilities for the elderly, people with disabilities and other dependants.

a) Concerted action at EU level: a new Lisbon target, and more coordination

In our first stage response we have already mentioned that we are strongly in favour of adding a new target to the Lisbon goals regarding social and care services for dependents.

We also would like to emphasize our position, adopted in the ETUC Executive Committee of October 2005 "For sustainable and supportive dependent care under the Open Method of Coordination: for the definition of ambitious Europe-wide objectives"², in which among other things the following issues are addressed:

- the need to develop effective policies that prevent and delay dependency by combating poverty and social exclusion, with a particular focus on ensuring adequate incomes;
- dependent and elderly care should become part of public social protection systems;
- the human aspects of dependency;
- ensure quality and effective care (geographical availability);
- the need to offer choice for dependents to remain at home or to stay in residential institutions or sheltered homes;
- sufficient qualified personnel should be available to provide care in the home or in residential/sheltered situations;

² ETUC-website: www.etuc.org/a/1774

- attention to be paid to avoid any act of violence against elderly or disabled people;
- the right of elderly to participate in social life;
- provision of substantial services;
- investments in education and training to have sufficient numbers of qualified personnel responsible for elderly care or of people with disabilities
- guarantees to appropriate and sustainable solidarity financing.

b) A key role for public authorities, and a variety of instruments

ETUC wants to underline the essential role of the public authorities in providing care services to elderly people and people with disabilities. Public institutions have a major responsibility to promote and control the quality of the responses provided, as well as the financial and/or technical assistance to be provided in each specific case.

There is also a need to invest in new technologies and assertive devices that can support the choice of elderly to live at home, in a barrier-free environment. Some of ETUC's affiliates have drawn attention to the useful role that other alternatives (for example in specific cases service vouchers) can play, which could enhance the scope for a variety of choices, adapted to diverse individual needs.

c) Quality of services means also quality of employment and working conditions in care professions and household services

The ETUC is very disappointed that the Commission in its second stage document did not take up the issue raised in our response in first stage, regarding the need to pay attention to the working conditions of those employed in the care sector and those providing household services and domestic work, both in terms of wages (very low), contractual arrangements (often informal, or so-called 'free lance' or on-call...), and social security and pensions (often not or insufficiently covered).

In several countries, it is even a deliberate strategy by public authorities to provide cheap services to the sick and the elderly by assuming that the care provider is in the private service of the various individual care 'clients', instead of the public authority which officially only plays the role of intermediary, and in this way exempt those workers from job protection and tax and social security coverage.

ETUC has been very shocked by recent developments in the Netherlands, where the privatization of care services for the elderly has led to a situation in which cities had to tender these services, and offered them to the lowest bidders who explicitly won the bid because they do not employ their workforce on proper employment contracts, but make use of the above mentioned 'cheap way'. The short term effect is, that those institutions that employ their – mostly female, and often migrant and/or head of single parent families - workforce on proper (mostly well protected part time) contracts will have to dismiss thousands of their workers.

The longer term effect is first of all that the quality of the services provided is under threat, as the cheaper service provision will also mean that the workers do not get proper training and guidance, and that continuity of services cannot be guaranteed at the same level. Furthermore, thousands of women will become unemployed that must receive state benefits, and will have difficulty to find jobs that keep them out of welfare, now that there will be overall less proper jobs available in this sector.

In its very recent Communication on the gender pay gap, the Commission acknowledges the relation between the undervaluing of women's work in care and other 'feminine' professions, and low wages, which has a detrimental effect on their longer term income perspectives including pensions, and partly explains the gender pay gap.

It is also suggested that public authorities have a significant role to play, with public contracts accounting for 16 % of GDP, indicating that they should use their competences on the basis of Directives 2004/17/EC and 2004/18/EC to lay down special conditions relating to the performance of a contract, which may in particular concern social and environmental considerations. In ETUC's view, public authorities should be held more clearly and publicly accountable for policy coherence in their policies regarding care and service provision, which should be coherent with employment -, equality - and social cohesion policies.

d) Services are important, but not sufficient

It is important to realise that not all care-needs of the sick and the elderly can be solved by social services and care facilities. Increasingly, workers are sooner or later faced with the fact that they will have to spend time on their elderly parents or disabled and dependent relatives, and need to be available especially when emergencies occur, as more and more people remain in their homes when old or chronically ill, and time spent in hospital care is increasingly reduced. This may affect their availability for paid work, either incidentally or more long term, and therewith also negatively influence their income. With more and more women participating in paid work, women are no longer automatically available to fill the care gaps with voluntary support.

Therefore, on the one hand it would be important to develop intermediate structures to care for older people coming out of hospital, and emergency support for the dependent, as it is important not to overburden family members.

But on the other hand, it will also be necessary to consider opening up of leave facilities for force majeure or for periods of intensive care taking, as well as income-support measures for those that have to reduce their working hours for such reasons (taking into account that the care that they provide also reduces the burden of public spending on old-age homes, hospitals etc.). Other options explored in different countries are the setting up of Solidarity Funds for dependent people.

Choice should be possible and opportunities given to both the family and the sick and elderly person to decide who will care for him/her. But as the demand for care, both inside and outside the family is going to increase, it is necessary to develop policies that support both formal and informal carers.

II. Exchange of good practices

How to enhance the dissemination at all levels of experience gained in the context of the Framework of Actions on Gender Equality, and how to reinforce the exchange of good practices on reconciliation in the European Union.

The ETUC strongly supports EU and national information campaigns, and the exchange of good practice at EU level, as effective reconciliation measures require successful implementation of new policies and practices. Much can be learned from good practice examples developed by joint social partner initiatives and actions – as demonstrated in the Annex to the Framework of Actions.

The transfer of good practices can encourage employers and unions alike to be innovative in the workplace. The ETUC Challenging Times Conference of November 2005³, and the Award for best joint social partner practice on innovative working time arrangements that was granted on that occasion, was a source of inspiration for many.

Experience of successful strategies in a number of Member States in which certain policies and practices are higher developed might be useful for other Member States that are still in an early stage of developing such deliberate policies. The increasing number of companies that operate across the EU suggests that successful policies and practices negotiated in one country might be extended to partner companies in another Member State (e.g. Tesco's good work life balance/family friendly agreements in the UK might be applied to Tesco-Hungary outlets!).

Similarly, successful experiences of partnerships involving public authorities at different levels (national, regional and local) and social partners in some countries or regions may inspire similar partnerships in other places.

In the UK, the DTI 'Challenge Fund' was designed to encourage employers to set up work life balance/flexible working projects to benefit both business and workers.

This proved to be effective seed corn funding which successfully encouraged employers and unions to introduce 'smart ways' of working.

A new EU funded scheme, promoting exchange of experience and developing new partnerships including cross border partnerships and/or mentoring activities, would be one way in which the Commission might progress the issue of reconciliation and encourage workplace innovation at

³ Funded by the European Commission, see report on ETUC website <http://www.etuc.org/a/2807>

an EU level, and enhance general knowledge of measures developed in the context of the Framework of Actions on Gender Equality.

It should be possible to financially support with EU budgets both projects of social partners, where appropriate in partnership with public authorities, with a clear transnational character (information exchange between partners in different MS's), as projects that promote social partners at national level to discuss and promote the implementation of the Framework of Actions in their specific Member State, making use of good practice examples developed elsewhere.

Furthermore, the results of the annual reports on the implementation of Framework of Actions on Gender Equality could get wider dissemination and attention by means of a joint social partner conference at EU level.

It would be useful to explore if and to which extent the European Social Funds can be used for such activities.

III. Encouraging men to take up reconciliation measures.

How to encourage men to avail themselves of measures aimed at reconciliation, and how to promote a change of culture supporting men in making such choices.

a) Adopting an integrated approach

The Commission notes that it is of major importance that opportunities for reconciliation are not only equally available for men and women, but should also be taken up in practice by both sexes, and refers to the Gender Pact adopted by the Council, which specified the need to promote parental leave for both women and men and to combat gender stereotypes in the labour market.

The ETUC agrees with the importance of this issue, but would like to emphasize that there are no easy solutions. Most 'reconciliation measures' have implications in terms of **time** spent on paid work versus time spent on care (reducing or adapting paid working hours per day, week, year or life in many different forms). The current choice by men **not** to take up care responsibilities reflects a reality in which this choice until now provides them most of the time with higher wages, better jobs and career opportunities, a higher level of social security coverage and better pension perspectives, which – as long as a breadwinner-model prevails – benefits also their dependent family members.

In order to really bring about a change in this reality the following issues need to be addressed in an integrated approach:

1. *Change of culture in the workplace: a 'good worker' is a worker (male/female) who cares*

Until today, the value of a worker for his/her boss is often measured in terms of his (full time/unlimited) availability for the job. Workers who express an interest in limiting this availability for personal or family reasons are often perceived as being less interested in their work and career.

Although there is evidence that workers with a more diversified life experience outside paid work are also more valuable in modern workplaces, a general policy shift in this regard has not yet occurred, and there is even a trend in the opposite direction, with more emphasis on long working hours etc. (see next point). As long as public and private employers do not understand the signals of time, and continue to reward traditional work patterns more than modern ones, there will not be a general shift among men towards taking up care responsibilities and reconciliation opportunities.

2. *The gender 'time gap' must be urgently tackled*

Whereas in older times the ideal 'bourgeois' family model was based on a husband being a full time working breadwinner with a wife being a full time housewife and mother, which inspired the working classes to pursue a situation 'in which their wife did not have to work' and therefore to demand a minimum wage that was enough to feed a family, in recent times it is no longer possible for the working class families in most EU countries to survive on one wage only.

Official policies at national and EU level in the meantime promote, for equality as well as economic reasons, full scale labour market participation of women. However, because of the prevailing breadwinner culture and the overall lack of proper facilities allowing men and women to reconcile paid work and care, women have entered the labour markets in most countries in a 'compromise model', with interruptions of paid work for reasons of child birth, and part time working when the children are getting to primary school age. A 'compromise' model, because the male model of work did not really change, in the meantime leading to a so called 'one and a half' model (with men having one full time job/wage, and women often having a half – part time – job/wage). This model will remain very persistent, if reconciliation measures in terms of time facilities (leave as well as working time arrangements) are in practice mostly geared towards women.

In some countries, the lack of cultural and public support for a 'combination' model in the meantime has led to a sharp drop in fertility, with women choosing to have either children or a career.⁴

⁴ A recent Article in the Financial Times (German version) on the demographic ageing of the German society claimed that according to research 42 percent of German women still believed that having children means the end of one's career.

Experiences in other countries, which have already some decades ago chosen to go in a different direction (notably the Scandinavian ones), show that a combination of measures facilitating both men and women with regard to the time they spend in paid work and in care can reduce the time gap between men and women and thereby reach better results: in terms of gender equality and female labour market participation, in terms of fathers being involved in child rearing, and in terms of fertility.

3. *The traditional breadwinner model must be replaced by a modern 'individual-life-course' model*

Most wage-, career development- and social protection systems in EU countries explicitly or implicitly 'penalize' workers for time spent with 'care' or other activities outside paid work. Although this issue is of major importance for women (in terms of addressing the pay gap, with women generally ending up with lower wages, dead end jobs and lower pensions), the fact that these 'penalties' exist have a very understandable adverse effect on men to make similar choices. This must be urgently tackled. The breadwinner model, still at the basis - either directly or indirectly- of most wage, tax and social protection systems, must be replaced by a modern 'individual- life-course' model, which takes as a starting point that all workers, men and women alike, will experience different stages in their working lives in which differences exist in emphasis and intensity of their involvement in paid work, learning, and/or care. This is one of the reasons why the possibilities for flexible working arrangements and reduction of working hours in mainstream employment, as well as the payment of parental leave, are key issues to address, while embedding them in a broader framework of social security and pension systems. As ETUC has stressed in its first stage position, social protection systems should be designed to acknowledge and support working time adjustments and temporary exits over the life course in the broader context of helping workers to adapt to various transitions in their working life.

4. *From 'helping the mother' to 'bonding with the child': the importance of a clear role for fathers in childrearing from the first day of the child's life*

The EU equality policies of the last decades have mainly focussed on demanding from women to enter the labour market, but failed to address the 'male conditions of work' prevalent there and also failed to offer them sufficient and adequate solutions for the 'care dilemma'.

The new trend is, to demand from fathers to enter the world of unpaid work and care, but without changing the female and undervalued conditions of care and unpaid work. What is necessary is to develop a new model of parenthood, which allows fathers and mothers to play a variety of roles in public and private life, and does not imprison individuals in one rigid model.

In this context, the issue of paternity leave, i.e. leave of the father or partner around the birth of a child, is of specific importance, in addition to 'parental leave' (see below).

5. The modern 'family': diversity of care relations must be recognized

A modern family model should be understood as a diversity of situations (single parent families, same sex parents, multi generation families, etc.), and presuppose care relationships among a variety of persons, which means that any rights developed should be accessible for any person taking up the role of 'parent' or care-giver to a child or other dependent person.

In sum, also in this area policy coherence is key:

Women can only be encouraged to work more, if they can afford to care less; men can only be encouraged to care more, if they can afford to work less. Women and men can only change their individual behaviour when encouraged by a policy framework that supports their choices, instead of penalizing them.

b) Targeted measures to promote a modern sharing of parental roles

One important area to address is the organisation of working time (see below in paragraph on new forms of working).

The other area is the availability and affordability of leave arrangements. With regard to leave arrangements, the ETUC is of the opinion (see our response in the first stage of consultation) that the Framework agreement on parental leave must be updated and expanded to offer more and better opportunities for women and men to take up parental leave. To ensure a better take up rate by men, research has shown that it is necessary to provide for proper payment during parental leave (see further below in the paragraph on the regulatory framework).

In addition, the following measures should be considered:

First of all, it would be very useful to develop awareness-raising campaigns at all levels by MS and also by social partners, focussing on the important role of men in child rearing and other family obligations.

At national level, for instance, such campaigns should preferably be state-funded. In terms of target group they should be addressed to men, with a clear focus on young male workers.

A good practice example stems from the Netherlands, where trade unions in the nineties focussed their campaign on quality part time work options on fathers, encouraging them to spend more time with their children because otherwise they would remain strangers to their own offspring.⁵

⁵ FNV campaign around 1993, with variety of slogans, the most well known being: "Hello, I am your father"

With regard to the messages promoted, these should tackle for instance the attitudes of families and organizations about the role of fathers in family life and in the division of household tasks (good practice examples in Finland and Spain). Awareness-raising campaigns should not only focus on the traditional nuclear family (man, woman, two children) but also show more diverse family models.

At workplace level, company leaders and managers have a key role in encouraging a general organisation of working time for all workers that allows for a better work life balance, and to create also a positive environment that promotes also male workers to avail themselves of flexible working arrangements as well as parental leave. Also, worker representatives should help creating an atmosphere, where the reconciliation of work and private life is valued and supported.

It is also essential that existing rights are well known. Several ETUC affiliates have reported that there is an apparent a lack of knowledge on the right of men to take parental leave.

Several ETUC affiliates have reported about good practice examples, which aim at men to take up family responsibilities:

- measures regarding the establishment of financial aid or bonuses for men when they exercise rights related to family leaves. (The Autonomous Government of Castilla-La Mancha, Spain, established for 2002 a subsidy of 900 euros for men who requested a leave of at least one month to take care of descendents and for those who took at least three weeks of the maternity leave, transferred by the mother. In 2004 it established a subsidy for men who took the whole of the maternity leave (10 weeks), which can be transferred by the working mother according to Spanish legislation);
- measures referring to the increased duration of leaves when they are shared by men and women, in various circumstances (French Labour Code: Adoption leave can be taken alternatively by the father and the mother. In the case of it being shared by both parents, the leave is extended by 11 days or 18 days in the event of multiple adoption).
- measures which reward men with additional leave time to that which is legally established if they share responsibilities with their female partner in taking care of relatives; (Collective Agreement for staff in the Public Administration of Principado de Asturias, Spain: "Male staff are entitled to one week paid leave as long as they have requested at least 15 days maternity leave. If the leave requested is longer than a calendar month, two weeks will be granted).

Such policies should be supported by working time legislation both at national and at European level that puts boundaries to long hours working for individuals while promoting flexibility in the scheduling of working hours, with individual and collective rights for workers to exert influence on the general working time pattern and to request adaptation to their individual needs where necessary (see next paragraph).

At macro level there should be more policy coherence in the way the demographic challenges are addressed, with the clear understanding that longer working lives of both men and women can only be achieved when at the same time workers throughout their working life are afforded various forms of reduced working hours and leave that allow them to raise families and grow old healthy.

IV. New ways of working

What kind of innovative, adaptable and flexible work arrangements could be further developed and promoted, using, as the case may be, the contribution of new technologies in this context and/or the support of e-Learning policies and techniques.

a) First priority: to review and adapt the traditional organisation of working time

In its response in the first stage of consultation, ETUC has drawn attention to the need to address first and foremost the issue of working time in general terms as a fundamental issue. The unequal division of labour between men and women at home (with women being mainly responsible for the unpaid care work) is mirrored by the unequal division of paid work between men and women in the workplace, with men in general working 'full time plus overtime' and women working in part time or casual jobs.

The ETUC regrets that the Commission – unfortunately supported by many Member States – for the last many years since the issue of the regulation of working time (revision of the Working Time Directive, WTD) has been on its agenda is refusing to understand the need for policy coherence in this area.

ETUC, supported by the European Parliament in its first reading, has demanded clear limitations to long and irregular working hours by law, while providing workers with instruments and tools to have a say in the scheduling of working hours and adapting working hours to their needs. More precisely, they demanded that the WTD should introduce the following obligations and rights:

"The following paragraph 1a shall be added to Article 13:

Member States shall take the necessary measures, by law, regulation or other appropriate provision, to encourage employers, in organising work according to a certain pattern, to take account of the needs of workers to reconcile work with family life. Member States shall, in particular, take the necessary measures to ensure that:

- employers inform workers well in advance of any change in the working time pattern, and*

- *workers have the right to request changes to their hours and patterns of work and employers have the obligation to consider such requests fairly, having regard to the flexibility needs of employers and employees. An employer may refuse such a request only if the organisational disadvantages for the employer are disproportional to the benefit to the worker."*

ETUC highly recommends the Commission and Member States to take this issue up again when trying to solve the existing deadlock over the revision of the WTD.

ETUC has also drawn attention to the current realities of part time work in most EU countries, showing its strong and negative impact in terms of gender segregation in the labour market and the persistence of the gender pay gap. In ETUC's view there is an urgent need to review the current policies and regulations with regard to part time work, also in light of the Part Time Agreement of the European social partners, transposed in the Part Time Directive, which aimed very explicitly at the promotion of part time work as a quality option and equal treatment of part time workers.

ETUC regrets that the Commission has not taken up its suggestions to promote comparative research in this area, nor to call on Member States and social partners at all relevant levels to take up the challenge of making part time work a genuine quality option for men and women. ETUC is ready to take up the responsibility together with employers at EU level to review and update the Part time Directive, both in terms of its equal treatment provisions, as to see if 'a right to adapt one's working hours' should be introduced (as already exists in legislation in the UK, the Netherlands and Germany).

Whereas in ETUC's view, maximum working hours and minimum protection, as well as the principle of equal treatment, should be regulated by EU legislation, there is enormous scope for the provision of flexible working patterns at sectoral and company level, as also recommended by the Framework of Actions on Gender Equality of the EU social partners. As emphasized above, promoting a more extensive exchange of good practice, may especially in this area be very useful and effective, and should be further developed by social partners with the support of the Commission.

b) New ways of working

ETUC affiliates have expressed some doubts about the beneficial effects on reconciliation of modern technologies that would allow for long distance working and learning, and have highlighted the risks connected to the introduction of such kind of "innovative, adaptable and flexible work arrangements".

Recent research in several countries (Denmark and the Netherlands) shows that such kind of arrangements have a negative rather than positive impact on reconciliation, as they introduce a working situation in which the work is 'without boundaries', often confirm the situation in which women make all the reconciliation-efforts, and does not create the work-life balance which is intended.

Social partners would benefit from a comprehensive and impartial analysis of the opportunities and threats of ICT in working arrangements – including the implications of mobile working in terms of worker cohesion and health and safety, and it could be useful to promote an exchange of experiences in this area. ETUC would support an exploration of the ways in which ICT might assist employers and workers, independent living for the elderly, and contribute to greater environmental sustainability.

ETUC supports that providing workers with work-life balance opportunities is in the general interest and has to be seen as a Corporate Social Responsibility. The Commission could assist with popularising the message that companies have a CSR to promote reconciliation measures for their employees in the framework of mainstream employment, i.e. insecure and predictable forms of employment relationships for men and women.

V. Equal Pay

The ETUC welcomes the fact that the Commission has issued very recently its Communication on equal pay. However, it regrets that the Commission has not clearly made the connection between the two important issues, failing to signal the vicious circle that exists between the undervaluing of women's work (both paid and unpaid), the general lack of work-life balance opportunities for men and women, leading to a part time 'ghetto' for women, which is adding up to the persistence of segregation in the labour market and the gender pay gap.

In the follow up to the Communication on the gender pay gap we hope to see these issues in more clear coherence addressed.

4. Updating the regulatory framework

A. A worker's right to flexibility

First of all, the ETUC would like to emphasize that it is not only leave facilities that need to be addressed in the context of the regulatory framework.

As mentioned above, also the regulation of working time (the WTD) and of part time work (the Part time work Directive, PTD) 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 (in the WTD) and the right to request a – reversible - reduction or extension of working hours (in the PTD) 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 interests of workers.

Measures to promote reconciliation and work-life balance should also be firmly located in the growth and jobs strategy so that working time organisation and other measures to improve work life balance are recognized as a route to a modern European industrial relations strategy that is fit for the diverse labour market of the 21-st century.

B. New types of leave

In its response to the first stage of consultation, ETUC has argued in favour of the introduction of facilities for paternity leave, adoption leave and educational leave.

Especially with regard to paternity leave, there seems to be a need for further explanation.

ETUC affiliates believe that there is a need to regulate the right to paternity leave as a general right for every male worker (or partner in a same-sex couple) on the occasion of the birth of his child as a general and mandatory right at one specific moment i.e. the birth of a child, *in addition* to the existing right to parental leave which is an opportunity during the early years of a child up to a certain age.

It should also be clearly discerned from maternity leave as this has a much more extensive function in protecting the health and safety of mother and child before and around the birth, allowing the mother to physically recover from giving birth, and allowing for a period of frequent breastfeeding in the first few months of a child, as well as giving the opportunity to create a bond with the child. Especially this last purpose is of great importance if the policy aim is to involve fathers more clearly in child-rearing and sharing care tasks with women. For this reason, it could be organized in various different ways (on a full time as well as on a part time basis) as long as it allows the father to immediately have a form of time off from work following the birth of a child.

Paternity leave should be paid and its length should be adequate (2 weeks to one month minimum). The paternity leave should be individual and nontransferable, and preferably be mandatory, i.e. an automatic right and not depending on request. To ensure that paternity leave can be taken by fathers at all wage levels it should always be paid, in the same way as maternity leave is paid, and also otherwise be protected in terms of job protection and job related rights, and it should not lead to a loss in terms of social security or pension rights.

Paternity leave should not be considered as a panacea for all work-life balance concerns. It is one building block that together with many others can help build a body of regulations and arrangements available for workers to support them in a variety of situations in which they need specific support. Without additional measures, notably in the area of working time organisation and arrangements, that will allow fathers to take part in the education of their children on a more continuous basis, it will not be easy to change the current situation, in which it is mostly women that have the primary task of child-rearing.

With regard to adoption leave, it is clear that the leave should be adequate also in terms of its duration for the specific situation of adoption, and must allow both adoption parents an equal and independent non-transferable right to sufficient leave that allows to bond with the child.

It should take account of the specificities of the adoption, and therefore allow to take the leave partly prior to the date of adoption. It should be equal in terms of pay level and other forms of protection to maternity and paternity leave.

In terms of its length, it could be considered to either allow one parent a leave that is as long as the maternity leave and the other parent a leave that is as long as the foreseen paternity leave, or it could provide a total right of leave to both parents that equals the total of maternity and paternity leave, and allows them to share the total between them in the way they choose themselves, as long as the father at least takes the minimum of the paternity leave. The latter option seems the ETUC preferable, as it allows for more flexibility and is more conducive to an equal sharing of parental roles.

The ETUC welcomes the suggestion of the Commission that, as a supplement to the provision of affordable professional care, an entitlement to leave, similar to parental leave, could be considered, to enable workers to care for an elderly parent or a family member with a disability or terminal illness. ETUC could imagine that in these cases both long term leave in various forms (full time or part time) as well as leave for 'force majeure' as regulated in the existing Parental leave Directive could offer adequate solutions to workers in different situations.

The ETUC regrets that the Commission has not taken up ETUC's suggestion to also promote further action on the introduction of learning facilities and educational leave. ETUC recognizes that social partners can play an important role in further developing such periods of leave, also to prevent that there may be an overemphasis on facilities for parents and carers, that may be perceived by workers without such obligations as imbalanced.

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 leave could be regulated at European level, to underpin developments at national level, in the framework of the foreseen evaluation of the Parental Leave Directive.

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.

B. Maternity protection

The ETUC welcomes the Commission's support for the need to review and improve the Pregnant Workers Directive (92/85/EEC). The Commission notes three areas in which improvements should be made: the duration of leave, the level of payment, and the protection of women returning from leave.

ETUC agrees with the need to strengthen the Directive in these areas and has especially demanded stronger guarantees for payment during maternity leave (which should guarantee full salary protection, preferably by social security or other solidarity funding), to ensure that women can afford and are not penalized for having babies.

ETUC has also drawn attention in its first stage position to the need to strengthen the health and safety dimension of the Directive, notably in terms of prevention and risk assessment, and the need to strengthen the right to breastfeeding facilities. Another important matter is to extend its protection to all workers in atypical forms of employment including domestic workers.

ETUC regrets that the Commission does not refer at all to ILO convention 103 as revised in 2000, nor to the EP's call for an improvement of the Directive also in 2000. It would be very much appropriate to adapt and update the Maternity Directive to ensure at least a level of protection equal to ILO convention 103.

The Commission has asked social partners at EU level to either initiate a negotiation process on the basis of the proposals put forward or to forward an opinion or recommendation on the objectives and content of the envisaged proposals.

The ETUC would be ready to discuss and negotiate with employers' organisations at European level the proposals for improvement by the Commission.

Social Partners at European level will start in the autumn a discussion on the review of the Parental leave Directive, and will on that occasion also discuss "other arrangements supporting parents and work-life balance, such as flexible working arrangements, childcare and other forms of leave". The European social partners will report about progress made to the Commission in March 2008.

If and in so far as these discussions do not lead to any concrete proposal regarding improvement of the Pregnant Workers Directive, the ETUC urges the Commission to take up its responsibility in this regard and take the initiative to propose the necessary improvements as mentioned above.

C. Parental leave

ETUC very much welcomes the Commission's support for the need to improve the provisions of the Parental leave Directive, with a view to better achieve its aims, which in short are:

- to promote reconciliation of work and family life in the framework of equal treatment of men and women
- to encourage new ways of flexible organisation of work and time, because an effective policy of equal opportunities presupposes an integrated overall strategy for better organization of working hours and greater flexibility and for an easier return to working life
- to encourage men to assume an equal share of family responsibilities.

ETUC agrees with the Commission that the Parental Leave Directive should be improved in the following areas (see our position in first stage of consultation):

- i. incentives for fathers to take parental leave
- ii. employment rights and prohibition of discrimination
- iii. duration of parental leave
- iv. flexibility in relation to the taking of leave
- v. age of the child in respect of which parental leave can be taken
- vi. payment

The issue to be most urgently addressed is certainly the payment of parental leave, both from the perspective of women (income protection and reduction of the pay gap) as from the perspective of men (promotion of their take up).

ETUC would like to add that the Parental Leave Directive also contains a provision for leave in case of 'force majeure' which in ETUC's view should also be strengthened.

ETUC also agrees with the Commission, that the Social Partners at EU level should play a fundamental role in considering whether the parental leave legislation is still up to date, notably because the Parental leave Directive is based on a framework agreement between the Social Partners. ETUC therefore highly appreciates the fact that the European social partners have been able to reach agreement on a joint letter to the Commission, sent on 11 July 2007, in which they announce to commit themselves to an evaluation process of all elements of the framework agreement on Parental Leave, in connection to other arrangements supporting parents and work life balance, "to assess if joint actions need to be taken".

ETUC is looking forward to starting discussions and possibly negotiations on the various issues addressed in this consultation, and hopes for a constructive process that will indeed lead to progress in this important area.

5. 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 has given a wide range of suggestions and made 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 has stressed 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 103.

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 (see Annex 1), 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.
