

RE/ BAL ANCE CE

Trade unions' strategies
and good practices to promote
work-life balance

ACKNOWLEDGMENTS

Studies like this one – by their very nature – have many authors and many more contributors. The final text is but a shadow reflection of the commitment and work that each person has put into it. The list of the women and men who have made this report a success is long and our heartfelt thanks goes to all of them: Montserrat Mir and Cinzia Sechi, who conceived of the REBALANCE project and made it happen, the project Steering Committee Members; those who co-ordinated the country-level research, namely: Lotta Savinko (Finland), Raphaelle Maniere (France), Christina Stockfisch (Germany), Rosanna Ruscito (Italy), Inga Puisa (Lithuania), Jessica van Ruitenburg (The Netherlands), Lina Lopes (Portugal), Andreja Poje (Slovenia), Beatriz Quintanilla (Spain), Joa Bergold and Åsa Forsell (Sweden). A very, very particular thanks also goes to those trade union negotiators and experts who generously gave their time to share their insights with us and explain and explain again the details of the negotiation process to improve the work-life balance provisions for the workers in their companies and sectors.

A special thank you goes to Mercedes Miletta and Inès Derousselle, whose work behind the scenes was instrumental to organise it all.

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With the financial support
of the European Commission

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EXECUTIVE SUMMARY

INTRODUCTION

The study set out to map best practices on work-life balance (WLB) agreements negotiated by social partners in 10 Member States: Finland, France, Germany, Italy, Lithuania, Netherlands, Portugal, Slovenia, Spain and Sweden. The focus of the research was specifically on *measures of work-life balance that enable parents and other people with caring responsibilities to reconcile work, family and private life*, through the introduction of family and parental leave schemes, care arrangements, and the development of a working environment which facilitates the combination of work, family and private life for women and men. The work-life balance measures that were introduced through collective agreements included: parental leave; paternity leave; flexible working arrangements (the length of working time, and autonomy to arrange the hours and place of work); childcare (employer provided child care facilities); long-term care (leave to care for a sick relative); and economic incentives for parents and carers to work (allowances). The study highlights the specific initiatives on WLB at sectoral and company levels that address these issues in order to compensate for the lack of or insufficient legal provisions.

The study was conducted at a time when work-life balance issues had gained renewed momentum if only for the fact the European Union has set its objectives to increase the number of women in the labour market. In this context, the European Commission had come forward with a work-life balance package including legislative and non-legislative measures.

While a European legislative framework and national legislation provide basic rights for parents to reconcile professional and private life, collective agreements have and will be important in providing much-needed additional rights tailored to specific constituencies. Moreover, collective agreements are important in ensuring the proper implementation of existing rights.

By highlighting good practices in 10 Member States, this study allows for an exchange of best practices across countries, sectors and companies.

METHODOLOGY

The aim of the study is to set the overarching context of work-life balance measures within the different economic sectors that are covered by the study, as well as the EU and the Member States policy frameworks on work-life balance and gender equality. The countries included in the study were chosen according to geographical criteria (north, east, south, west), and diversity of size. In addition, the findings of an initial assessment suggested that a good number of trade unions had been active in developing strategies and actions, including guidelines and collective agreements, to address work-life balance issues. The ten participating Member States represent a mix of differing strength of legislation, collective bargaining structures and practice, and structure of the industrial sector/labour market reform.

In order to address the diversity of good practices, the initial mapping included the following 13 sectors, including some important sub-sectors: 1) Food, agriculture and tourism; 2) Health and Social Services; 3) Local and Regional Government; 4) National Administration; 5) Utilities; 6) Transports (Civil aviation, Logistics, Maritime Transport, Railways, Road transport; Urban Public Transport); 7) Commerce ICTS; 8) Finance; 9) Cleaning & Security; 10) Metal, textile and chemical; 11) Education; 12) Journalism and media; 13) Sports.

Interviews were held with trade unions and trade negotiators with the aim of collecting as much detail as possible about the circumstances that led to the initial negotiations, the negotiations themselves and the follow-up once a collective agreement was concluded. These details can be found in part 5 of this study.

WORK-LIFE BALANCE IN THE EUROPEAN UNION

Part 3 of the study highlights existing initiatives and legislation regarding work-life balance. It touches on the most recent agreement over a directive on work-life balance, which the European Trade Union Confederation (ETUC) has been calling for since employers had not been willing to negotiate another framework agreement with a view of improving the situation of workers who care for children or family members.

The EU has recognized the importance of reconciliation between work and family life and has enacted legislation and developed policy in this area. One of the EU's main policy goals is to stimulate employment (especially among women and older workers) and growth. The costs associated with the employment gap between women and men are enormous estimated to be around €370 billion across the EU, or 2.8% of GDP, including loss of tax revenues and payment of benefits¹.

The study recounts the efforts of the European Parliament (EP), in particular in terms of making visible the lack of accessible, available and affordable quality care services, as well as the lack of paid leave arrangements for fathers, or the insufficient incentives for fathers to use them as compared to mothers as some of the main challenges.

While this section refers to the new directive on work-life balance, it focuses primarily on what social partners can do to improve the work-life balance of parents and carers in general.

In this context, it is important to note that since 1985, the European social dialogue has been an important part of the European agenda with its insertion into the EC Treaty by the Single European Act of 1986 and the new article 118B EC. In 2009, the European social partners agreed on a revision of the 1996 parental leave agreement. Furthermore, the 2015-2017 work programme agreed between the European Social Partners included actions on parental leave, and the launch in 2014 of a web-based gender equality toolkit and a joint letter on childcare².

The ETUC has welcomed the new legislative framework. Together with the support of a strong social dialogue at European, national, sectoral and company level, it may hold the key to real improvements of the work life balance of many Europeans.

¹ Eurofound, 2016. The gender employment gap: Challenges and solutions, Publications Office of the European Union, Luxembourg <https://www.eurofound.europa.eu/the-gender-employment-gap-challenges-and-solutions>

² European Trade Union Confederation (ETUC). The 2015-2017 Work Programme of the European Social Partners. <https://www.etuc.org/en/publication/2015-2017-work-programme-european-social-partners>

KEY POLICY ISSUES ON WORK-LIFE BALANCE

Part 4 of the study outlines the key policy determinants of work-life balance in the EU and spells out the benefits of comprehensive work-life balance measures. Reconciliation of work and care is an issue that concerns workers in every sector, and extends over the whole course of working life, involving the care of children and of people with health problems or disability. Achieving work-life balance requires the synchronising of work-life with the individual lifecycle and balancing the demands of private and working lives - and this cannot be an individual's task to accomplish.

Across Europe, women still take on the main caring responsibilities over the life course and more frequently work part time than men. Investing in the work-life balance of working families contributes to increasing the inclusiveness of the labour market and to raising individuals' quality of life. Work-life balance is a combination of measures that addresses women's situation in the labour market, while simultaneously encouraging the strengthening of men's roles as carers in the family, thereby promoting non-discrimination and fostering gender equality.

The study shows that there is a wide variation on the entitlement of paternity leave, with some Member States having much more generous payment or length than others. Moreover, the availability and use of parental leave arrangements for fathers (second parents) has a considerable impact on participation of women in the labour market as it alleviates and balances or reduces some of the care responsibilities of mothers and, also allows, if properly designed, for an easier return of women to the labour market.

COUNTRY CASE STUDIES

Although work-life balance legislation has been instrumental in promoting more gender equality and improving the employment rates of women in many Member States of the EU, women continue to bear the bulk of family responsibilities as mothers and/or carers for family members whilst fathers are often discouraged to take leave, in many cases for economic reasons. This imbalance carries considerable costs for the individual, society and the economy. Trade unions across Europe have struggled to address this imbalance by either advocating for better legislation, both at European and national levels, but also and very importantly through collective bargaining. The wide and different range of legislation on work-life balance as well as the specificity of the national context, including the structure of collective bargaining, unions' strength and membership determine the format in which they address these issues of reconciliation.

The case studies describe successful practices of work-life balance negotiated by the social partners at company, sectoral or cross sectoral levels, which are making a considerable difference for working parents and carers. They also bring to light those issues that legislation has failed to address. It is important to underline that work-life balance national regulatory framework is regularly revised and that the information provided by this study refer to end 2018.



CONCLUSIONS AND RECOMMENDATIONS

The social, cultural, regulatory and political landscapes within which trade unions operate in the 10 Member States of this study are extremely diverse. What defines the value of a good practice is its impact on work-life balance within a given context – whether at the national or sectoral level.

The most commonly reported good practice out of the work-life balance measures mapped out in the study concern flexible working arrangements (time and/or place of work), followed by good practices regarding paternity leave (time allocations and/or payments). Family related economic incentives, childcare arrangements and long-term care and parental leave were also addressed.

Other measures that were found in more than one sector included paid short-term care leave, and training that was provided to employees with their consent during or after family leave.

The clear trends across sectors concerned 1) flexible working; and 2) securing time and payments to encourage men's take-up of family leaves.

Trade unions have been on the forefront of promoting better work-life balance policies including more flexible working time arrangements adjusted to the needs of workers. There are many good practices, which have been initiated by the unions. In addition to flexibility regarding working hours and the place of work, the positive measures in this area included for example reducing working hours but keeping pension rights (ES), time banking (DE, IT), and limiting working time on public holidays and Sundays (SI).

Trade unions are doing their part in trying to tackle the issues surrounding the take up of paternity leave. In several Member States, time allocation and payments that go beyond legislation have been negotiated into the collective agreements, while the pressure from the trade unions has helped to improve the legal provisions, e.g. in Portugal and Spain. However, ensuring a leave provision does not always suffice, as the availability will not automatically lead to increased take-up. Awareness-raising of the rights as well as role models in the workplace were also used to support change.

The part on recommendations consists of a non-exhaustive list of recommendations. Examples of such recommendations are:

For the European Union, to provide, *inter alia*, a legislative framework, binding targets for childcare and elderly care as well as a gender equality strategy that also aims at eliminating the persistent gender pay and pension gap.

Member States are called on to pursue national legislation on gender equality including, *inter alia*, equal pay for equal work and work of equal value, work-life balance, and parity with the view to establishing *de facto* equality, commit to a minimum percentage of GDP for care, ensure that social security (pension/health) is de-linked from working life and provide a secure base for all people to prepare for equitable retirement provisions.

Trade unions are called upon to ensure a global monitoring framework to assess and monitor the impact of all levels of collective agreements on work-life balance, to develop a toolkit for unions negotiating agreements on work-life balance and further the gender mainstreaming of ETUC policies, among other recommendations.

Social Partners at National Level are reminded to realise that work-life balance is also an investment in productivity as it provides for more quality of life; promote collective bargaining as an effective way to improve work-life balance of workers; ensure equal pay for equal work or work of equal value; tackle stereotypes to improve the take-up of paternity leave and improve work-life balance for women and men.

The complete list of recommendations is annexed to the full report.

1 INTRO DUCTION

Robust legislation in support of work-life balance plays an important role in advancing gender equality and promoting better reconciliation between work and family life. Collective bargaining, too, has a significant role as a regulatory instrument often improving existing provisions on reconciliation. Eurofound's Network of European Correspondents reports that very few countries have hard data available on the extent and nature of measures to support work-life balance through collective bargaining; this data scarcity is often due to a lack of studies or databases, but in some cases also because collective agreements are not publicly available.

In recent years, many Member States have pushed through labour market reforms, spurred by the Eurozone financial crisis. In its wake, social partners across Europe have undergone structural changes. In many cases this has involved new legislation aimed at decentralizing collective bargaining which has impacted negatively on the strength of the trade unions and their capacity to bargain. Austerity measures also meant that unions had to be careful to select what they were bargaining for; wage developments became the priority, while other issues, such as gender equality were deemed less important. Nevertheless, good practices on work-life balance have been identified in the ten Member States of the European Union, which are part of this study. Negotiated by social partners, and often prompted by trade unions, they show how collective bargaining can lead to better policies of work-life balance at sectoral, cross-sectoral, and company levels.

The recent legislative initiative on work-life balance at European level to improve the minimum standards around work-life balance in the Member States of the European Union can also provide a new starting point for unions to further strengthen collective bargaining on the issues around work-life balance by providing new impetus and visibility.

1.1 / THE IMPORTANCE OF WORK-LIFE BALANCE

Finding a fair and suitable balance between work, family life, leisure as well as other social commitments is a challenge for all workers; many men are discouraged from taking up family-related leaves and flexible working arrangements because of entrenched and gendered stereotypes regarding care, monetary considerations and unequal power relations within the family. Meanwhile, many women are pushed to leave the labour market or to reduce their working hours on account of family responsibilities and lack of care services. This impacts negatively on their employment history and thus their social security rights. Improving work-life balance provisions is thus key to helping to ensure well-being as well as more financial security for workers, specifically women and to concretely counter-act the gendered “care-penalty”.

Recent research shows how and why work-life balance has hands-on benefits to individuals, the economy and societies at large.

These include,

For individuals and families:

- improved conditions for working parents and carer's;
- women's higher employment rate, earnings and better career progression;
- reduced gender pay and pension gaps,
- reduced risk of women falling into poverty,
- more opportunities and incentives for fathers to participate in family life thus increasing well-being,
- valuing caregiving by allowing time off from work for caregivers looking after an elderly, ill or disabled relative.

For the economy:

- more women on the labour market leading into an increased available talent pool and less skills shortages,
- attracting and retaining workers,
- workers that are less absent from work and more motivated, which improves companies' productivity.

For the society at large:

- more sustainable public finances through reduced unemployment,
- increased tax incomes,
- increased labour supply leading to competitiveness of the economy³

While the evidence is robust on the importance and benefits of work life balance at the individual and societal levels, inadequate measures to reconcile work with care responsibilities continue to impact women disproportionately. This has further consequences for women's careers, earnings and, pensions. The latest figures for the EU show that caring responsibilities account for almost 20% of inactive women, compared to less than 2% of men. It is therefore of no surprise that the overall employment rate of women is still 11.6% lower than that of men. In addition, 31.5% of women are working part-time as compared to 8,2% of working men, while just over 50% of women work full-time, compared to 71.2% of men.⁴

³ European Commission, 2019. A New Start to Support Work-Life Balance for Parents and Carers. Factsheet. Social Rights. <http://eeuropa.eu/social/BlobServlet?docId=17583&langId=en>

⁴ European Commission, 2017. Study on equality between women and men in the EU. https://eeuropa.eu/sites/eeas/files/2017_report_equality_women_men_in_the_eu_en.pdf

The concept of work–life balance concerns achieving balance between work arrangements, domestic tasks and caring for dependent relatives, and other important life priorities. Within the broad work–life balance definition, issues related to the improvement of career opportunities, lifelong learning and other personal and professional development activities are considered secondary to the objective of promoting more equal sharing between women and men of responsibilities in the family and household, as well as in the workplace.⁵ Better work–life balance has societal value that is linked to gender equality and quality of life. It also has an economic dimension; poor work–life balance limits participation in the labour market, while more flexible working arrangements boost labour market participation.⁶

1.2 / WHAT THE STUDY SET OUT TO DO

The study set out to map best practices on work–life balance agreements negotiated by social partners, as well as barriers, in a selected number of Member States: Finland, France, Germany, Italy, Lithuania, Netherlands, Portugal, Slovenia, Spain and Sweden. The focus was specifically on *measures of work–life balance that enable parents and other people with caring responsibilities to reconcile work, family and private life*, through the introduction of family and parental leave schemes, care arrangements, and the development of a working environment which facilitates the combination of work, family and private life for women and men.⁷ The work–life balance measures that are explored include: parental leave; paternity leave; flexible working arrangements (the length of working time, and autonomy to arrange the hours and place of work); childcare (employer provided childcare facilities); long-term care (leave to care for a sick relative); and economic incentives for parents and carers to work (allowances).

The aim of the study was to map out good practices that 1) had been driven by collective bargaining, and 2) address the key areas of work–life balance. The existence and role of such agreements varies considerably across countries and sectors and companies and sectors. However, as we will show, some important lessons can be learned from these good practices, some of which may become helpful in future collective bargaining.

1.3 / WORK-LIFE BALANCE AND COLLECTIVE BARGAINING

1.3.1 / HOW UNIONS HAVE PUSHED FOR WORK-LIFE BALANCE

Collective agreements and negotiations between social partners have been successful to achieve flexible working arrangements to promote parental leave and shorter working time. The ETUC survey “Bargaining for Equality” (2014) highlights the fact that “Unions increasingly recognised the importance of the greater participation of fathers in childcare, which requires better legal provisions, embedded and extended in collective agreements, to compensate parental leave and in ensuring that flexible working hours and workplace organisation are conducive to supporting parents’ care responsibilities, and particularly to encourage men to take leave.”⁸

Collective bargaining has an important role as a regulatory instrument, and it addresses the issue of work–life balance in various ways across countries⁹. In 2017, in an average of half to two-thirds of EU Member States, peak level social dialogue addressed cases around terms and conditions of employment, pension reforms, skills, training and employability, as well as work–life balance related themes. Most peak level social dialogue cases on work–life balance addressed reforms of family leave schemes and their associated benefits.

⁵ European Institute for Gender Equality (EIGE) Thesaurus. <http://eige.europa.eu/rdc/thesaurus/terms/1445>

⁶ Eurofound, 2017. Work-life balance and flexible working arrangements in the European Union. <https://www.eurofound.europa.eu/publications/customised-report/2017/work-life-balance-and-flexible-working-arrangements-in-the-european-union>

⁷ European Commission, 1998. 100 Words for Equality: A Glossary of Terms on Equality between Women and Men. <https://eige.europa.eu/library/resource/dedupmrg200286>; European Network of Legal Experts the Field of Gender Equality, 2014. EU Gender Equality Law: Update 2013. <https://publications.europa.eu/en/publication-detail/-/publication/c7a08f35-e9e8-47f8-8c8b-b8375646d22c>

⁸ European Trade Union Confederation (ETUC) Bargaining for Equality, 2014. <https://www.etuc.org/en/publication/bargaining-equality>

⁹ Eurofound, 2017. Developments in working life in Europe 2016: EurWORK annual review. Publications Office of the European Union, Luxembourg. https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1727en.pdf

The EU-level negotiations on work-life balance were reflected in a more employee-oriented debate witnessed during 2017 in many countries, which involved new regulations in the field of improving work-life balance for working parents and caregivers. Many Member States continued their revisions around family leave schemes, including special leave for carers, or more flexible working time arrangements. These topics featured in many debates in Europe, however, work-life balance was never or seldom identified as one of the 'major' peak-level social dialogue debates.¹⁰

Collective bargaining coverage is very diverse across Europe, with a high coverage of around 80% or more of employees covered in Austria, France, Belgium, Finland, Sweden, the Netherlands, Denmark, Italy and Spain, with medium coverage levels of around 40–70% percent in Norway, Portugal, Slovenia, Malta, Luxembourg, Germany, Croatia, the Czech Republic, Cyprus and Greece, and with low coverage levels of 10–35% in Romania, Ireland, the United Kingdom, Bulgaria, Hungary, Slovakia, Estonia, Latvia, Poland and Lithuania (data from 2013).¹¹ Clauses on work-life balance in collective agreements are more prevalent in countries with high collective bargaining coverage (80% and higher), and less prevalent or non-existent in countries with lower collective bargaining coverage.

TABLE 1

Prevalence of work-life balance topics in collective agreements¹²

Degree of prevalence	Countries*
(Relatively) widespread	BE, DK, FI, FR, IT, NL, NO, SE, SI
Existing in several (sectoral) agreements	AT, DE, MT (only public sector)
Existing, but prevalence limited	<i>CZ, EL, ES, HU, LV, PT, RO, SK, UK</i>
Existing, but prevalence unknown	<u>BG, EE</u>
No clauses	<i>CY, HR, LT, LU, PL</i>
No information	<u>IE</u>

* Countries in **bold**: high collective bargaining coverage (80% and higher); countries in *italics*: medium collective bargaining coverage (40-70%); countries underlined: low collective bargaining coverage (10-35%).

Source: Based on input provided by Eurofund's Network of European Correspondents

Work-life balance practices vary vastly between the EU Member States. There are numerous initiatives at sectoral and company levels addressing this issue in order to compensate for the lack of or insufficient legal provisions. Take, for example, flexible working arrangements (duration, scheduling, location).¹³ The most commonly studied types of clauses provided for in collective agreements are those regarding the entitlement for different types of leaves and additional paid days off for family or other reasons. In some countries, this includes provision for elderly care. Also common are clauses regarding flexibility of working time and the place of work. In some countries, this includes provisions that protect workers with care responsibilities from working unsocial hours and from being posted. Other measures that are regulated through collective agreements include wage top-ups during leaves, arrangements for job re-entry after periods of absence, and the recognition of leave periods for career progression and the accumulation of pension.¹⁴

¹⁰ Eurofound, 2017. Industrial Relations. Annual review of working life 2017. Publications Office of the European Union, Luxembourg. <https://www.eurofound.europa.eu/publications/report/2018/annual-review-of-working-life-2017>

¹¹ Eurofound (n. 9)

¹² Eurofound (n. 6)

¹³ Over one-third (37%) of the employees in the EU28 has no formal employee representation (trade union, works council or similar committee). Of this group: about 89% work in micro companies and SMEs, 85% are in the private sector, nearly 80% have achieved only a primary or secondary level of education, over half (54%) are in the bottom 40% according to income, over one-third (35%) is aged under 35, and about one-third (32%) has a contract other than an indefinite one. (Eurofound, 2017. 6th European Working Conditions Survey. 2017 Update. https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1634.en.pdf)

¹⁴ Eurofound (n. 13)

2 METHOD OLOGY

2.1 / LITERATURE REVIEW AND ANALYSIS OF EXISTING DATA

The study reviews literature and evidence, including information and data from the European Foundation for the Improvement of Living and Working Conditions (Eurofound). The aim is to set the overarching context of work-life balance measures within the different sectors that are included into the study, as well as the EU and the Member States policy frameworks on work-life balance and gender equality. The countries included in the study were chosen according to geographical criteria (north, east, south, west), and diversity of size. In addition, the findings of an initial assessment suggested that a good number of trade unions had been active in developing strategies and actions, including guidelines and collective agreements, to address work-life balance issues. The ten participating Member States represent a mix of differing strength of legislation, collective bargaining structures and practice, and structure of the industrial sector/labour market reform. Within each country, and in differing sectors, there were good practices to be found. The literature review was also used as an evidence base for a pre-interview questionnaire that was sent to trade union expert(s) in each of the ten countries prior to interviews.

In order to address the diversity of good practices, the initial mapping included the following 13 sectors as put forward by the project Steering Committee, with some important sub-sectors: 1) Food, agriculture and tourism; 2) Health and Social Services; 3) Local and Regional Government; 4) National Administration; 5) Utilities; 6) Transports (Civil aviation, Logistics, Maritime Transport, Railways, Road transport; Urban Public Transport); 7) Commerce ICTS; 8) Finance; 9) Cleaning & Security; 10) Metal, textile and chemical; 11) Education; 12) Journalism and media; 13) Sports.

The scouting of practices was conducted first with a pre-interview questionnaire, in which participating unions filled-in information about practices they considered good within their context, so the initial choosing of a short list of practices was done by country expert(s) appointed by the national trade union(s). The minimum criteria for choosing a good practice was that it was driven by collective bargaining and going beyond existing legislation.

In total, **75 practices on work-life balance measures** were submitted by the participants across the ten countries, out of which 31 are presented in this study.

Based on the results of the pre-interview questionnaires, interviews were arranged with representatives of the trade unions involved in gender equality and/or collective bargaining at the national or sectoral level. Interviews were held in the ten Member States in order to gather specific information around the reasons for bargaining for the good practice, the political context, the process and the drivers of bargaining itself, and the outcome.

Interviews were also carried out with relevant European trade union federations and other stakeholders (e.g. European Women's Lobby) to identify cooperation and partnership between unions and non-governmental organizations working on issues of employment and care.

3

WORK-LIFE BALANCE IN THE EUROPEAN UNION

The EU has recognised the importance of reconciliation between work and family life and has enacted legislation and developed policy in this area. One of the EU's main policy goals is to stimulate employment (especially among women and older workers) and growth. The objectives of the Europe 2020 growth and employment strategy include that at least 75% of the population aged 20–64 should be employed by 2020. Monitoring the headline indicators of the Strategy, Eurostat concludes that *"in addition to caring responsibilities, women face strong financial disincentives in tax benefit systems when entering the labour market... and that women are also more likely than men to take on care responsibilities for elderly or dependent family members and are therefore more likely to reduce their working hours or leave the labour market."*¹⁵

The costs associated with the employment gap between women and men are enormous. A recent study¹⁶ by the Eurofound estimates the total cost of women's inactivity in the workforce to be around €370 billion across the EU, or 2.8% of GDP, including loss of tax revenues and payment of benefits. The study concludes that *"...enabling more women to work by investing in 'work-life balance' would be one sure way to boost Europe's economic recovery."*

There is plenty of evidence that in the Nordic countries, for example, which offer a more generous and flexible approach to responsibilities outside the workplace, workers suffer less stress and the economy benefits from greater productivity.¹⁷

¹⁵ Eurostat, Europe 2020 indicators - employment.

http://ec.europa.eu/eurostat/statistics-explained/index.php/Europe_2020_indicators_-_employment

¹⁶ Eurofound (n 1)

¹⁷ OECD Better Life Index

The European Parliament, too, stressed the need to reform existing EU legislation, as well as to strengthen the coordination between Member States in order to ensure a level playing field regarding the costs and benefits of reconciliation policies.¹⁸ The EU Parliament has identified the lack of accessible, available and affordable quality care services as well as the lack of paid leave arrangements for fathers or the insufficient incentives for fathers to use them as compared to mothers as some of the main challenges.

European Trade Unions have long been demanding reforms of the existing European legislative framework of work life balance, namely the revision of the Maternity Leave Directive of 1992 and the Parental Leave Directive of 2010.¹⁹

After the withdrawal of the Maternity Leave Directive on July 1, 2015, the European Commission took two years to come forward with another proposal for addressing issues of work life balance for working parents and carers. The 'New Start' initiative to address the work-life balance challenges faced by working parents and carers, presented on April 2017 as a deliverable of the European Pillar for Social Rights, took account of the results of a public consultation and two-stage European social partner consultations, as well as an analysis of the accompanying impact assessment. The proposed directive, which was part of the package, took another two years to be approved finally in 2019.

Trade unions and non-governmental organisations such as the European Confederation of Trade Unions (ETUC), European Public Service Union (EPSU), The European Women's Lobby (EWL) and COFACE Families Europe, among others, closely worked together putting pressure on Member States, Commission and Parliament to widen the scope of the proposed directive to include non-traditional families and to ensure that all of the parental was non-transferable and 100 per cent compensated. Further demands included:

- clearer conditions as to when and why requests for flexible work arrangements can be denied;
- there should be no difference in employment rights between people working in an occupation providing pension entitlements and carers with no entitlements;
- 100% remuneration and not sick leave pay should be granted for the time of the paternity leave;
- additional provision for single-parent families,
- women should have the right to determine to whom the paternity leave should be granted;
- an exception of non-transferability should also be introduced in the case of the modified Parental Leave Directive for single parent;
- the category of carer should be extended beyond first-degree relatives; in relation to carers' leave, the days should be extended from the suggested five to 12 days, and the implementation of this provision should go hand in hand with further development of social services;
- to pay attention to the risk that the proposal would not help the most vulnerable as it did not address the issue of accessible, good quality, early-childhood education and care services;

The new directive for work life balance of working parents and carers now extends the existing right to four months of parental leave by making two months non-transferable between the two parents instead of only one month and introducing compensation for these 2 months at an 'adequate level' (at least at the minimum of 66% of earnings)²⁰ to be determined by the Member States. The directive also includes a provision for ten days of paternity leave. The father will be remunerated at the rate set for maternity leave as provided for in the existing maternity leave directive of 1992 (COM 92/85). Carers leave is also provided as the right to five days carers leave for worker to take care of close relatives who are seriously ill or dependent. There is not remuneration attached to it. Finally, the directive gives the right to parents and carers to request an adjustment to their working schedules on account of caring responsibilities.²¹

¹⁸ Second Welfare, 7.10.2016. European Parliament promotes work-life balance. <http://www.secondwelfare.it/primowelfare/lavoro/european-parliament-promotes-work-life-balance.html>

¹⁹ European Trade Union Confederation (ETUC) press release 7.3.2018. Time to deliver on women's rights: YES to the work-life balance directive! <https://www.etuc.org/en/pressrelease/time-deliver-womens-rights-yes-work-life-balance-directive>

²⁰ The EU Commission defines "well-paid" paternity leave at least 66 % of previous earnings. The Commission underlines that below this rate, a risk of a low wage trap could be created ("Paternity and parental leave policies across the European Union. Assessment of current provision", European Commission, 2018)

²¹ There are several important conditions and derogations in the new directive, e.g. Eligibility of parents; age of children and a bridging clause for countries with generous work-life balance systems.

3.1 / SECTORS PROMOTING WORK-LIFE BALANCE

The European Trade Union Confederation (ETUC), which represents 89 trade union confederations in 39 European countries, asserts that a coordinated mix of legislative and non-legislative measures²² and universal, quality, affordable and accessible child and elderly care with financial support from EU social and structural funds are key to closing the gender employment gap and contribute to greater equality between women and men. Creating a better work-life balance would be in the interests not only of workers and their families but also employers and society in general. European federations belonging to the ETUC have supported these efforts in their specific economic sectors at national and company levels. They are also instrumental in engaging in a political dialogue at sectoral levels in support of the most recent European legislative initiative on work-life balance.

Over the last decade, European trade unions have worked hard to improve the work-life balance of their constituencies via collective agreements and gender equality plans. Public sector unions in Italy have successfully negotiated improved rights to family related leaves, in the Netherlands partners' leave at the birth of a child of no less than four weeks, and in France protocols on gender equality with specific provisions enhancing work-life balance.

The European Trade Union Committee for Education (ETUCE), which represents 132 trade union in 51 countries, supported the European Parliament and the ETUC's position on the proposals of work-life balance and asked that they should be addressed with mutually reinforcing legislative and non-legislative measures. Specifically, for this sector, where most employees are female, the ETUCE called for the improvement of maternity leave as well as better parental leave conditions for men and women. The ETUCE also highlighted the challenge that single parents face when it comes to work-life balance.²³

Schreiber Foods and the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) signed a declaration on inclusion, diversity and equality in the workplace in October 2018. The declaration which promotes diversity and establishes complaint procedures also addresses the issue of work-life balance "*acknowledging the importance of work-life balance for working people and undertakes to review and update, where necessary, the measures in the framework of the social dialogue with EFFAT and trade union organisations at national level.*"²⁴

EFFAT, representing 120 national trade unions from 35 European countries, also provides an example for helping to ensure a balanced representation of women in European **Works Councils (EWCs)**. Early efforts by EFFAT in 2005 by means of an action plan on 'Promoting gender equality in EWCs' illuminated the fact that gender or gender-related topics were virtually absent from the composition and work of the EWCs. The plan also had the intention to foster debate on gender-equality issues in EWCs and included the compilation of a list of questions on equal opportunities for women and men that could be taken up in European Works Councils, including work-life balance issues.²⁵

The International Federation of Journalists (IFJ), representing 600,000 media professionals from 187 trade unions and associations in 140 countries²⁶, and **UNI Global, Europa, Media, Entertainment and Arts**, representing more than 20 million workers from over 150 different countries in the fastest growing sectors in the world – skills and services, as well as other sector specific organisations,²⁷ addressed specifically work-life balance issues in the EU Audio-visual Sectoral Social Dialogue Committee in the context of the "Framework of Actions on Gender Equality". The Framework of Actions was produced by the Joint Working Group on Gender Equality of the EU Audio-visual Sectoral Social Dialogue Committee in 2010-2011. In it, specific recommendations were made to improve the work-life balance issues that female journalists face in their daily lives.

On September 30th, 2015, **UNI Global Union and Uni Europa**, representing 20 million workers in skills and services from over 150 countries worldwide, and **CARREFOUR** signed a new international agreement on "The Promotion of Social Dialogue and Diversity and for the Respect of Fundamental Rights at Work". This agreement does not only cement constructive relations through ongoing social dialogue, it also serves to apply the fundamental conventions of the International Labour Organisation (ILO) dealing with the fight against discrimination and for equal pay. In the Appendix 2 to the agreement, entitled "Joint Declaration of 31 May 2012 The Carrefour European Information and

²² European Trade Union Confederation (ETUC) press release 20. 12. 2016. Balancing the challenges of work and private life. <https://www.etuc.org/en/pressrelease/balancing-challenges-work-and-private-life#WO32kdJ94dU>

²³ ETUCE Action Plan on Gender equality within teacher trade unions' structures and in the teaching profession, 2010.

²⁴ Wikipedia https://en.wikipedia.org/wiki/Schreiber_Foods

²⁵ Weiler, Anni, 2013. Social dialogue and gender equality in the European Union. Dialogue working paper No.44. Geneva: International Labour Office, 52p. http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_213793.pdf

²⁶ International Federation of Journalists (IFJ) <https://www.ifj.org/who/about-ifj.html>

²⁷ EU Audiovisual Sectoral Social Dialogue Committee Framework of Actions on Gender Equality, 2011. <https://ec.europa.eu/social/BlobServlet?mode=dsw&docId=9172&langId=en>

Consultation Committee (C.I.C.E.) on Behalf of Women and Men”, concrete measures are proposed to improve the company’s policies on gender equality and specifically facilitate “*the implementation of measures enabling better work-life balance, drawing upon good practice across the countries*”. On September 18, 2018 UN Global Union and UNI Europa signed another global agreement with BNP Paribas “Global Agreement on fundamental rights and a global social framework”, inviting and strongly recommending for all groups/countries where BNP Paribas operates, to introduce the right to a six-day paternity leave within six months before or after the birth of a child.

The European Public Service Union (EPSU) representing 8 million public workers in Europe²⁸, together with **IndustriALL**²⁹, representing more than 50 million workers world-wide successfully negotiated a transnational group agreement with SUEZ/ENGIE³⁰ on gender equality in the workplace.³¹ The first group agreement, which came to an end in 2018, is now being re-negotiated (Jan/Feb. 2019). The agreement applies to fully consolidated European SUEZ ENVIRONMENT subsidiaries and companies which are more than 50% owned by the Group, which includes subsidiaries 12 EU Member States.³² It is signed by the two European union federations as well as union representatives from the 12 EU Member States. While the agreement establishes key principles of gender equality, e.g. prevention of harassment, non-discriminatory hiring practices (with a stated objective to hire a proportion of women equal to or more than 25% of employees/permanent contracts by 31.12.18), support for women’s professional development, parity in career progression, equal pay, etc., it also addresses issues of work-life balance. Article 10 of the agreement on work-life balance provides for:

- a career follow-up for women during and after their maternity leave (and for both women and men in the case of adoption leave);
- the continuation of professional appraisal depending on the length of the leave;
- training foreseen during the time of the leave will be offered again after the employee returns from the leave;
- a guarantee to be able to return to the same position/job after maternity, parental or adoptive leave and including benefits and improvements of working conditions that may have been made during the leave of absence;
- workplaces to be equally suitable for women and men.

While such agreements are rare, they carry great potential to reach many employees across one multi-national company. And though they may be rather general in nature, they do put the issue of work-life balance squarely on a company’s agenda.

Other than such transnational group agreements, **EPSU** and the Council of European Municipalities and Regions (**CEMR**) have drawn up guidelines for gender equality action plans in local and regional government. The first guidelines of this nature were agreed in 2007 and most recently updated in November 2017. They reaffirm “*that the social partners consider it necessary to reflect the progress made and the new challenges that gender equality entails, both for employers, employees and service users....The social partners recognize the importance of gender equality in all spheres of public life and the key role local and regional authorities can play in promoting gender equality in their communities, both as employers and service providers. The present guidelines address the employment and working conditions aspects of gender equality in local and regional administration.*” The guidelines, which were adopted by the European Sectoral Dialogue Committee of Local and Regional Governments, specifically pinpoint work-life balance issues in the gender equality plans. “The aim in updating these guidelines was to encourage the active use of gender equality plans by the social partners.”³³ The guidelines not only propose a process of preparing, for example a gender equality plan, but also propose to address specific questions in it such as: what are the maternity, paternity and parental leave arrangements? How many men take up leave possibilities and if not many why? What about working time arrangements? It is foreseen that the Social Dialogue Committee will evaluate the impact of the guidelines in 2019.

²⁸ European Public Services Union (EPSU) website. <https://www.epsu.org/>

²⁹ IndustriAll <http://www.industrialall-union.org/>

³⁰ ENGIE Website. <https://www.engieresources.com/gdf-suez-is-now-engie>

³¹ SUEZ, which recently changed its name to ENGIE (but the agreement is under the name of SUEZ) is a French-based power utility operating worldwide (3rd largest power utility company in the US).

³² Belgium, the Czech Republic, Finland, France, Germany, Italy, Luxembourg, the Netherlands, Poland, Spain, Sweden, United Kingdom.

³³ European Sectoral Social Dialogue Committee of Local and Regional Government. Revised CEMR-EPSU Guidelines to Drawing up Gender Equality Action Plans in Local and Regional Government. Adopted by the plenary on 10 November 2017. http://www.ccre.org/img/uploads/piecesjointe/filename/CEMR_EPSU_gender_equality_guidelines_EN.pdf

3.2 / EUROPEAN CROSS-INDUSTRY SOCIAL DIALOGUE

Since 1985, the European social dialogue has been an important part of the European agenda with its insertion into the EC Treaty by the Single European Act of 1986 and the new article 118B EC. Since then, the European Social Dialogue has been instrumental in validating the importance of structured labour relations contributing to improving European labour standards in important areas. The first such achievement was the adoption of Council Directive 96/34/EC of 3 June 1996 following the cross-sectoral framework agreement on parental leave by Union of Industrial and Employers' Confederations of Europe (UNICE), the European Centre of Employers and Enterprises providing Public Services and Services of general interest (CEEP) and the European Trade Union Confederation (ETUC).

European level social dialogue takes the form of either bipartite dialogue between trade union organisations and employers, or tripartite dialogue which also involves the European Commission.

In 2009, the European social partners agreed on a revision of the parental leave agreement. Furthermore, the 2015-2017 work programme agreed between the European Social Partners includes actions on parental leave, including the launch in 2014 of a web-based gender toolkit and a joint letter on childcare.³⁴

The European social partners organised a fact-finding seminar to identify and promote leave, working arrangements and care facilities and services that benefit both employers and workers in 2018. In addition, they agreed to organise an exchange of national social partner practices and existing legislation aiming to improve the knowledge base regarding equal pay for the work of equal value between men and women addressing the factors which contribute to gender neutral pay systems.

The role of European social partners has proven to be important in advancing gender equality and work-life balance policies. In its study on "Sustainable work throughout the life course", Eurofound concludes that *"a strong role taken by the social partners is significant in successfully pursuing strategies contributing to sustainable work and creating a favourable working environment. Nevertheless, much depends on the institutional and legal frameworks in which the social partners operate and the extent of inclusion such frameworks provide, as well as the room for manoeuvre in the economic context."*³⁵

In this context, the work of the European Trade Union Confederation (ETUC) has been key in promoting work life balance issues at the European level. The ETUC's priorities are outlined in the Paris Action Programme (2015-2019) and the ETUC Action programme on Gender Equality (2016-2019). They include the action point "tackling the challenge of work life balance".

The ETUC is convinced that a comprehensive legislative framework supported by a strong social dialogue at European, national, sectoral and company level holds the key to real improvements of the work life balance of Europeans.

3.3 / OTHER EUROPEAN CIVIL SOCIETY ACTORS

Civil society organisations such as the European Women's Lobby, COFACE – the European organisation representing the concerns of families and the European Social Platform, bringing together all interested civil society organisations at European level, which are poised to promote a more social Europe, have formed an alliance to push for a better work-life balance legislation at European level.³⁶ Although they are not part of the social dialogue, their input, experience and expertise around the issues of reconciliation between work and professional life has been an important weight in helping to create a forceful momentum for better work-life balance legislation at European level.

³⁴ European Trade Union confederation (ETUC) (n 2)

³⁵ Eurofound, 2016. Sustainable work throughout the life course: National policies and strategies. Publications Office of the European Union, Luxembourg. https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1610en_4.pdf

³⁶ For further information and documents, see European Women's Lobby (EWL), 20 June 2018. OPEN LETTER Time for the EPSCO Council to adopt a position on the EU Work-Life Balance directive. <https://www.womenlobby.org/OPEN-LETTER-Time-for-the-EPSCO-Council-to-adopt-a-position-on-the-EU-Work-Life?lang=en>; COFACE Families Europe, 2018. <http://www.coface-eu.org/campaigns-2/work-life-balance/>

3.4 / EUROPEAN LEGISLATIVE FRAMEWORK AND INSTRUMENTS TO PROMOTE WORK-LIFE BALANCE

Despite two European Directives³⁷ specifically targeting leave arrangements around childbirth and childcare, a monitoring process under the European semester, and a host of funding instruments, progress on improving work-life balance across the Member States of the European Union has been slow and at best uneven. The findings in the recent report (2018) by the European Network of Legal Experts on Gender Equality and Non-discrimination, highlight that despite the existence of clear formal statutory rights based on EU law, many individuals continue to experience dismissal, discrimination and unfavourable treatment in the context of types of family-related leave, including pregnancy, maternity and parental leave as well as paternity, adoption and carers' leave. Such discrimination appears to be systemic and widespread in the Member States and not decreasing.³⁸

While women across the European Union are increasingly well qualified and tend to out-perform men in terms of educational achievement³⁹ their participation in the labour market, and hence their economic independence, remains considerably lower than that of men. Reduced earnings, higher concentration in part-time work and career gaps linked to caring responsibilities make many women economically more dependent on their partners or the state and contribute substantially to the gender pay gap (on average 16% in the EU) and gender pension gap (on average 40% in the EU). This results in a higher risk of exposure to poverty and social exclusion for women, with negative impacts also extending to their children and families.⁴⁰

3.4.1 / DIRECTIVE ON PREGNANT WORKERS AND MATERNITY LEAVE (DIRECTIVE 92/85/EEC)

The 1992 European directive set the minimum period for maternity leave at 14 weeks, with two weeks compulsory leave and compensation at minimum at the level of national sick pay. In 2008, the European Commission, keen to improve the existing legislation proposed a revision that set the minimum maternity leave at 18 weeks and a compensation equivalent to full pay. The European Parliament as well as the ETUC and the European Women's Lobby argued for longer leave as well as compulsory paternity leave at a minimum of ten days around the birth of the child. In addition, these voices also wanted to see adequate measures, in the context of the revised directive, to ensure proper working conditions for pregnant workers and for those who return to work after having given birth. However, the proposal for a revised directive was blocked in council for more than six years. In 2015, and as part of its Regulatory Fitness and Performance Programme (REFIT), the European Commission, despite major opposition from trade unions and civil society organisations, announced the withdrawal of its proposal and replaced it with "An Initiative to support work-life balance for working parents and carers" (COM/2017/0252 final) that ultimately led to the adoption of the Work-life Balance Directive.

³⁷ Two other directives - Directive on Equal Treatment for Part Time Workers (1997) and the Directive on Working time of 1993 have also contributed to strengthening the European legislative framework for a better work-life balance.

³⁸ European Network of Legal Experts in Gender Equality and Non-Discrimination, 2018. Family leave: enforcement of the protection against dismissal and unfavourable treatment. European Union.

³⁹ In 2015, 43.4% of women (aged 30 - 34) had tertiary education or higher compared to 34% of men. Unless stated otherwise statistics come from Eurostat.

⁴⁰ European Commission, 2017. Communication from the Commission to the European parliament, the Council, the European economic and social committee and the Committee of the Regions. An initiative to support work-life balance for working parents and carers COM/2017/0252 final <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1494930128433&uri=CELEX:52017DC0252#footnote9>

3.4.2 / PARENTAL LEAVE DIRECTIVE (2010/18/EU)

Parental leave was regulated by Directive 96/34/EC, which was based on a Framework Agreement concluded by the European social partners. At the time, it established minimum requirements in order to facilitate the reconciliation of parental and professional life: a minimum of three months of individually entitled parental leave, protection against dismissal, and a right to return to the same or an equivalent job. In 2009, a revised Framework Agreement was concluded followed by the Directive 2010/18/EU (amended by Directive 2013/62/EU). It increased the minimum duration of parental leave to at least four months, introduced new types of leaves (paternity leave, leave for adoption and for the care of family members), encouraged the more equal take-up of leave by both parents, and provided the right to request working schedule changes when returning from parental leave. Depending on the Member State, the application of parental leave – as well as the conditions of access to it – varies, as these are defined by national law and/or collective agreements. The principal variables were duration, possibility of part-time working, remuneration or its absence, continuous or piecemeal character, child age limits, and different application due to employment contracts (in the public or private sector, or for the self-employed). In 2019, the new work-life balance Directive repealed the parental leave directive and set new European standards for the reconciliation of work and family life.

3.4.3 / THE EU DIRECTIVE ON WORK-LIFE BALANCE

In 2015, the European Commission published a roadmap on work-life balance in the context of the revision of the maternity leave directive as previously discussed, and launched a consultation, seeking the Social Partners' views on what the EU should do to improve work-life balance. Employers were adamant that the existing framework was working well and refused to enter negotiations with the trade unions. Trade Unions, on the other hand, represented by the European Trade Union Confederation (ETUC) pushed for stronger legislation on a range of issues including legislation on paid paternity and parental leaves, carers' leave and flexible working arrangements. They also underlined the need of the non-transferability of individuals rights to leave. As the consultations rendered no compromise, with employers refusing to negotiate at all, the Commission announced a 'New Start for Working Parents' in its 2016 work programme. Its stated aim was "to modernise and adapt the European Union's legal and policy framework to the current needs and challenges of working parents (for instance seeking more balanced participation of fathers in childcare, and a higher proportion of part-time workers)." The Commission proposal for a comprehensive work-life balance package became one of the key initiatives in its 2017 work programme and consequently in the European Pillar of Social Rights. It also included a proposal for a directive on work-life balance designed to improve and extend existing rights (non-transferability of all of 4 months of parental leave) as well as adding new rights on paternity (10 days paid) and carers' leave (10 days). Two years later, after long and oftentimes difficult negotiations, the Council agreed to a new directive on work life balance for working parents and carers that preserves and builds on existing rights and repeals the Parental Leave Directive of 2010. The new directive grants the following rights:

- introducing **paternity leave**. Fathers/equivalent second parents will be able to take at least **10 working days** of paternity leave around the time of the birth of the child, **compensated** at least at the level of sick pay;
- Strengthening of the existing right to 4 months of **parental leave** by **making 2 out of the 4 months non-transferable** from a parent to another and **compensated** at an adequate level - of at least 66 per cent of previous earnings - to be set by Member States. Parents will also have the right to request to take the leave in a flexible way (e.g. part-time or in a piecemeal way).
- Introducing **carers' leave** for workers providing personal care or support to a relative or person living in the same household. Working carers will be able to take **5 days per year**.
- Extending the existing right to request **flexible working arrangements** (reduced working hours, flexible working hours and flexibility in place of work) to **all working parents of children up to at least 8 years old, and all carers**.

3.4.4 / ADDITIONAL MEASURES AND POLICIES TO SUPPORT MORE BALANCED WORK-LIFE POLICIES

The Barcelona targets on childcare

As far back as 2002, the Barcelona European Council recognised this situation and set objectives with regard to the availability of high quality and affordable childcare facilities for pre-school children, through two targets: “Member states should remove disincentives to female labour force participation and strive, taking into account the demand for childcare facilities and in line with national patterns of provision, to provide childcare by 2010 to 90% of children from age 3 until mandatory school age; and to 33% of children under 3 years of age.”⁴¹

The Barcelona objectives, and the included targets, were reaffirmed in the European Pact for Gender Equality (2011-2020) as well as in the Europe 2020 Strategy. Besides the regular monitoring of the implementation of the Barcelona objectives, the availability of affordable and high-quality childcare is monitored as a keyway of increasing women’s labour market participation in the European Semester process. This is the EU’s annual economic governance framework aimed at monitoring, preventing, and correcting problematic economic trends.

In 2016, the target of 33% for children under the age of three had largely been reached in twelve Member States; while in sixteen Member States, less than 33% of children had access to childcare, with ten Member States where less than 25% of children in the smallest age group participate in childcare. The Barcelona target of 90% had not been reached for children from three to the mandatory school-going age. As of 2016, 86.3% of children participated in formal childcare or attended preschool. This Barcelona target had been reached in twelve Member States while the other 16 Member States had not yet reached the target.⁴²

The European semester of economic co-ordination

The EU’s Annual Growth Survey (Nov. 2016)⁴³ also emphasized the need for increased investments in care services and work-life balance to promote women’s employment. National work-life balance policies are being monitored and evaluated in the framework of the European Semester of economic co-ordination. In 2018, Country-specific Recommendations on childcare were addressed to 12⁴⁴ Member States.⁴⁵ The recommendations focused on improving the access and the provision of quality, affordable full-time childcare as well as making child support more effective.

The European Structural and Investment Funds

The European Structural and Investment Funds, notably the European Social Fund and the European Regional Development Fund are also employed to promote a better work-life balance. These funds aim specifically to improve the quality of and access to care services.⁴⁶ Likewise, the EU Rights, Equality and Citizenship programme is supporting projects designed to improve work-life balance practices in Member States.

⁴¹ European Commission, 2013. Barcelona objectives. The development of childcare facilities for young children in Europe with a view to sustainable and inclusive growth. https://europe.eu/info/sites/info/files/130531_barcelona_en_o.pdf

⁴² European Commission, 2018. Barcelona objectives Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the development of childcare facilities for young children with a view to increase female labour participation, strike a work-life balance for working parents and bring about sustainable and inclusive growth in Europe (the “Barcelona objectives”). https://europe.eu/info/sites/info/files/bcn_objectives-report2018_web_en.pdf

⁴³ European Commission, 2016. Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank. Annual Growth Survey 2017. https://europe.eu/info/sites/info/files/2017-european-semester-annual-growth-survey_en_o.pdf

⁴⁴ ES, IT (more effective child support); AT, CZ, DE, HR, HU, IE, IT, PL, SK, UK (access and quality).

⁴⁵ Clauwaert, S., 2018. The country-specific recommendations (CSRs) in the social field. An overview and comparison: Update including the CSRs 2018-2019. European Trade Union Institute (ETUI). <https://www.etui.org/Publications2/Background-analysis/The-country-specific-recommendations-CSRs-in-the-social-field-An-overview-and-comparison-Update-including-the-CSRs-2018-2019>

⁴⁶ Harte, E., Hofman, J. and Sikiaridi, A. 2016. The Role of the European Social Fund in Supporting Childcare Provision in the European Union. https://www.rand.org/pubs/research_reports/RR1364.html

4

KEY POLICY ISSUES ON WORK-LIFE BALANCE

4.1 / LIFE-CYCLE APPROACH TO WORK-LIFE BALANCE

Reconciliation of work and care is an issue that concerns workers in every sector, and extends over the whole course of working life, involving the care of children and of people with health problems or disability⁴⁷. Achieving work-life balance requires the synchronising of work-life with the individual lifecycle and balancing the demands of private and working lives - and this is not an individual's task to accomplish.

Women still take on the main caring responsibilities over the life course and more frequently work part time than men.⁴⁸ Most people with children up to 18 years of age (77%) are caring for and/or educating their children every day. This represents 88% of mothers and 64% of fathers and, among those caring for children, men estimate they are involved, on average, 21 hours a week compared with 39 hours for women. There is also a significant contribution to childcare from grandparents. Among people with grandchildren, 29% of men and 35% of women report providing care and/or education to grandchildren at least once or twice a week.⁴⁹

Data from the 2016 European Quality of Life Survey shows that 28% of women (compared to 17% of men) aged 50–64 report providing care at least once a week to a disabled family member or friend – and this proportion is still 27% among women of this age who are in paid work.⁵⁰ Table 2. shows the 'Proportion of men and women in different age groups providing care (at least once a week).

⁴⁷ Eurofound (n 6)

⁴⁸ UN, Work-Family Balance Policies Background paper prepared by Professor Margaret O'Brien University of East Anglia. http://www.un.org/esa/socdev/family/docs/BP_WORKFAMILYBALANCE.pdf, Hank, K. & Buber, I. (2009): Grandparents caring for their grandchildren. Findings from the 2004 Survey of Health, Ageing, and Retirement in Europe. *Journal of Family Issues*, 30, 53-73.

⁴⁹ Eurofound, 2018. Striking a balance: Reconciling work and life in the EU, Publications Office of the European Union, Luxembourg. <https://www.eurofound.europa.eu/publications/report/2018/striking-a-balance-reconciling-work-and-life-in-the-eu>

⁵⁰ Eurofound (n 6)

TABLE 2

Proportion of men and women in different age groups providing care at least once a week

	Age	Care to children or grandchildren		Care to disabled family or friends	
		Male	Female	Male	Female
	18-24	6%	14%	12%	12%
	25-34	30%	52%	13%	15%
	35-38	55%	60%	15%	19%
	50-64	28%	30%	17%	28%
All	18-64	35%	44%	15%	21%

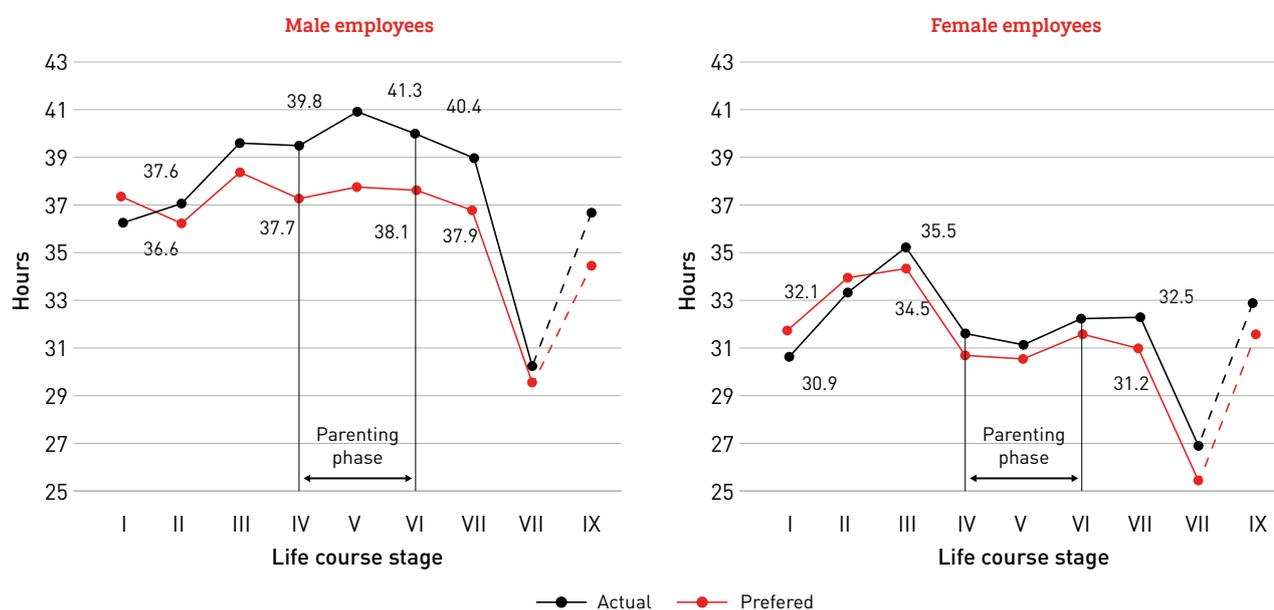
Source: Eurofund, EQLS 2016

However, research shows that many men would prefer more time to care for dependent relatives. Men also express a wish for shorter working time at the phase of life when for both men and women work-life balance is most challenging: that is, when they are caring for young children⁵¹.

There is a marked gender gap in working hours that occurs during the parenting phase; some women withdraw from the labour market completely, while overall, the reduction in working time for employed mothers is most important during the early phase of childhood. In contrast, the parenting phase for fathers is marked by a slight but continuous increase in working time. This does not match the preferred working time by men⁵² as shown on Figure 1. Actual and preferred working time across the life course among employees, by sex (hours per week), EU28.

FIGURE 1

Actual and preferred working time across the life course among employees, by sex (hours per week), EU28



Source: Eurofund, EWCS 2015

A stronger focus on men within the array of work-life balance arrangements has the potential to contribute to rebalancing the situation.⁵³ Investing in the work-life balance of working families contributes to increasing the inclusiveness of the labour market and to raising individuals' quality of life. Work-life balance is a comprehensive measure that addresses women's situation in the labour market, while simultaneously encouraging the strengthening of men's roles as carers in the family, thereby promoting non-discrimination and fostering gender equality.⁵⁴

⁵¹ Eurofound (n 6)

⁵² Eurofound (n 49)

⁵³ Eurofound (n 6)

⁵⁴ European Parliamentary Research Service (EPRS), 2018. A new directive on work-life balance.

[http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614708/EPRS_BRI\(2018\)614708_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/614708/EPRS_BRI(2018)614708_EN.pdf);

4.2 / PATERNITY LEAVE

Compensated paternity leave around the birth of a child supports bonding between father and child and can result in improved cognitive development of the child, while also lowering the father's stress levels around the birth of his child and supports the mother. Additionally, the right to paternity leave can have a positive impact on female participation in the labour market and can have a strong leverage effect on the take-up of parental leave by men⁵⁵.

2018 has finally seen all EU Member States providing entitlements for fathers to spend paid time with their children either in the months around childbirth and/or beyond. However, not all countries formulate this as an individual right for fathers but rather a 'family right' or father's entitlement to leave is dependent on the mother's entitlement.⁵⁶

There is a wide variation on the entitlement of paternity leave, with some Member States having much more generous paternity leave than others.⁵⁷ While paternity leaves around childbirth are in the majority of cases paid without major loss of earnings, the periods are usually very short, ranging from a week or less (Czech Republic, Greece, Hungary, Italy, Malta, Netherlands, Romania), over to up to two weeks (Belgium, Cyprus, Denmark, Estonia, France, Ireland, Latvia, Luxembourg, Poland, Spain, United Kingdom) to more than two weeks in Bulgaria, Finland, Lithuania, Portugal, Romania, Slovenia, Spain, Sweden.⁵⁸ Paternity leave is generally paid, and mostly at a high earnings-related level for the duration of leave – though a ceiling may be set on earnings-related payments⁵⁹.

4.3 / PARENTAL LEAVE

The availability and use of parental leave arrangements for fathers (second parents) has a considerable impact on participation of women in the labour market as it alleviates and balances or reduces some of the care responsibilities of mothers and, also allows, if properly designed, for an easier return of women to the labour market⁶⁰.

However, the gender imbalance in taking parental leave persists, as do the differences between the EU Member States regarding the maximum duration and statutory form of parental leave, and their systems for pay during the leave period⁶¹. 90% of fathers across the EU do not use parental leave entitlements⁶².

Research evidence highlights the importance of a country's policy framework, particularly financial incentives in shaping men's tendency to take paternity and parental leave.⁶³ Fathers can be wary or reluctant to take parental leave if not supported by cultural or workplace norms and practices. In addition, economic costs are a major constraint particularly for men with low income. Parental leaves are typically poorly compensated; only around a third of the EU Member States provide for a replacement ratio between 80-100%. Some Member States have lower replacement ratios of around 70%, while others operate based on mixed models with income dependent or flat-rate options that may partially vary depending on the duration chosen or pay out flat-rate benefits – which can also turn out to be relatively low. In six Member States parental leaves of which fathers can avail are not compensated (Cyprus, Greece, Ireland, Malta, the Netherlands and Spain for the *excedencia por cuidado de hijos*). In some of these countries, however, collective agreements might foresee some payments or employers might voluntarily pay for a certain time.⁶⁴

⁵⁵ European Parliamentary Research Service (EPRS) (n 54)

⁵⁶ Eurofound, 2019. Parental and paternity leave - Uptake by fathers, Publications Office of the European Union, Luxembourg. <https://www.eurofound.europa.eu/publications/customised-report/2019/parental-and-paternity-leave-uptake-by-fathers>

⁵⁷ European Parliamentary Research Service (EPRS), 2017. Maternity, paternity and parental leave in the EU. [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/599323/EPRS_BRI\(2017\)599323_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/599323/EPRS_BRI(2017)599323_EN.pdf)

⁵⁸ Eurofound (n 56)

⁵⁹ International Network on Leave Policies and Research, 2018. 14th International Review of Leave Policies and Related Research. https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/Leave_Review_2018.pdf

⁶⁰ European Commission (n 40)

⁶¹ European Parliamentary Research Service (EPRS) (n 54); see also European Parliament Think Tank, 2017. Parental Leave Directive. [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2017\)603228](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2017)603228); European Parliament Think Tank, 2017. Work-life balance for parents and carers. [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2017\)603266](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2017)603266)

⁶² European Commission, DG EMPLOYMENT, 2018. Paternity and parental leave policies across the European Union. <https://publications.europa.eu/en/publication-detail/-/publication/a8464ad8-9abf-1e8-a408-01aa75ed71a1/language-en>

⁶³ Eurofound, 2015. Promoting uptake of parental and paternity leave among fathers in the European Union, Publications Office of the European Union, Luxembourg. <https://www.eurofound.europa.eu/publications/customised-report/2015/working-conditions-industrial-relations/promoting-uptake-of-parental-and-paternity-leave-among-fathers-in-the-european-union>

⁶⁴ Eurofound (n 56)

4.4 / FLEXIBLE WORK ARRANGEMENTS

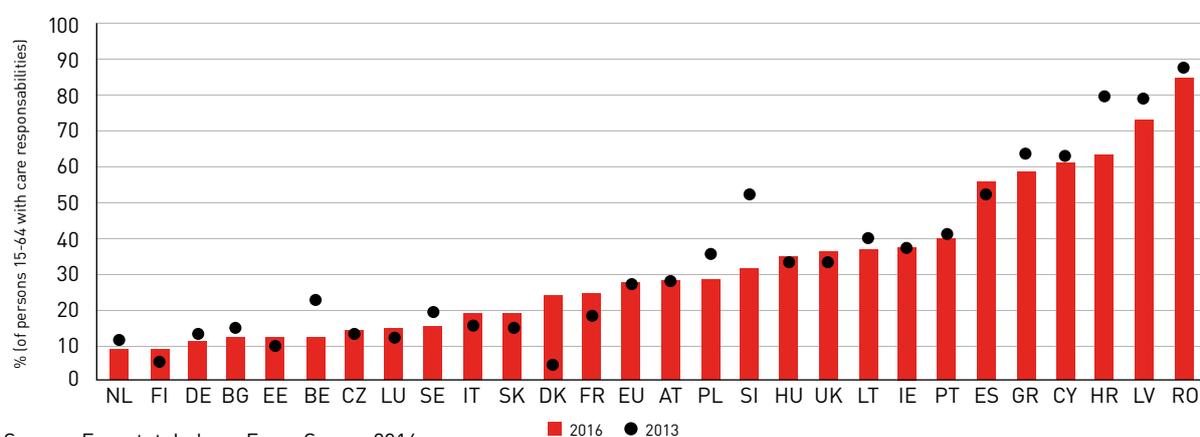
Work arrangements in terms of duration, scheduling and location, play a significant role in achieving work-life balance⁶⁵. Negotiations over work arrangements and more workers' control over their working time is also at the core of union priorities and collective bargaining. Flexible working arrangements do not involve any direct additional cost to public budgets in Member States, but it may be that if successfully implemented throughout workplaces in the EU they could be a very effective stimulus to work-life balance. While shorter working time and more flexible working arrangements may, in some cases, entail costs for companies, they can also have positive effects on productivity. According to a 2013 Eurofound study on the organisation of working time using data from the European Working Conditions Survey, workers who had control over their working hours were less likely to report difficulties in achieving a good work-life balance. Work-life balance matters and it has broad implications: being able to have a balance between work and private life is important for getting into work, remaining in work, being more engaged and productive at work, and to live happy and healthy lives.⁶⁶

4.5 / CHILDCARE

The availability, accessibility and affordability of good quality child-care structures and services are crucial elements to allow parents to stay on or join the labour market. Increasing the availability of quality early childhood education and care, and out-of-school care will create more possibilities for women to enter or stay in employment, has a positive impact on children's development and helps to reduce the risk of poverty and social exclusion for children.⁶⁷ Importantly, improving childcare provisions and addressing the unequal share of care and domestic responsibilities between women and men can contribute to significantly decreasing the gender gap in pensions and increase women's ability to acquire pensions on an equal basis.⁶⁸

FIGURE 2

Women who are inactive or work part-time due to care responsibilities who report a lack of suitable care services, %⁶⁹



Source: Eurostat, Labour Force Survey 2016

Lack of formal, affordable, quality care services for children and other dependents can lead workers with dependents, to reduce their working hours or drop out of the labour market. Although the EU set the Barcelona targets in 2002 to improve the provision of formal childcare arrangements by 2010, most Member States have still not achieved them in 2018.⁷⁰ Thus, employers can be a major actor in initiating and managing a workplace childcare programme (e.g. childcare funds, subsidised childcare, on-site/near-site childcare centres)⁷¹.

⁶⁵ Eurofound (n 6)

⁶⁶ Eurofound (n 49)

⁶⁷ European Commission (n 40)

⁶⁸ European Institute for Gender Equality (EIGE) (n 54)

⁶⁹ European Commission, DG JUSTICE Newsroom, 08. May 2018 1 in 3 children in the EU now has access to high-quality and affordable childcare. Commission report shows. https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=625317

⁷⁰ European Commission (n 40)

⁷¹ ILO, 2010. Workplace solutions for childcare.

http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_110397/lang-en/index.htm

In addition, school hours and school holidays are often incompatible with parents' full-time employment. Out-of-school services are very important for the reconciliation of work and life; these services provide a range of activities to children in pre-schools and primary schools before, between (lunch) and after school hours, as well as during school holidays. The variation in out-of-school services in the Member States is rather large, and the provision should be further assessed and developed.⁷²

4.6 / LONG-TERM CARE

All Member States of the European Union have a high incidence and expansion of informal care, mainly due to the lack of accessible formal long-term care facilities, the poor quality and the high cost of long-term care as well as the traditional model of intergenerational and familial relations. Long-term care is labour-intensive, and relies heavily on informal care provided by relatives, spouses, friends and others, typically on an unpaid basis and in the home of the care recipient. Women continue to take responsibility for and carry out the bulk of caregiving, and this negatively impacts female labour market participation as well as their general well-being.⁷³

Unlike for childcare, there is currently no universal entitlement to carers' leave at EU level and the existing provisions among Member States vary significantly in terms of eligibility, length and compensation or replacement rates. As a result, a great diversity of legal provisions exists at the Member States.

The expansion of long-term care services have a positive impact on the well-being and health of the carers and their dependents and lower the physical and psychological burdens of elderly care that are becoming more prevalent with an ageing population.⁷⁴ Increasing the availability of long-term care services (including home-based services) for dependent persons will also create more opportunities for carers to stay in employment.

4.7 / ECONOMIC DIS-INCENTIVES FOR PARENTS AND CARERS TO WORK

The design of the tax-benefit system affects the choice of working hours or the choice of entering employment. For example, different components of tax systems, such as transferable tax credits, dependent spouse allowances and individual or family-unit income tests for means-tested benefits can act as (dis)incentives to women's employment. Such situations occur, for example, when taxes paid by the household increase significantly while the earnings of the secondary earner increase only marginally (e.g. through joint taxation). Women living in couples are most likely to be the secondary earners and therefore to be negatively affected; there is evidence that higher tax rates on secondary earners reduce women's labour force participation. In addition, some income-tested benefits, such as social assistance and housing benefits, depend on family income.⁷⁵

⁷² European Commission (n 40)

⁷³ Long-term care (LTC) definition: "A range of services and assistance for people who, as a result of mental and/or physical frailty and/or disability over an extended period of time, depend on help with daily living activities and/or are in need of some permanent nursing care" (European Commission and Social Protection Committee, 2014: 11). The LTC system is understood as a mix of social and care services, as well as financial compensation - wholly or partially funded through the statutory social protection system - at local, regional and/or national level." Spasova, S., Baeten, Coster, R. S., Ghailani, D., Peña-Casas, R. and Vanhercke, B. (ESPN) Challenges in long-term care in Europe A study of national policies 2018.

<https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9185&furtherNews=yes>

⁷⁴ European commission (n 40)

⁷⁵ European Institute for Gender Equality (EIGE), 2016. Poverty, gender and intersecting inequalities in the EU Review of the implementation of Area A: Women and Poverty of the Beijing Platform for Action. http://eige.europa.eu/sites/default/files/documents/ti_pubpdf_mh0416244enn_pdfweb_20161208181320.pdf

5

COUNTRY CASE

STUDIES AND GOOD PRACTICES

Work-life balance legislation has been instrumental in promoting more gender equality and improving the employment rates of women in many Member States of the EU. Nevertheless, women continue to bear the bulk of family responsibilities as mothers and/or carers for family members whilst fathers are often discouraged to take leave, in many cases for economic reasons. This imbalance carries considerable costs for the individual, society and the economy. Trade unions across Europe have struggled to address this imbalance by either advocating for better legislation, both at European and national levels, but also and very importantly through collective bargaining. The wide and different range of legislation on work-life balance as well as the specificity of the national context, including the structure of collective bargaining, unions' strength and membership determine the format in which they address these issues of reconciliation.

The following case studies of successful practices of work-life balance negotiated by the social partners allow to highlight the range of practical measures at company, sectoral or cross sectoral levels, which are making a considerable difference for working parents. They also bring to light those issues that legislation has failed to address. It is important to underline that work-life balance national regulatory framework is regularly revised and that the information provided by this study refer to end 2018.⁷⁶

⁷⁶For regular updates on the legal provisions in the Member States, consult: The International Network on Leave Policies and Research: <http://www.leavenetwork.org>

5.1 / FINLAND

5.1.1 / STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN FINLAND

The basic structure of Finland's current family leave system has remained mostly the same for a long time⁷⁷. It has been criticized, however, for not responding to the changes of working life and the growing diversity of families. Women use a vast majority of family leave entitlements: in 2016, mothers used 90,5% of family leaves, and fathers only 9,5%. One fifth of fathers do not use family leaves at all.⁷⁸ Furthermore, according to Eurofound, work-life balance has worsened during the last decade in Finland, and the most pronounced imbalance has been experienced by women. Gender differences in work-life balance problems can be partially explained by the uneven distribution of care and household duties. While 86% of women in Finland carry out household chores every day, the corresponding share of men is 57%. Also, 39% of women in Finland take care of children at least once a week, compared to 35% of men. Caring for disabled or ill relatives or friends is also unevenly distributed between genders, with 26% of women and 20% of men in Finland providing this kind of care at least once a week.⁷⁹

Children have a legal entitlement to a publicly subsidised early childhood education and care (ECEC) place from 9 months of age. However, the participation of 0-2-year-olds in formal care (kindergartens and family day care) is lower than the OECD average (28% and 33% respectively). Participation of 3-5-year-olds in pre-primary education is also lower than in many OECD countries (e.g. for 3-year-olds rates were 68% in Finland compared with 71% across the OECD).⁸⁰ This situation is partly explained by the Finnish childcare allowance and leave system, which provides incentives for families to care for their children at home⁸¹.

Entitlement to long-term care services in Finland is based on residence in a municipality. There is a wide range of in-kind benefits such as home care, sheltered homes, more intense institutional care, and health care centres; as well as cash benefits. Even though long-term care is a public responsibility, families play an important role as guides to find services within the complicated system, as helpers and carers. A characteristic of the care regime is a strong gender bias in the care's role, resulting in gendered employment patterns, and the cash-for-care has been criticised on the basis that it can lock women into the traditional homemaker role. 60% of all working women and 40% of working men provide care on a weekly or daily basis.⁸²

There have also been proposals to increase families' responsibility for long-term care. If these are carried out, it may lead to an increase in the responsibility of middle-aged women. If they need to cut their working hours or stay at home for caring, it appears to be unlikely that they will be getting back to work when their caring duties come to an end.⁸³

In the light of the distributional differences in care responsibilities and household duties, and the wide gender gap in the take-up of family leaves, the currently debated family leave reform would be a crucial factor in closing some of these gender gaps; enabling fathers to spend more time in caring for their children⁸⁴ while strengthening the position of women in the labour market (career and salary development, accrued pensions). Previously, each increase of non-transferable right for fathers to take leave has increased the use of the leave by fathers⁸⁵.

During 2016–2017, six political parties and three central labour market organisations presented their models to reform the leave system. The government's programme from 2015 did not include plans for reform; but in response to the political pressure, including trade unions, the government decided to start preparing a reform in autumn 2017.⁸⁶ In February 2018 it was announced that the reform will not proceed. The parliamentary elections in Finland will take place in April 2019, and all the central labour market organisations are calling for the reform to be included into the next Government programme.

⁷⁷ Paternity leave was extended in 11 2013 to 54 working days on earnings-related benefit. As a result of collective agreements.

60% of all fathers with an employment contract in the private sector, as well as all fathers employed by the state, receive full pay during the five or six first days of the Paternity leave. (International Network on Leave Policies and Research, 2018. Country profiles Finland. https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINAL_Finland2018.pdf)

⁷⁸ KELA Finland, 2018. <http://tutkimusblogi.kela.fi/arkisto/4442>

⁷⁹ Eurofound, 2018. Recent developments in work-life balance in Finland.

<https://www.eurofound.europa.eu/publications/blog/recent-developments-in-work-life-balance-in-finland>

⁸⁰ OECD, 2016. Starting Strong IV. Early Childhood Education and Care Country Note. Finland.

<https://www.oecd.org/education/school/ECECDN-Finland.pdf>

⁸¹ European Commission, 2018. Education and Training Monitor. Publications Office of the European Union, Luxembourg.

<https://ec.europa.eu/education/sites/education/files/document-library-docs/volume-1-2018-education-and-training-monitor-country-analysis.pdf>

⁸² European Social Policy Network (ESPN), 2018 Thematic Report on Challenges in long-term care Finland.

<https://ec.europa.eu/social/BlobServlet?docId=19846&langId=en>

⁸³ Ibid.

⁸⁴ Eurofound (n 79)

⁸⁵ KELA Finland (n 78)

⁸⁶ Leave Network (n 77)

In addition, the current law on working time - from 1996 - is being updated. The most significant reform would be flexible working time/place arrangements. When applying flexible working hours, the employee would decide on their working time and place of work, and the employer would in turn define the tasks and their objectives and the overall schedule.⁸⁷ The new act would apply to all employees in contractual or public-service relationships who need working time protection. It would not apply to employees who have full autonomy over their working hours. The act's scope of application would meet the requirements of the EU Working Time Directive 2003/88/EC, and it would also include the introduction of the statutory working hours bank at all workplaces even in cases where it is not included in the collective agreement binding on the employer. A working hours bank would be a system for combining work and private life that allows employees to save and combine working hours, earned leave or monetary benefits exchanged for leave. It would increase the employees' possibilities to accumulate a longer leave and reconcile the demands of work and private life.⁸⁸

In general, the plan to introduce more flexible working hours and working hours banks is supported by the social partners. However, the plan to increase permitted overtime has received criticism from trade unions, as it could reduce an employer's incentive to hire more workers, leaving fewer people to do more work⁸⁹.

5.1.2 / COLLECTIVE BARGAINING STRUCTURES

In Finland, the working conditions of employees are determined based on legislation and collective agreements. Labour market legislation is drafted in a tripartite manner. The peak-level social partners negotiate national framework agreements on wages and employment conditions in dialogue with the government. The national central level agreement is then the basis for bargaining at sectoral level. The sectoral agreements may transfer some issues to be negotiated locally, in company-level agreements. The collective bargaining coverage is very high by international standards at approximately 89%.⁹⁰

In addition to employment issues, the Finnish social partners have had considerable negotiation power concerning social issues, such as pensions, unemployment insurance, and parental leave. These are regulated in the legislation and the labour and employer organizations have been trusted experts when developing legislation.⁹¹ With a tradition of consensus, the government consults the social partners in detail over any proposed amendments to the laws that affect working life. Collective bargaining has traditionally taken place at national, sectoral and local/company level.⁹²

5.1.3 / SOCIAL PARTNERS' GOOD PRACTICES ON WORK-LIFE BALANCE

The Central Organisation of Finnish Trade Unions (SAK), has been active on work-life balance, striving for fathers to use more of their leave entitlements. SAK emphasises the raising of employer awareness of the rights of the fathers; and anticipates that more good work-life balance practices will be developed at workplaces. The payments for family leaves that go beyond legislation are negotiated into the collective agreements.

The challenges to better integrate work-life balance in the SAK agenda concern 1) the incompatibility of some work-life balance measures (e.g. flexible working time) with the nature of the work that the employees of their member unions do; and 2) the Unions affiliated with SAK having a majority of men workers, resulting work-life balance issues not being at the forefront. Therefore, the issue of men using less parental leaves than women is very much reflected among the SAK membership⁹³. Furthermore, the economic recession impacted on the collective agreement negotiations: work-life balance issues took a backseat, while the focus was mostly on salaries.

SAK has a proposal for family leave model, which emphasises the flexibility of the leave; e.g. the right to use individual

⁸⁷ Finnish Parliament (2019)

https://www.eduskunta.fi/FI/tietoeduskunnasta/kirjasto/aineistot/kotimainen_oikeus/LATI/Sivut/tyoaikakalaksi.aspx

⁸⁸ Finnish Ministry of Economic Affairs and Employment (2018)

https://tem.fi/en/article/-/asset_publisher/luonnos-uudesta-tyoaikalaista-lainsaadannon-arvointineuvostoon

⁸⁹ Bloomberg News, June 5, 2018, Finland: Work Hours Proposals Announced.

<https://www.bna.com/finland-work-hours-n73014476322/>

⁹⁰ Eurofound, 2017. Living and Working in Finland. <https://www.eurofound.europa.eu/country/finland#background>

⁹¹ European Commission, 2016. The role of social partners in the design and implementation of policies and reforms.

<https://ec.europa.eu/social/BlobServlet?docId=16464&langId=en>

⁹² Eurofound (n 90)

⁹³ National Institute for Health and Welfare, Finland, 2016. Perhevapaatutkimus.

<https://thl.fi/fi/tutkimus-ja-kehittaminen/tutkimukset-ja-hankkeet/perhevapaatutkimus>

days, or to do part time work for eight months instead of staying at home for the full four months. The current system does not allow this. SAK would like both parents to have the same limitations in using the leaves (e.g. men to use the leave earlier, rather than during the first 2 years). In addition, most SAK member unions' agreements include a payment provision for maternity leave, however, many do not yet include a payment for fathers, or for carers' leave.

GOOD PRACTICE 1.

COLLECTIVE AGREEMENT ON PATERNITY LEAVE AND TEMPORARY CARE LEAVE, 2017

/ **SECTOR:** Technology Industry (metal products industry, electronics and electrical equipment Industry; metal processing; machinery and vehicles)

/ **SIGNATORIES:** Technology Industries of Finland and Industrial Union

/ **KEY PROVISIONS:**

- An employee whose employment has started at least six months before the commencement of paternity leave shall be paid for his paternity leave for a median earnings-related wage for six days. The provision is directly applicable to adoption of a child;
- An employee is entitled to receive a paid temporary leave (up to 4 times a year) for a child under ten years of age, who is permanently residing in the same household, for the purpose of arranging care or caring for the child. The compensation for short temporary absences is paid as sickness pay.

GOOD PRACTICE 2.

COLLECTIVE AGREEMENT ON PATERNITY LEAVE AND TEMPORARY CARE LEAVE, 2018

/ **SECTOR:** Local Governments

/ **SIGNATORIES:** The Trade Union for the Public and Welfare Sectors (JHL) and The Ministry of Finance/Office for the Government as Employer (VTML)

/ **KEY PROVISIONS:**

- Employees are entitled to receive their actual pay for paternity leave for the first 12 working days provided that he has been employed for at least two months immediately before the commencement of the paternity leave in the municipality/the municipal federation; the paternity leave has been applied not later than two months before the intended start of the leave; and the employer is presented with a birth certificate of the child;
- During a period of temporary care leave due to a child's illness, the right to leave is four days, with actual salary paid for up to three consecutive calendar days. In the case of a child falling ill during a parent's work shift, the paid time is up to three subsequent calendar days. The payment is conditional upon both parents being gainfully employed outside the home; or the other parent having an obstacle to taking care of the child; or in the case of a single parent.

GOOD PRACTICE 3.

COLLECTIVE AGREEMENT ON PATERNITY LEAVE, 2018

/ **SECTOR:** Retail

/ **SIGNATORIES:** Service Union United (PAM) and Finnish Commerce Federation

/ **KEY PROVISIONS:**

- The first six days of paternity leave will be paid up to the difference between the daily salary and the legal paternity allowance.

Trade Union Pro is the largest member union of the Finnish Confederation of Professionals (STTK) and it promotes the interests of 120.000 trained professionals, experts and managerial staff in both private and public sector. Trade Union Pro advocates family equality; for example, adoption-leaves should be included into the collective agreements, and these should be paid at the same rate as maternity and paternity leaves. The three good practices described below include a provision for returning to work after family leave. While the measures regarding the return to work are also in the legislation, the advantage of including them into the collective agreement is that they can be monitored by the unions.⁹⁴

⁹⁴ Trade Union Pro, Finland. <https://www.proliitto.fi/en/work/collective-agreements-negotiated-pro>

GOOD PRACTICE 4.**COLLECTIVE AGREEMENT ON SHORT TEMPORARY LEAVES AND WORKING HOURS BANK, 2017**/ **SECTOR:** Chemical Industry/ **SIGNATORIES:** Trade Union Pro and The Chemical Industry Federation of Finland/ **KEY PROVISIONS:**

- Short temporary leave due to a sudden illness or a close relative's death is not deducted from the salaries or annual leave of an employee;
- According to law, an employee has the right to be out of work for up to four days with a sudden illness of a child under ten years of age. In this collective agreement, the leave duration is not limited, and the contract also does not set an age limit for the child;
- There is a Working Hours Bank system within which the employees can deposit and use time in accordance with agreed rules.

GOOD PRACTICE 5.**COLLECTIVE AGREEMENT ON PATERNITY LEAVE AND PARENTAL LEAVE, 2018**/ **SECTOR:** Textile and Fashion/ **SIGNATORIES:** Finnish Textile and Fashion (member of Trade Union Pro) and Industrial Union TEAM/ **KEY PROVISIONS:**

- Employees are paid the equivalent of a regular working time salary for six days of paternity leave with benefits in kind;
- With the agreement of the employee, voluntary contact can be arranged during family leave. The purpose of the contact is to facilitate and promote the return to work after the leave; the contact is important specifically for women employees, as they might be on family-leave some years, during which time the organisation, including the returnee's role might have changed.

GOOD PRACTICE 6.**COLLECTIVE AGREEMENT ON FLEXTIME AND TELECOMMUTING, 2017**/ **SECTOR:** Technology industry (trained professionals, experts and managerial staff), the collective agreement for the ICT industry/ **SIGNATORIES:** Trade Union Pro and The Federation of Finnish Technology Industries Service Sector Employers (Palta)/ **KEY PROVISIONS:**

- Flexitime can be a maximum +/- 40 hours, but by way of local agreement, the maximum number of hours may be different;
- The general principles of teleworking established by the company are handled in conjunction with a union representative in the workplace. The parties agree that teleworkers must be treated equally to other employees;
- Specifically noted in the agreement is the 'Reconciliation of work and family life': the employer should strive to refrain from any action that may cause problems for a staff member to reconcile work and family life (e.g. changes in working hours/place).

All Trade Union Pro collective agreement negotiations must have an equality objective, although in practice this might not rise to the top of the list. In 2017 negotiations, the work-life balance measures that Pro focused on included increased redundancy protection for employees who have returned to work from family leave less than six months ago and strengthening the primary right to return to work from family leave to an equivalent role. Including employees who return to work after family leave into the reduction order of labour. The gender equality plans for the workplace should take specifically account of employees on family leave and those returning to work after family leave, so that the employer should familiarise the returning employee with the workplace changes and their effects on the duties of the employee concerned. Training needs should also be identified with necessary plans.

Pro has had as a common aim in the collective bargaining agreements (CBAs) to increase the paid paternity leave allocation, as this would encourage fathers to take longer leaves, and balance out the time taken off from work by men and women for family leave⁹⁵. Pro would also like to see more legislated non-transferable family leaves for fathers and is advocating for a 6+6+6 model in which 6 months are for maternity leave, 6 months for paternity leave and 6 months for parental leave (to be decided by the parents). This would support wage equality, because the current long leaves that women take for family-care have a negative impact on their income and pensions.

5.1.4 / CONCLUDING REMARKS

The issue of more equal sharing of family leaves is clearly at the forefront of work-life balance discussions in Finland. The pending reform of the family leave system and trade unions rigorous addressing of the issue can have an impact on the situation. Awareness raising is also an important part of the process, as demonstrated by the 'Daddy's home - parental leave can increase work motivation (2016–2018)' campaign, by the Finnish Institution of Occupational Health (FIOH), the National Institute of Health and Welfare (THL), and the Gender Equality Unit of the Ministry of Social Affairs and Health. It aimed to encourage more fathers to take parental leave and share childcare responsibilities with mothers; and to increase awareness of men's parental leave options and to promote positive attitudes and practices at work places concerning fathers taking family-related leaves.⁹⁶ The use of family leaves is monitored continuously by the THL.

There are plenty of agreements with work-life balance measures at the local level. Therefore, the Finnish Economists - a member union of AKAVA - flags up the importance of strengthening the legislation concerning local agreements. Their study on return to work from family leave (2012) concluded that one-third of the 1130 study participants had to change jobs, and 10% had had big problems upon their return. In several cases, it had been the family-leave that had caused the rupture of the work contract. Redundancy protection covers by law, the time of pregnancy and family leave, but not sufficiently the time after return to work from family leave, and while the employment law includes the right to return to employment with the same conditions, in practice this does not often actualise. The Economists note that even if one or two excellent practices are in place, this does not necessarily guarantee an uncomplicated work-life balance for employees. The key is to have good management and coordination of the practices, and therefore work-life balance should be considered as an overarching strategy.

5.2 / FRANCE

5.2.1 / STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN FRANCE

Gender equality in France has been firmly anchored in French law since the second half of the 20th century, including obligations for large private sector companies. France has a long-standing tradition of legislating in favour of gender equality in the domain of employment and professional life with the first legislation dating from 1972 and the establishment of no less than 12 laws between 1972 and 2014.⁹⁷ The Génisson law of 2001 ensured that gender equality was made part of collective agreements and required businesses to produce an annual report on the situation of women and men in their companies. In addition, collective agreements on gender equality, must be negotiated every three years. In 2014, the law on *de facto* equality between women and men⁹⁸ reinforced penalties for companies found in breach of their legal obligations.⁹⁹ Moreover, it tried to address a better uptake of leave provisions by fathers by extending the duration of parental leave for an additional six months if taken by the second parent, granting parents of two children leave of three years provided that the second parent uses at least six months, as well as allowing employees who have a spouse who is pregnant to take up to three days of absence from work for mandatory medical examinations. Moreover, to protect self-employed workers with an associate status ('collaborateurs libéraux') the law introduced a contract suspension period and protection against breach of contract on the ground of pregnancy or paternity leave for fathers. In summary, French law provides for 3 days

⁹⁵ Currently, fathers are on average in Pro's collective agreements entitled to 6 fully paid days, and mothers 3 months.

⁹⁶ Finnish Institute of Occupational Health (2018) Daddy's home - campaign. <https://www.ttl.fi/en/research-and-development-projects/daddys-home-%E2%80%92-parental-leave-can-increase-work-motivation-2016-2018/>

⁹⁷ European Parliament, DG for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, Women's Rights and Gender Equality, 2015. The Policy on Gender Equality in France. In-depth analysis for the FEMM Committee. [http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510024/IPOL_IDA\(2015\)510024_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/510024/IPOL_IDA(2015)510024_EN.pdf)

⁹⁸ Gouvernement France, 15.05.2017. La loi pour l'égalité réelle entre les femmes et les hommes.

<https://www.gouvernement.fr/action/la-loi-pour-l-egalite-reelle-entre-les-femmes-et-les-hommes>

⁹⁹ Gouvernement France, Loi n° 2014-873, août 4, 2014.

of paternity leave, which must be fully paid by the employer, immediately following the birth of the child. Fathers also have the right to another 11 days with a maximum compensation of EUR 84/per day (same as maternity leave). Raising this amount has been subject to several collective agreements. Moreover, both parents have the right to 6 months parental leave until the child is one year old with a flat rate payment of EUR 390 per month, or if the parent reduces working time to 50%, he/she will receive EUR 235 per month and 146 per month if the working time is reduced to up to 80%.¹⁰⁰

The French government also added in the Labour code a “Family Support Leave” to take care of a dependent parent and a “Family Solidarity Leave” to take care of dependent ascendants, descendants or persons living under the same roof at the end of their life. These types of leave are of 3 months and do not allow for longer-term care for elderly dependent people. In 2010, an “end-of-life support allowance” of 21 days was also created, but there is little data about the current up-take of any of these leaves.

Most recently, in January 2019, a new law¹⁰¹ tackling the persistent gender pay gap and requiring better monitoring measures was passed.

Despite an excellent arsenal of law, women in France continue to perform 71% of housework and earn on average 25% less than men. Women are seen to adjust their career much more frequently than men to accommodate work and family life.¹⁰² Compared with the majority of EU Member States, women in France, historically, have had a higher participation in the labour market working for the most part full-time until the 1990’s. Since then, part-time work, to reconcile family and professional life, has defined women’s participation in the French labour market. Today women are six times more likely than men to work part-time and 9 times more likely to be carers than men.¹⁰³

As the uptake of paternity and parental leave is still low and has even been declining, many observers agree that fathers’ leave should be made more attractive or at least made mandatory¹⁰⁴.

Given this context, collective agreements are important instruments to support a better work-life balance.

5.2.2 / COLLECTIVE BARGAINING STRUCTURES

Collective bargaining can take place at three levels: at the national level covering all employees; at the industry level which can involve national, regional or local bargaining; and at company or plant level.

One of the major characteristics of labour relations in France is its low unionization rate, which is about 8% in total and 5% in the private sector.¹⁰⁵ *“However, this low rate does not prevent strong contractual coverage: in particular, agreements signed by unions within a company are applicable to all company employees, whether unionized or not. This ultimately gives unions considerable power via the signing of agreements, even though they are founded on a relatively small employee base.”*¹⁰⁶

The framework for collective bargaining has been changed several times with a view to decentralising collective bargaining down to the company level. A case in point is the legislation of 2004, which made it easier for company agreements to differ from industry/sector-level agreements.¹⁰⁷ And the 2008 legislation gave primacy to company level rather than industry level agreements in the area of working time. This tendency started already in 1982 and saw its most recent completion with the labour ordinances by President Macron of September 2017.¹⁰⁸

¹⁰⁰ Code de la sécurité sociale : article L351-4 ; Code de la sécurité sociale : article D531-4 ; Code de la sécurité sociale : articles D531-1 à D531-26 ; Code du travail : articles L1225-47 à L1225-60 ; Code du travail : articles R1225-12 à R1225-13 ; Code du travail articles L3142-1 à L3142-3 ; L’essentiel, n°133, Etudes et résultats, n°0957, DREES, 2016.

¹⁰¹ Décret no 2019-15 du 8 janvier 2019 portant application des dispositions visant à supprimer les écarts de rémunération entre les femmes et les hommes dans l’entreprise et relatives à la lutte contre les violences sexuelles et les agissements sexistes au travail.

¹⁰² OFCE, Sciences Po, 2017. Réduire les inégalités professionnelles en réformant le congé paternité. Policy Brief 11/ 12 janvier 2017. <https://www.ofcesciences-pofr/pdf-articles/actu/OFCE-Reduire-les-inegalites-professionnelles.pdf>

¹⁰³ Minni, C., 2015. Femmes et hommes sur le marché du travail. Les disparités se réduisent mais les emplois occupés restent très différents. Dares Analyses, n°017.

¹⁰⁴ OFCE (n 102)

¹⁰⁵ Cahuc and Algan, 2007.

¹⁰⁶ Coron, C., 2016. The negotiation of collective agreements in France: Challenges and characteristics of negotiating gender equality. EURAM 2016 Conference: Manageable Cooperation? June 2016, Créteil, France.

¹⁰⁷ Rehfeldt, U. & Vincent, C., 2018. Chapter 5 The decentralisation of collective bargaining in France: an escalating process. In Leonardi, S. & Pedersini, R. (eds) Multi-employer bargaining under pressure: decentralisation trends in five European countries, ETUI. <https://www.etui.org/content/download/34714/341298/file/Chapter+5.pdf>

¹⁰⁸ Library of Congress, 25.10.2017. France: New Labor Reforms Adopted. <http://www.loc.gov/law/foreign-news/article/france-new-labor-reforms-adopted/>

At the same time, national level bargaining has been strengthened by legislation in 2007, which gave unions and employers a much clearer role in the development of legislation in the areas of industrial relations, employment and training. The 2015 legislation on social dialogue and employment attempted to simplify the process of negotiation by grouping the 12 separate topics where the employer had a duty to negotiate into several blocks. These are pay, working time and the distribution of the value added by the company; gender equality and the quality of working life; and, in companies with at least 300 employees, long-term staffing plans and career development.

Industry level bargaining is the most important level for collective bargaining, in terms of the numbers of employees covered. The ministry of labour's annual report of 2013 on collective bargaining shows that, 962 industry level agreements of various types were signed, 422 of them addressed pay. Other subjects covered in 2013 included occupational training (182 agreements), bonuses (169), complementary pensions and health coverage (169), employment contracts (140), *gender equality* (124) and health and safety (75).¹⁰⁹

At national level, agreements can only be signed by "representative" trade unions. There are five large national union confederations, which are nationally representative: these are the Confédération générale du travail, CGT; Confédération française démocratique du travail, CFDT; Confédération Générale du Travail - Force Ouvrière, FO; Confédération française de l'encadrement - Confédération générale des cadres, CFE-CGC; and the Confédération française des travailleurs chrétiens, CFTC. National agreements are only valid if they have been signed by a confederation or confederations with at least 30% support nationally, and if they are not opposed by other confederations that together have majority support

At industry level, the organisations that have negotiating rights on the union side are the industry federations of the nationally representative union confederations together with other unions which have shown that they have at least 8% of the votes cast in works council and similar elections in the specific industry.¹¹⁰

At company or plant level, agreements can normally only be signed by a union delegate nominated by a representative trade union present in the workplace.

5.2.3 / SOCIAL PARTNERS GOOD PRACTICES ON WORK-LIFE BALANCE

Since 1983, collective bargaining and the Annual Gender Equality Report (*Rapport de situation comparée*) have been the key tools of gender equality policies to address discrimination in employment. Firms with more than 50 employees must negotiate annually (or every 3 years if an agreement has been reached) on equal pay and on gender equality more broadly. In 2010, the legal obligation to adopt a gender equality plan or to reach a collective agreement on gender equality in enterprises with more than 50 employees was strengthened with a financial penalty for non-compliance (up to 1% of the total payroll) with enforcement starting in 2012.¹¹¹ In 2011, agreements on gender equality represented 16.3% of signed agreements (12% of collective agreements at the firm level included a gender equality clause, while only 3.5% of agreements at sector level), compared to 9.3% in 2010, an increase that may be due to the financial penalty established at the end of 2010 for companies not respecting their obligations to negotiate on this subject.¹¹² In 2014, only 34% of companies subject to this law were covered by an agreement or action plan on gender equality.¹¹³

Moreover, in some agreements the use of the term "parenting", denoting the will to encourage the involvement of fathers in the management of family implies part-time work. While part-time work can provide for more flexibility in the management of family and work constraints, it has shown to disadvantage women, who are the majority among part-time workers.¹¹⁴

The two good practices below demonstrate the breadth and possibilities that collective agreements may offer for the improvement of work-life balance for working women and men. The provisions on work-life balance in both good practices are embedded in the larger agreements on gender equality and thus represent only a part of the whole agreements.

¹⁰⁹ European Trade Union Institute (ETUI), Worker participation. France, Collective Bargaining
<https://www.worker-participation.eu/National-Industrial-Relations/Countries/France/Collective-Bargaining>

¹¹⁰ Ibid.

¹¹¹ LOI n° 2010-1330 du 9 novembre 2010 portant réforme des retraites.
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000023022127&categorieLien=id>

¹¹² Grésy B. (2009), 'Rapport préparatoire à la concertation avec les partenaires sociaux sur l'égalité professionnelle entre les femmes et les hommes', Ministère du travail. <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/094000313/0000.pdf>

¹¹³ Coron (n 106) European Commission, MLP in gender equality seminar - Women and the media - France, 12-13 November 2018.
https://ec.europa.eu/info/publications/mlp-gender-equality-seminar-women-and-media-france-12-13-november-2018_en

¹¹⁴ Ibid.

The first good practice (Collective Agreement on Gender Equality covering multiple aspects of work-life balance including reduction of working time, paternity leave, access to childcare services, part-time work, time-off for care, 2017) follows a previous agreement, signed in 2014. Based on an evaluation of that agreement in December 2016, the union decided to widen the approach to include stronger provisions on diversity and the reconciliation of professional and family life. In the previous agreement of 2014, one of the objectives had included measures to facilitate “parenthood”, but the evaluation demonstrated that measures had not done much to improve the uptake of care by fathers. Hence the demand, to which France Télévision agreed, to grant an additional fully paid day of paternity leave¹¹⁵ while addressing a host of other issues including childcare provisions, more flexible/and part-time rights among others.

A concern that many working parents have are regular working hours. Both agreements acknowledge the need to ensure that meetings are held within regular working hours (a challenge for the media sector in this case) and the culture of “presentism”. While the agreements only speak of intentions in these cases, it was important that the problems found their place in the agreements. Union negotiators involved in the collective agreement consider it a good agreement with many good principles, but they are clear that a good practice only reveals itself in its application. It was also underlined that stronger legislation regarding a better take-up of leave by men would be helpful to narrow the care gap of women and men.¹¹⁶ An important part of the agreement was the establishment of indicators to monitor its application by a Commission charged to annually evaluate progress and to make proposal for corrections.

The second good practice (Collective Agreement on the Better Integration of parenthood and Career through financial benefits and education leave, 2015) has a much smaller scope as regards measures on work-life balance, but it is nevertheless considered a good practice in the public sector/transport. Only 22% of transport workers are women, which makes transport one of the most gender segregated sectors of the economy.¹¹⁷

The collective agreement, also embedded in a larger agreement on gender equality, provides for the right to retain one’s premiums and benefits, such as fixed monthly allowances during family leaves; there is also the right to extend the leave to acquire new skills. The agreement also acknowledges the need to ensure that fathers make use of their right to paternity leave. The transport sector is particularly difficult sector for working women and men to reconcile family and professional life. *“Negotiations were not easy and implementation even more difficult, but we managed to reach an acceptable compromise,”* union officials report.¹¹⁸

GOOD PRACTICE 1.

COLLECTIVE AGREEMENT ON GENDER EQUALITY COVERING MULTIPLE ASPECTS OF WORK-LIFE BALANCE INCLUDING REDUCTION OF WORKING TIME, PATERNITY LEAVE, ACCESS TO CHILDCARE SERVICES, PART-TIME WORK, TIME-OFF FOR CARE, 2017

/ **SECTOR:** Media/Communication

/ **SIGNATORIES:** France Télévision and Confédération générale du travail - France Télévision - CGT FTV

/ **KEY PROVISIONS:**

- The days of paternity leave are increased from legal obligation of 11 days to 12 consecutive days, and from 18 - 19 days if case of multiple births, but not really taken up, pension payments do not suffer, single parents are included. Carers fully paid for ten days;
- 10 days fully paid to take care of a family member with a grave/terminal disease;
- The right to take 44 saved-up days to take care of a sick (medical certificate) family member;
- Commitment to organise meeting - as far as possible - during official working hours;
- Support the uptake of teleworking for all workers;
- Make available a “Conciergerie 2.0” - accessible online - to certain household/supporting services such as childcare, cleaning services etc.;

¹¹⁵ European Commission, MLP in gender equality seminar - Women and the media - France, 12-13 November 2018.

https://ec.europa.eu/info/publications/mlp-gender-equality-seminar-women-and-media-france-12-13-november-2018_en

¹¹⁶ Fremy, Chantal, CGT, France (13 October 2018) via email.

¹¹⁷ European Transport Foundation (ETF) https://www.wetf-europe.org/our_work/gender-equality/

¹¹⁸ Interview with Maryse Thaëron, CGT Cheminots (October 2018)

- Employees with children under the age of 12 can schedule their part-time during school holidays. The limit is 55 days divided as follows:
 - 10 working days for the winter holidays,
 - 10 working days for spring break,
 - 20 working days for the summer vacation period,
 - 10 working days for All Saints holidays,
 - 5 working days for the end of year holidays

The request must be made in writing no later than March 31st of the year for a starting from September 1st of the current year. This is an annual request, but can be made multiple times;

- Parents working part-time can request to continue to pay into the social security system as if they were working full time; the employer will contribute its full share, too. This does not apply to complementary pension systems;
- Specific attention is paid to single-parent families so that they do not have to work on weekends or holidays, professional circumstances permitting;
- Parental leave for education shall be considered for half for the calculation of the seniority of the employees, in application of the article L.1225-54 of the Labor Code.
- For the calculation of seniority, France Télévisions increases the consideration of these periods of parental leave of up to 12 months over the course of the career;
- The parental leave may be extended at the request of the employee until the day of the back to school following the child's 3 years;
- If both parents work at France Télévisions, they can take simultaneously or successively this holiday.

GOOD PRACTICE 2

COLLECTIVE AGREEMENT ON THE BETTER INTEGRATION OF PARENTHOOD AND CAREER THROUGH FINANCIAL BENEFITS AND EDUCATION LEAVE, 2015

/ **SECTOR:** Public/Railways

/ **SIGNATORIES:** La Fédération Nationale des Travailleurs, Cadres et Techniciens des chemins de fer français (C.G.T.) ; L'Union Nationale des Syndicats Autonomes Fédération des Cheminots et Personnels des Activités Annexes (U.N.S.A.) ; La Fédération des Syndicats de Travailleurs du Rail Solidaires, Unitaires et Démocratiques (SUD RAIL) ; La Fédération des Cheminots CFDT (C.F.D.T.) and La SNCF.

/ **KEY PROVISIONS:**

- During maternity leave, including also during periods of absence from work related to the pregnancy, employees continue to benefit from their work premium and the payment of a daily parenthood allowance guaranteeing the habitual level of monthly fixed or variable allowances or gratuities; the daily parental allowance applies also to paternity leave and also to adoption;
- Meetings should be organised within regular working hours, unless it is unavoidable;
- The absence related to maternity, paternity or adoption leave is neutralized in that the time for a professional training course is extended so that the employee has the necessary time to acquire more skills;
- The company recognises that paternity leave is a right and will ensure that all fathers can make use of that right;
- Particular attention will be given to demands for part-time work for those employees returning from maternity, paternity, parental (also adoptive) leave.

5.2.4 / CONCLUDING REMARKS

There appear to be great differences between sectors and their ambitions to fulfill the obligation to establish gender equality. While it is helpful to have the obligation to negotiate a three-year plan to advance gender equality as a first step, collective agreements can help ensure that such plans are realised. In interviews and from the literature there is a common thread that despite good laws and intention, implementation remains a major issue. Observers who were interviewed report of a lack of systematic data collection regarding Collective Agreements on Gender Equality in Employment (CAGEE) and their contents at the sector and national levels.¹¹⁹ Monitoring is key to improving collective bargaining and proper implementation of collective agreements. According to the Service des droits de Femmes (SDFE), large companies are more likely to sign a CAGEE.¹²⁰ A study by the European Parliament asserts that, “while at the bargaining level it appears that there is a lack of data collection and proper analyses of gender inequalities in firms and at the sector level, there is also a failure of the firm/sector actors to appropriate the CAGEE and to transform it into concrete measures. At the firm level, the control has been much more lax with the argument that the various stakeholders of collective bargaining had first to become familiar with the objective of gender equality which is, however, legally stipulated since 1983.”¹²¹ The two good practices, however, explicitly provide for specific monitoring mechanism, including indicators to measure actual progress. The question of indicators remains crucial for addressing inequalities and the use of corrective measures.

5.3 / GERMANY

5.3.1 / STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN GERMANY

Working mothers continue to be disadvantaged on the German labour market. Ninety-six per cent of female employees take a twelve months parental leave while only a third of men do that and then only for an average of two months.¹²² According to the OECD, more women have entered the labour market in recent years, but they have done so mainly as part-time workers. Almost 75% of women workers are employed in part-time positions. Fifty percent of mothers with children under the age of three do not work at all; one-fourth works part-time.¹²³ Studies, commissioned by the trade unions show that more flexible working time can have a positive impact on women, creating more opportunities to enter and stay in employment.¹²⁴

Family-friendly working conditions in Germany are defined at three levels, which are interlinked. These are legal provisions, collective agreements or company level agreements. Whilst the law generally sets a minimum framework, collective agreements and company agreements define the specific conditions for their respective work forces. In recent years, an increase of collective agreements on compatibility of family and work in Germany can be observed. (Klenner, 2013)¹²⁵ Klenner demonstrates in her analysis of collective agreements between 2006 and 2012 that work-life balance issues were marginal issues in collective bargaining. An evaluation of a survey in 2012 of the Wirtschafts- und Sozialwissenschaftliches Institut (WSI) showed that company-level agreements on work balance existed only in 12% of companies with more than 20 employees.¹²⁶ Those agreements tended to be framework collective agreements or in companies where the female work force was higher than 70%. In recent years, however, work-life balance concerns have emerged as important issues for trade unions. The two good practices from Germany presented in this study are evidence of that trend. In December 2018, the Eisenbahn-und Verkehrsgewerkschaft (EVG), which represents employees working on trains and other public transports, succeeded in negotiating a collective agreement, which provides for an overall wage increase of 6.1 percent applied in two stages, and includes a “model of choice” whereby salary increases can be traded for more time off. Salaries will increase by 3.5 percent on 1.7.2019 and once again by 2.6 percent on 1.7.2020. The “model of choice” allows employees to choose between 2.6% more money, six days more leave or shorter working hours. All those who opt for “more holidays” will receive a one-off payment of 700 euros in August 2020 for the period between 1.7.2020 to 31.12.2020.¹²⁷

¹¹⁹ Interview with Raphaëlle Manière, CGT, Paris (September 2018).

¹²⁰ France, Service des Droits des Femmes et de l'Égalité (SDFE). <https://www.waladom.fr/organisme/sdfe>

¹²¹ European Parliament (n 97)

¹²² OECD, 2017 The Pursuit of Gender Equality: An Uphill Battle How does Germany Compare? <https://www.oecd.org/germany/Gender2017-DEU-en.pdf>

¹²³ Ibid.

¹²⁴ Employee benefits, UK. <https://www.employeebenefits.co.uk/employee-work-life-balance-matters-can-improve/>

¹²⁵ Klenner, C., 2013. Gender und Care in Zeiten der Prekarisierung https://www.boeckler.de/pdf/v_2013_09_26_Klenner.pdf

¹²⁶ Institute of Economic and Social Research (WSI), 2012. Gender Research. https://www.boeckler.de/wsi_45278.htm

¹²⁷ For more of the details of the deal, see: EVG, 15.12.2018. EVG-Tarifabschluss mit der DB AG: 6,1 Prozent mehr Geld einschließlich mehr vom EVG-Wahlmodell - Alle 37 Forderungen durchgesetzt. <https://www.evg-online.org/dafuer-kaempfen-wir/tarifpolitik/news/evg-tarifabschluss-mit-der-db-ag-61-prozent-mehr-geld-einschliesslich-mehr-vom-evg-wahlmodell-alle-37-forderungen-durchgesetzt/>

1,76 million workers took parental leave in 2017 according to the Federal Statistical Bureau of Germany (Destatis) of which 1,35 million were mothers and 410,000 fathers.¹²⁸ There is no specific legislation on paternity leave in Germany. Leave provisions in general allow both parents to take time off work (completely or part-time) and receive compensation by the state for the loss of income. The most recent changes of the law on parental leave are in the form of an additional benefit for both parents called Parental Times Plus. It extends the time that parents can take family leave to 24 months. The law concentrates on flexibility but does not address the low uptake of fathers of parental leave as fathers can transfer their parental time to mothers, except for a period of two months. Working women, corroborated by statistics and interviews for this study, find themselves in what is referred to as the part-time trap for women. Carers' Leave and flexible working arrangements present a particular challenge for millions of households. Recent studies show that 2,9 million people in Germany need care of which 73% are cared for at home. Current legislation allows for ten days off work for emergency care without salary compensation. Workers are permitted to take six months off or work part-time,¹²⁹ but no less than 15 hours, to care for a family member without salary replacement. Workers can also ask to work part-time over a 2-year period. Their salary remains reduced once they start full-time work until the time account is rebalanced.

5.3.2 / COLLECTIVE BARGAINING STRUCTURES

Only around a fifth of employees in Germany are union members, and union density has fallen sharply since the early 1990s, in part because of a sharp fall in manufacturing employment in Eastern Germany after unification. The main trade union confederation in Germany is the Deutsche Gewerkschaftsbund (DGB), which attracts all types of workers. It is by far the largest confederation, bringing together 8 trade unions with about 6 million members (2017), and includes important unions such as IG Metall and Ver.di, which have considerable autonomy and influence. Two other union federations, the Beamtenbund und Tarifunion (DBB), representing state functionaries and the Christliche Gewerkschaftsbund (CGB) also exercise considerable influence through their broad union membership.¹³⁰

Collective bargaining in Germany takes place primarily at industry/sectoral level rather than at the workplace/company level. Only 12% of company-level collective agreements include issues around work-life balance and only 10% tackle reconciliation between care for family members and work.¹³¹ These figures reflect a survey of work councils conducted by the IG Metall in 2016/2017, which covered about 2100 companies in the sectors that the IG Metall covers.

5.3.2 / SOCIAL PARTNERS' GOOD PRACTICES ON WORK-LIFE BALANCE

The first good practice (Collective Agreement on flexible working arrangements and economic benefits, 2019 "Together for Tomorrow - My Life/my Life-Time: Rethinking Work") was concluded in 2018 with a phased-in implementation in 2019. The collective agreement was negotiated by IG Metall, the largest single union in Germany.¹³² The strategy for improving the work life balance provisions for its membership developed over some time with a view to negotiating an agreement that would make a real difference for the women and men working in the sector. More and more workers appreciate having more control over their working time and being able to better reconcile family and working responsibilities. While the IG Metall/Gesamtmetall agreement sets a precedence of that kind of agreement, similar agreements have recently been concluded, e.g. for the Deutsche Post (German Postal Service). In April 2018, Verdi negotiated an agreement that allowed workers to choose between a 3% salary increase or 8 extra days off.¹³³

¹²⁸ Frankfurt Allgemeine, 14.06.2018. Wo die Väter zu Hause bleiben.

<http://www.faz.net/aktuell/wirtschaft/statistisches-bundesamt-wo-vaeter-zu-hause-bleiben-15639668.html>

¹²⁹ Krankenkassenzentrale, Germany, 2017. <https://www.krankenkassenzentrale.de/wiki/pflegezeit#>

¹³⁰ Wikipedia. https://de.wikipedia.org/wiki/Liste_von_Gewerkschaften_in_Deutschland

¹³¹ IG Metall BR Befragung 2016

¹³² IG Metall (German: Industriegewerkschaft Metall, "Industrial Union of Metalworkers") is the dominant metalworkers' union in Germany, making it the country's largest union as well as union. Analysts of German labor relations consider it a major trend-setter in national bargaining.

¹³³ Böckler Impuls, 2019. Tarifpolitik: Zeit ist das neue Geld, 2/2019, p. 6.

GOOD PRACTICE 1.**COLLECTIVE AGREEMENT ON FLEXIBLE WORKING ARRANGEMENTS AND ECONOMIC BENEFITS, 2019 “TOGETHER FOR TOMORROW - MY LIFE/MY LIFE-TIME: RETHINKING WORK”**

/ **SECTOR:** Metal and Electrical Industry

/ **SIGNATORIES:** IG Metall; regional organisations of the IG Metall and Gesamtmetall, represented by the regional associations of employers.

/ **KEY PROVISIONS:**

- More money and more control of the worker over his/her working time
- One-off payment of 100 EURO in March 2018
- Wage increase of 4,3% as of 1 April 2018
- Additional wage increase as part of the collective agreement: 25,7% of a monthly wage once a year; from 2020 this will turn into a one-time yearly payment of 400 EUROS independent of changes to the collective agreement
- There is the option to trade this payment for 8 free days (2 of them as extra days) to fulfil care responsibilities for children or care for family members (in line with different caring needs/medical certificate); this option is also available for employees doing shift work;
- Right to reduced full-time work, to no less than 28 hours per week, for a period up to 2 years (and right to return with reduced pay).

The first negotiations centered around improving working conditions and working time. Regarding working time, the goal was to provide workers with the right to plan and have more control over their working time. Closely related were the demands of the IG Metall to push for better provisions on work life balance. It became a key demand throughout the “*My life, my life-time: Rethinking Work*” campaign.

The demands by the union included the right to reduce working time for all workers. Those who have children, care for the sick, or work shifts should be entitled to an adjusted, additional compensation (Entgeltausgleich) while working a reduced number of hours. In addition, the union demanded a 6% raise in salaries. The employers reacted immediately and particularly regarding the demand for salary compensation on account of a reduced working time due to family responsibilities. Not only did they reject the proposal out of hand, but they went a step further and filed a legal complaint on the basis that such a demand was discriminatory vis-à-vis those workers who were already working part-time.¹³⁴

In order to put pressure on the employers, the union called on workers to go on a warning strike. The response was enormous with more than 1,5 million workers responding, 500,000 of them went on a 24-hour strike, while only 380,000 workers had been mobilised in the first instance. The strikes had a tangible impact on the negotiations.

The demands were part of a strategy which had developed slowly starting with a nation-wide campaign. Over time, the IG Metall had received more and more appeals to push for better working time. There had not been such wide campaigns regarding working time since the hard-fought introduction of the 35 hour-week in 1984. In 2013, the IG Metall conducted one of the largest surveys in years in numerous companies and found that the average working time exceeded generally the legal limits. A further in-depth survey conducted in 2016 with a record number of 680,000 replies became ammunition in view of the next rounds of collective bargaining. One of the results was the recognition that workers had to adjust their lives to their working time in 90% of the cases highlighting the difficulties to balance work and family/social life.

“The results of the collective agreement, the right to reduced full time-work and the right to additional days off for childcare and care, demonstrates that the IG Metall has addressed socially relevant issues and contributed to their solution. Ensuring their right of shortened full time, IG Metall has created a building block that allows both sexes to better combine employment and family responsibilities for both sexes.”¹³⁵

But the union is also aware that there are still some outstanding issues including a new legislative proposal to increase the legal limits of working time and some experimental proposals which may impact on the prescribed

¹³⁴ The employers withdrew the demands after an agreement had been reached.

¹³⁵ Hofmann, J. Schaumburg, S and Smolenski, T (Hg.)Miteinander für morgen: Für Arbeitszeiten, die zum Leben passen, pp. 76-77, 2019, Transcript Verlag: <https://www.transcript-verlag.de/978-3-8376-4685-6/miteinander-fuer-morgen/>

times of rest. Much like other unions in other countries, the IG Metall is also concerned about carers' leave arguing that the ten days granted under the legislation as well as the compensation does not adequately address the problem. IG Metall continues with its campaign on work-life balance and the implementation of the newly agreed rights.

It is foreseen to evaluate the impact of the collective agreement in 2020.

It is not always that a campaign, such as the one launched by the IG Metall is met with such broad support and enthusiasm. Union members, media and broader support from the people at large is evidence that the issue of work-life balance has attained the deserved prominence. The fact that workers in the metal and electrical industry sectors are opting to forego a pay rise in exchange for time off with the family or for reasons of health as shift workers is an indication how important it is for workers to balance working time with time with their families or for a healthier life in general.

"Working women and men need working times which fit their lives and not the other way around; it is our life; it is our time"
Hilde Wagner, IG Metall, Germany.

While most collective bargaining is taking place at the industry level in Germany, there are some good model practices on work-life balance at company level. Such company agreements have the advantage that they can be more concrete and specific to the needs to the employees. It is also suggested that companies are gaining increasingly greater importance in supporting work life balance policies.¹³⁶ While only 12% of company agreements touch on work-life balance, 8 out of 10 representatives of German companies consider these issues as important or somewhat important according to a survey done by the German Ministry of Families, Seniors, and Youth.¹³⁷

GOOD PRACTICE 2.

COMPANY-LEVEL COLLECTIVE AGREEMENT ON FLEXIBLE WORKING ARRANGEMENTS, 2017, REDUCTION OF WORKING TIME/EXTRA FINANCIAL BENEFITS/FULL SOCIAL SECURITY COVERAGE DIBA FLEXI-TIME EXTRA PLUS -FIT FOR THE FUTURE (ZUKUNFTSTARIFVERTRAG)

/ **SECTOR:** Banking

/ **SIGNATORIES:** Verdi and ING DIBa-AG

/ **KEY PROVISIONS:**

- Parent/carer can work part-time; during that time, employer will contribute 20% of the full-time gross salary to the salary received as a part-time worker, but not exceeding 100% of the previous salary;
- Return to full-time employment is guaranteed under the same conditions as before;
- Financial support for childcare services until the child reaches the age of 3 and EUR 100 until the age of 6 - support is granted based on costs, but no more than EUR 150 a month;
- A financial contribution by the employer of up to EUR 150 a month for the care of an elderly parent.

The ING DIBa – direct banking, with its headquarters in the Netherlands, established three branches in Germany. Since 2007, an in-house (German branches) company agreement has structured the labour relations in Frankfurt, Hannover and Nürnberg. While the Nürnberg branch is poised to be enlarged, the Hannover branch is expected to become smaller. The company-based agreement which has been recently re-negotiated (2017) outlines specific provisions for improving the work-life balance of its employees. The provisions are part of a larger collective agreement, entitled 'A collective agreement fit for the future' outlining soft and hard measures.

Among the soft measures, DIBa agreed to support and promote diversity, health and safety, secure employment and support work life balances measures. It also offered special arrangements with Kindergartens near the company locations and financial support for caring for the elderly or paying for childcare. In this context, the union, Verdi was pleased about the cooperation between bank and the trade union. The union reports that it was the first

¹³⁶ Seeleib-Kaiser/Fleckenstein 2008

¹³⁷ BMFSFJ/ IW 2015; 5f

time in this sector that a company had shown so much interest in work-life balance issues considering it one of its priority themes of labour relations. The bank is only involved at sectoral level regarding general pay raises but keeps for the rest of it apart from the sector-specific labour relations. The company and the trade union saw eye to eye – for the first time – when it came to work-life balance issues. Some observers termed this to be the meeting of a progressive public relations strategy and a response to ongoing concerns that the trade unions have expressed over some time. It was agreed to cover a series of concerns ranging from work-life balance to health and safety, further training as well as sports. The social partners agreed to engage for a period of two years, but with monitoring mechanisms in place. The broad agreement most importantly included the perspective to be responsive to the special life circumstances of each employee and that included of course, the caring responsibilities for elderly members of family. In 2018, a company survey of both employer and union investigated whether the agreement covered the actual circumstances of the staff. Statistics were collected, and results discussed in work councils and members' general assemblies. The surveys highlighted the acceptance of the measures in the agreement, but also made clear that certain provisions by subsequent agreements at branch-level were not welcomed by all. A telling example is the agreement that one branch of the ING made with kindergartens close by. The survey revealed that parents preferred childcare/kindergarten close to their homes instead of the place of work.

There is close co-operation between the company and the union to monitor the implementation of the agreement. Adjustments are foreseen to be part of any renegotiations.

5.3.4 / CONCLUDING REMARKS

Trade unions in Germany have embraced the issue of work-life balance as a part of their mandate. As such they are responding to their membership who clearly support measures that contribute to improving work-life balance. Success, in the case of the IG Metall can be closely associated to such support, a well-prepared campaign and the transformation of support into class action underlining the strength of the union.

The Diba-Ver.di agreement highlights the fact that companies in Germany have become increasingly aware of the importance of work-life balance for their employees and have realised that by providing additional measures in support of work-life balance, companies can retain workers. Unions, like Ver.di have managed to negotiate such agreements based on the need of companies to attract a skilled work force and hard evidence showing the benefits of these policies

5.4 / ITALY

5.4.1 / STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN ITALY

The Italian welfare state model is characterized by the subsidiary role of the state and a 'family-oriented' conception of work-life reconciliation policy, which is based on solidarity involving the extended family in care and economic support. The effectiveness of such policies must be re-evaluated in the face of continuously changing social conditions - labour market precarity, changing models of the family and gender equality.¹³⁸ In 2017, women were 15% more likely than men to be unemployed and, when working, 75% more likely to be employed in low paid jobs. They also devoted less time than men to leisure and personal care and spent less time socializing.¹³⁹

Families are very likely to mainly rely on grandparents as childcare providers¹⁴⁰. According to Eurostat (2018), Italy had one of the highest shares of households reporting not suitable opening hours of formal childcare services, and the quality of the services was also a critical issue.¹⁴¹

The long-term care system is limited and does not meet the care needs of individuals and families. The lack of availability of services that has a negative impact on carers' participation in the labour market and on the reconciliation between work and family life. Around 14% of mid-life working women in Italy with caring responsibilities have reduced or given up labour-market participation due to reasons related to coping with informal care for their elderly

¹³⁸ Naldini, M. & Guerrero, T. 2019. Families, Markets and Welfare States: The Southern European Model.

https://www.researchgate.net/publication/237109982_Families_Markets_and_Welfare_States_The_SouthernEuropean_Model

¹³⁹ OECD. 2017. How's Life in Italy? <https://www.oecd.org/italy/Better-Life-Initiative-country-note-Italy.pdf>

¹⁴⁰ Jappens, M. & J. van Bavel. 2012. Regional family norms and childcare by grandparents in Europe. Demographic Research 27 (4): 85-114. <https://www.demographic-research.org/volumes/vol27/4/27-4.pdf>

¹⁴¹ Eurostat News Release, 20 February 2018. Access to social services.

<https://ec.europa.eu/eurostat/documents/2995521/8681785/3-20022018-AP-EN.pdf/59fcfaa7-0c72-48a6-8603-899b5b730773>

parents. This percentage is around 5% in Scandinavian countries and around 8% in western European continental ones (e.g. France, Belgium and Germany).¹⁴²

Paternity leave entitlement is low at five paid days. The days are obligatory to take, and can be used until five months after childbirth, also as separate days. A further one day of 'optional' leave is available if the mother transfers part of her maternity leave.¹⁴³

Time off for the care of an ill child under three years is without a limit; and five days a year per parent for a child aged three to eight years. However, as the time off is unpaid, it is not always a real and feasible option to take.

Employees are entitled to two years leave over the course of their entire working life in the case of a serious need in their family, for example the disability of a child or other relative, even if not co-resident. During the period of leave, applicants are entitled to receive an allowance of 100% of their previous earnings, up to a ceiling of €47,351 per year.¹⁴⁴

By law, there is a flexible working entitlement until a child is 12 months old, and parents responsible for a child under six years or a disabled child under 18 years have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours).¹⁴⁵ While flexible working time is seen as part of a solution to better work-life balance, it also has a downside: as it is mostly women taking family leaves and working part-time, this measure is detrimental to their career and income progression. For example, part-time work measures are well consolidated in the national collective agreement for the banking sector (50/50 work force), but in the recent years, 95-97% of part time work cases have been women who had to take advantage of this measure due to work-life balance reasons¹⁴⁶.

5.4.2 / COLLECTIVE BARGAINING STRUCTURES

Relationships between employers and employees are regulated in detail by Italian law and – where relevant – by National Collective Bargaining Agreement (NCBA). Currently, national-level agreements remain the main source of regulation. However, the industrial relations framework has undergone changes in recent years and moved towards an increasingly decentralised collective bargaining structure.

Sectoral NCBA's are concluded for the whole Italian territory and applied to all employees of the same sector. At this level, the main items of the employment contract are established, such as minimum wage, working time, job classification, and working conditions. Certain specific aspects of work, such as incentive remuneration schemes, performance bonuses, productivity standards, and special types of insurances, are regulated at decentralised level (territorial, regional or provincial level, or company level). Another aspect addressed by NCBA's and by company-level agreements is the issue of work-life balance by means of flexible working time schemes or teleworking arrangements.¹⁴⁷ An important debate in Italy is the location and funding of work-life balance policies, and the link between them and industrial relations.¹⁴⁸

In Italy, the financial crisis resulted in the unemployment rate growing from 6.2 in 2008 to 11.7 in 2016, with unemployment rates in the South and among younger cohorts considerably higher (growing from 12.0 to 19.6 and from 21.1 to 37.8% respectively). Because of the crisis, companies withdrew or postponed family-friendly measures¹⁴⁹.

The Italian trade unions have shown strong resilience both organisationally (trade union density increased during the crisis) and as important actors in the economic and political life. A key feature of the trade unions is that they have become over time a relevant actor not just in the industrial relations arena, but also in other spheres of the society and public policy. For example, the issues subject to various forms of bargaining include supplementary welfare benefits, social issues, active labour market policies, and training programmes.¹⁵⁰

¹⁴² European Social Policy Network (ESPN), 2018. Thematic Report on Challenges in long-term care in Italy. <https://europea.eu/social/BlobServlet?docId=19853&langId=hr>

¹⁴³ International Network on Leave Policies and Research, 2018. Italy.

https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINALItaly2018.pdf

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ FISAC-CGIL monitoring

¹⁴⁷ Eurofound, 2017. Living and working in Italy. Collective bargaining.

<https://www.eurofound.europa.eu/country/italy#collective-bargaining>

¹⁴⁸ Leave Network (n 143)

¹⁴⁹ Cologne Institute for Economic Research, 2010. European Company Survey on Reconciliation of Work and Family Life.

<https://www.bmfsfj.de/blob/93702/071fa9d81736a3dbced5af894800cf90/europaescher-unternehmensmonitor-familienfreundlichkeit-englisch-data.pdf>

¹⁵⁰ Regalia, I. & Regini, M. 2018. Trade Unions and Employment Relations in Italy during the Economic Crisis. South European Society and Politics Vol 23:1. <https://www.tandfonline.com/doi/abs/10.1080/13608746.2018.1430608?journalCode=fses20>

5.4.3 / SOCIAL PARTNERS' GOOD PRACTICES ON WORK-LIFE BALANCE

The building sector

The building sector in Italy has five sub-sectors: house building, wood works, concrete, stone works, and all other materials for the building sector. The number of women in the building sector is very low in Italy and in Europe, between 6-10%. Women mainly found in the white collar and highly skilled jobs (architects, heads of sites/building yards). An Italian specificity is that there are 80% women in a sub-sector of archaeology and restoration, which falls within the building sector agreement. There are also many women in the wood works sector (e.g. furniture manufacturing) - 30% at the national level. The union FILLEA-CGIL has more provisions and articles on work-life balance within archeology and restoration both at the national and local/company level, than in the other sub-sectors. In the actual building sector, not much has been accomplished as regards gender equality, although all agreements have a section on the protection and safety of women, and on work-life balance. Even though women are a minority in the overall building sector, they have formed a 'Women in the Building Sector' network, which is listened to during the bargaining rounds.

If a work-life balance provision cannot be included in the national level agreement, FILLEA-CGIL tries to include it at the local level. For example, Puglia Region is an important furniture manufacturing cluster in the South of Italy where women's employment rate is very low. A few years back FILLEA-CGIL conducted an employee survey with University of Bari to find out about key issues and problems related to work-life balance.

FILLEA-CGIL advocates for longer paternity leaves and always include 'parenthood' into agreements, not only 'motherhood'.

FILLEA-CGIL and the other trade unions of wood works, concrete and construction materials sector are working to reach an agreement with the employers (national collective agreement platform) for 5 extra days of paternity leave in addition to the 5 granted by law.

The banking sector

The FISAC-CGIL has a 'Women's Coordination Unit'¹⁵¹ that meets to exchange ideas and is involved in the bargaining process. The Unit has recently published a guidebook, in which it assessed the most important work-life balance measures, by comparing the national laws with bargaining at the company level.

A good example of negotiated work-life balance measures in the banking sector concerns *Intesa Sanpaolo Banking Group*. A FISAC-CGIL representative has been working with the banking group's welfare unit for ten years to identify key work-life balance issues that should be included into the agreements.

The bargaining process in 2012 was very difficult due to the financial crisis. All company agreements expired and were repelled; the company was interested in cutting costs, and this was unfavourable for bargaining for work-life balance - when a company saves, they cut on work-life balance measures.

In 2015, unions succeeded in signing a 2nd level agreement for the whole group, and the company was willing to accept work-life balance measures. They set up a Committee to find solutions to work-life balance problems and incurred the costs for these solutions. The understanding was and is that with good work-life balance, employees will be performing also better at work, and this pays the company back. Intesa Sanpaolo is a major bank; what they do will be taken as a benchmark.

The banking group, which has 65 000 employees, has Smart Working arrangement in place since 2015. During the negotiations, Smart Working, i.e. flexibility in working hours and working place, was not communicated as a work-life balance issue, but just a different way of organising your work. Now the Smart Working scheme is in 500 offices, more than 80%, i.e. 9000 entitled employees (M 54% and W 46%, which corresponds to the workforce division) are using this method, and it is expanding.

¹⁵¹ FISAC-CGIL <http://www.fisac-cgil.it/category/dipartimenti/dip-donne>

GOOD PRACTICE 1.**COMPANY LEVEL COLLECTIVE AGREEMENT ON PARENTHOOD, TIME BANK AND DISCONTINUATION OF WORK, 2018****/ SECTOR:** Banking**/ SIGNATORIES:** FISAC-CGIL, FIRST CISL, UILCA, Unità sindacale FALCI-SILCEA-SINFUB and Intesa Sanpaolo Banking Group**/ KEY PROVISIONS:**

- **Maternity and parenthood** - paid time off when you take a child to the kindergarten for the first time; paid time off for assisting disabled children; unpaid leave to look after an ill child; fathers are granted 3 additional days of leave when a baby is born - if a father takes the paternity leave, he will be paid 10% more than by the law; any leaves associated with parental leave are also granted to same sex couples;
- **Time Bank:** 50 000 paid hours by the company, plus hours donated by the employees (solidarity hours);
- **Days in which an employee can apply for discontinuation of work activity to stay at home:** 20 days per year, paid at the rate of 35% of the salary.

There are procedures in place to monitor the use of all the different measures in Intesa Sanpaolo. In 2017, more than 106 'Voluntary discontinuation' days were used, and more than 14 000 employees applied (women 10 000 and men 4600). 32 000 hours were requested by 526 colleagues from the 'Time Bank'. But regarding the paid paternity leave (with 10% extra salary), in 2016-2017 out of 1600 babies born, only 28 fathers took advantage of the leave, and used only 15 hours, i.e. two days instead of the granted three.

There are several agreements at regional, local and company levels. CISL has an observatory of these 2nd level agreements (OCSEL) that has collected now over 8500 practices. Welfare benefits represent 41% of the agreements; the 12% of the agreements that regard work and life reconciliation concern mainly working hours flexibility, baby-sitting and part-time work.

The CISL has a *Women's Committee* which is a national level coordinating unit, that also works in collaboration with Regional Committees. Every sector that CISL represents has a person in charge of women's issues. CISL negotiates with companies taking into consideration the situation of the regions where they are located. CISL also wants good practices standardised within a region, e.g. public services to have the same working hours.

The work-life balance issues for CISL cover caring for children, the elderly and disabled. It is understood that work-life balance measures enable women to not only keep jobs, but to progress professionally - "women should not be punished for having a baby", and CISL is working hard for a skills recognition for women who look after families. The Women's Committee has a specific focus on single mothers and migrant women; they also work with companies to introduce 'customised' work-life balance measures for these employees.

More than 90% of the companies CISL represent are SMEs, which makes negotiations for work-life balance issues challenging, as these issues are easier to agree on and set up within large companies. In addition, while some public sectors (e.g. research; medical doctors) have good regulations in place and are granted longer family-leave periods, they are only paid very little money during the leaves (30% of salary).

One key issue for CISL is job security after having a child: this is a key issue because many women lose or leave their jobs at that point. 1 in 2 women with 3 or more children will lose or leave their jobs. CISL wants to create the right conditions for women to keep their jobs (e.g. Smart Working; time banks). Relatedly, there is lack of childcare facilities in Italy; and the situation is not improving, as the public sector came to a standstill during the 8 years of crisis.

The CISL Women's Committee sees benefits in the EU legislation regarding work-life balance; the Italian law from 2000 on maternity and paternity leaves was inspired by the European laws; and there is an interest towards other EU countries. The EU Directive on work-life balance would further support the shift to longer paternity leaves.

*"Work-life balance is not a cost but a benefit and an investment into their: reputation; employees committing themselves to the workplace; attracting and enhancing skills and talents; improving services to customers; innovation; and reducing absenteeism. And these positives do not translate into a cost!"*¹⁵²

¹⁵² Interview with Liliana Ocmin, CISL, Officer responsible for CISL Women's Committee and gender equality, migration and young people, Italy.

The transport sector

The national level FIT-CISL agreements cover all the transportation sector as the federation represents transport for people, municipal services, trains, planes, goods & services, and waste collection. At the national level, 20% of the work force is women, and the case is similar for all the sub-sectors. The union advocates for shared family responsibilities as a principle, and work-life balance is seen to apply to all employees - not only to women. Specific work-life balance provisions for transport include: flexitime; parental leaves on an hourly basis; paternity leave or time off for fathers; and solidarity holidays, e.g. an employee donating their time off to a colleague whose child is ill. This leave is paid as absence days (a payment measure that is not in the law).

GOOD PRACTICE 2.

NATIONAL LEVEL COLLECTIVE AGREEMENT ON FLEXIBLE WORKING, 2018

/ SECTOR: transport

/ SIGNATORIES: FIT-CISL, FILT CGIL, UILTRASPORTI, UGL TAF and the National Railway Company

/ KEY PROVISIONS:

- Smart Working is an agreement between the National Railway Company and the three main Unions, covering all employees; it means flexibility in working hours and working place, while the employment contract stays the same;
- Smart Working can be carried out maximum of 8 days per month, and during these days, the employee must be available for the employer to call;
- A one-to-one agreement is made between the company and the employee with the support of the trade union;
- Hours and place of work are agreed on but the duration of the arrangement can vary, depending on the situation of the employee;
- The agreement starts with one-year and can be shortened or extended;
- There is a built-in monitoring aspect to Smart Working, as the agreements are reviewed after one year and adjustments are made based on the review;
- Company provides training to the employee before the Smart Working scheme starts, e.g. on health & safety (company is responsible if there is an accident during working time), and on ICT tools;
- The employee has the same duties and rights as before, and they can discontinue the arrangement anytime.

The Smart Working scheme started because in many occasions, employees highlighted the need for flexibility to trade unions, and companies understood that if their employees are well in general, they perform also better at work. During the negotiations, the principles of Smart Working were agreed by both parties, but the implementation had challenges. Specifically, 'being available' without being paid extra money was challenging from then employee viewpoint.

The model was tested for one year and the results were very favourable, leading Smart Work becoming an integral part of transport agreements from 1. June 2018. The piloting of the model showed that more men than women took the opportunity for this arrangement. The reasons to join the scheme included: looking after family members; not having to commute to the workplace that was far away; and working hours that were more compatible with one's life. There are not many costs to the company from the Smart Working scheme, and the employees save time and money. During the pilot each person who took part in the scheme saved 77 minutes on average of travel time per day; 7491 hours were saved on average during the whole experimentation. The time was used with family (91%) and sport and other hobbies (42%). All participants saved overall 124,106 euros during the trial on travel and other expenses. Smart Working agreement is now being used as an example for other sectors to adopt.

The food producing sector

The food sector has national and company level agreements, as well as provincial level agreements. The food sector companies are characterised to have good relations with the trade unions; also, the financial crisis did not hit the food sector as severely as other sectors.

The 2013 national level collective agreement for food sector is a very important supplementary agreement on work-life balance: maternity and paternity leaves will be paid up to 100% of the salary – by law this is only 30%. This is

funded by an additional health care fund, which is a bilateral system composed of the employer and the employee. Initially, the system only covered health care related issues, but in 2013 it was extended to support maternity and paternity leaves.

All agreements for the food sector contain different work-life balance provisions. The chosen two practices are from food companies that have a minimum three production sites in Italy.

GOOD PRACTICE 3.

COMPANY LEVEL AGREEMENT 'PEOPLE IN FERRERO', 2018

/ **SECTOR:** Food production

/ **SIGNATORIES:** UILA-UIL, FLAI CGIL, FAI CISL and Ferrero

/ **KEY PROVISIONS:**

In July 2018 a new supplementary agreement was signed, with a section 'People in Ferrero' that includes the following work-life balance provisions:

- Children (0-14) can visit an out-patient clinic at the factory for free medical exams;
- When returning to work after maternity/paternity leave, the employees' have the right to work part-time (reduction in the daily hours to 4-6), and when the employee wants, they can go back to full hours;
- The employees have the right to work reduced hours if looking after family members (ill children, frail elderly);
- The employees have an exemption from nightshifts for a period of 6 months when their child turns 3 years (by law the exemptions is until 3 years);
- The company organises summer camps for children 6-12 years, for which the employee only pays for the transportation;
- For the employees with a permanent contract: the company provides a 2-year paid internship abroad at another factory for their children who have an under-graduate degree from university (max. 10 students per year). The children of employees with a permanent work contract, who graduate from high school with a minimum of 90/100 mark, will be provided a stipend of EUR 800 toward the pay for the 1st year at a University;
- The main production site in Alba has an onsite creche (0 to 3 years) and a kindergarten for 3-6-year-olds;
- All employees who have been away from work for more than 6 months can participate in voluntary training courses; there are specific re-entry and training courses for mothers and fathers who have been on parental leave;
- There is a 2-day additional paternity leave for when a baby is born;
- There is a special provision related to health care: employees can accompany children for specialised medical exams and before and after surgery for 4 half-working days, up until the child is 14 years;
- There is a Time Bank for Solidarity reasons: employees can decide to give their time off or accrued holidays to another employee, who can use the days to take care of their children/family member.

GOOD PRACTICE 4.

NESTLÉ AGREEMENT ON WORK-LIFE BALANCE MEASURES, 2018

/ **SECTOR:** Food production

/ **SIGNATORIES:** FLAI CGIL, FAI CISL and Nestle

/ **KEY PROVISIONS:**

- Time bank for solidarity; Nestle grants paid absence for up to 40 hours that other employees have donated; in practice, one employee works receiving full pay, and another employee is off from work and receives full pay;
- 2-week optional paternity leave, paid for up to 100% of the salary;
- In case of a severe illness of a child, a standard agreement gives an employee 2 days off. The agreement with Nestle gives one extra so 3 days in total;
- Part-time hours must be accepted by the company if it is requested for looking after children; elderly; disabled family members (part-time hours can be granted to a maximum of 7% of the applying work force).

The agricultural sector

The agricultural sector has national and company level agreements, as well as provincial level agreements. The local level bargaining is very important for this sector, and there are, for example, paternity leave provisions that vary between the regions. The sector also has a bilateral body (employees and employers) that works at the national and the regional levels, allocating resources to support parenthood and to pay for health care.

In the agricultural sector, a high percentage of workers are women, and many of them do not benefit from any provisions (e.g. seasonal workers). Dissemination of information on rights is very important; sometimes workers do not know about their rights, or they can be scared to ask for leaves. Therefore, local trade unionists must have the power and the means to reach out to the workers. In 2006 UILA launched a project across Italy - 'UILA-R.O.S.A', sending questionnaires to workers to learn about their problems and needs. This is when the importance of work-life balance became clear, and it has ever since been included in the bargaining. In 2016, the project celebrated its 10th anniversary with a report on what has been achieved.

GOOD PRACTICE 5.

NATIONAL LEVEL COLLECTIVE AGREEMENT ON FINANCIAL BENEFITS AND SPECIAL LEAVE, 2018

/ SECTOR: Agriculture (includes also green houses and flower cultivating)

/ SIGNATORIES: UILA/UIL - FLAI CGIL - FAI CISL and Confederazione Generale Agricoltura Italiana, Confederazione Nazionale Coldiretti, CIA (Agricoltori Italiani)

/ KEY PROVISIONS:

- Employees with a permanent employment contract will be paid an additional 40% in addition to the 30% of their salary paid for maternity/paternity leave by law.

The family leave payment provision was not possible to negotiate up to 100%, as the agriculture sector is not as wealthy sector as, for example, the food sector. In the beginning of the summer 2018, UIL submitted a bill to the parliament for discussion (70 000 signatures were needed for it to go forward) to have maternity and paternity leaves to be paid at 100% rate.

The energy and utilities sector

UIL makes sure that sectoral agreements always include a work-life balance aspect, and all collective agreements are submitted to the UIL Equal Opportunities Committee for monitoring. The Union has been working on gender policies and aims to set up Equal Opportunities Committees at the company level to make companies further aware of their employees' needs. However, this is not always possible, and the committees are mostly found in large companies. UIL aims to cross-fertilise good practices from one sector to another, for example, from chemicals to electricity.

Currently, UIL is working hard on diversity; for couples that are not married or are in civil partnership to have equal rights and to be entitled to have the same benefits as married couples (e.g. taking time off work to take care of a sick partner). UIL promotes parenthood, not only motherhood, and emphasise the need for fathers to take more caring responsibility, and all UIL agreements also apply to adoption situation.

GOOD PRACTICE 6.**COLLECTIVE AGREEMENT ON PATERNITY LEAVE AND FINANCIAL SUPPORT, 2016**/ **SECTOR:** Electricity and utilities/ **SIGNATORIES:** UILTEC, FILCTEM, FLAEI and ENEL/ **KEY PROVISIONS:**

- 8 extra days of paternity leave in addition to the 4 days granted by law, to be used within the first 2 months following the birth of a baby;
- Employees are entitled to have one-hour time off, up to a maximum of 7 hours (a workday) for family reasons;
- there are on-site childcare facilities for workers' children.
- For the first time - in 2018 - a performance bonus can be used to pay services, and the bonus will not be taxed, provided that the money is used to pay for services granted for children.

Obstacles in the work-life balance negotiations of the energy and utilities sector have concerned flexible working time. Initially, companies were not in favour of teleworking, as there would have been less control of their staff that were working remotely. UILTEC worked hard to organise flexible work opportunities, so that the employees would not be deprived from any benefits, and that the provision would not be detrimental to the employees or the employer.

5.4.4 / CONCLUDING REMARKS

Work-life balance is not an easy message to convey within the Italian culture; a generational change is in the air, but young fathers are still skeptical about the carers' role. A man taking 6-months off from work for parental leave is seen by companies and colleagues often as someone who does not care about the work and their career. The EU Directive on work-life balance is important to support the cultural shift.

Further challenges for negotiating further work-life balance measures in Italy revolve around the negative impact of the long financial crisis on the society, and on how to apply what has been achieved at the national level, at the local level, and to small companies whose share of employment is as big as 78.6%¹⁵³. In addition, the lack of availability of good quality childcare and elderly care services is a significant factor hindering women's full participation in the labour market.

However, the budget law 2019 includes new measures provided for families: there is an annual EUR 100 million fund to family and work reconciliation that is aimed at supporting family policies, such as agreements on better work-life balance. There is an increase of EUR 5 million a year (2019-2021) for the fund to support the caregivers who support their non self-sufficient family members. And smart working is set to be a priority for parents of disabled children; if companies use the Smart Work model, the agreements will have to give priority to mothers' requests, during the three years following a maternity leave, or to parents (mother or father) of children with disabilities.

5.5 / LITHUANIA**5.5.1 / STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN LITHUANIA**

The employment rate in Lithuania is 72% for women and 75% for men; the total employment rate (20-64 years) of 73% means the country has reached its national Europe 2020 strategy target. Among couples with children, the full-time equivalent (FTE) employment rate for women is 67% and 70% for men. 3% of working-age women versus 0.2% of working-age men are either inactive or work part-time due to care responsibilities, a difference that is smaller than in many other EU MS.¹⁵⁴ Furthermore, the Labour Code of the Republic of Lithuania 2017 lays down the principle of equality of all individuals and states that men and women shall get equal pay for equal or equivalent work.¹⁵⁵

¹⁵³ European Commission, 2017. SBA Fact Sheet Italy.

<https://ec.europa.eu/docsroom/documents/29489/attachments/16/translations/en/renditions/native>

¹⁵⁴ European Institute of Gender Equality (EIGE) Gender Equality Index, 2017. Lithuania. Domain of Work.

<https://eige.europa.eu/gender-equality-index/2015/domain/work/LT>

¹⁵⁵ ILO National Labour Law Profile: Lithuania.

https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158913/lang-en/index.htm

However, there is clear inequality in the amount of time women and men spend on caring activities: 41% of women and 24% of men spend at least 1 hour per day on caring activities, and 90% of women in a couple with children take care of their family, compared to 73 % of men. The difference in time women and men spend on cooking and housework is almost three times bigger than caring activities: 79% of women compared to 29% of men do the cooking and housework every day for at least 1 hour. This gap is greater in couples with children, where 97% of women do the cooking compared to 23% of men.¹⁵⁶

Family leaves are considered generous: the 100% paid paternity leave entitlement is for one month and parental leave is a family entitlement and can be shared between parents until the child is 3 years. The payment for the leave is between 12 to 24 months¹⁵⁷. A grandparent or any actual caregiver of a child (if parents do not use leave themselves) is eligible for the leave, but not for parental benefit, and same-sex couples are not eligible for parental leave. However, in 2017, 78% of women compared to only 22% of men took parental leave¹⁵⁸. What is more, Lithuania has not met the 'Barcelona targets', which are to have at least 33% of children below the age of three and 90% of children between the age of three and school age in childcare. The enrolment rates are 10% and 74%, respectively.¹⁵⁹

By law, there is a provision of paid care leave for the duration of up to seven days in the case of an illness of a member of the employee's family (spouse, child, mother or father); and up to 120 days of leave if the employee takes care of a child up to 7 years of age who is hospitalised, or a member of the family takes care of a child who is under 18 years of age with a severe illness. The state sickness social insurance allowance pays for a maximum of 120 days in any calendar year.

The supply of long-term care services remains under-developed; most municipalities cannot offer a range of social services that would enable an elderly person to live at home for as long as possible. In 2014, 47% of the elderly in need of long-term care were on a waiting list for residential care, with an average waiting time of 6 months. Most of the care for the elderly and disabled is provided by informal carers, who are mainly women: family, neighbours, friends and volunteers. This is due to traditions of family care, lack of capacity in the formal care sector and the high cost of private services.¹⁶⁰

5.5.2 / COLLECTIVE BARGAINING STRUCTURES

The labour relations, both individual and collective, are regulated by the Labour Code of the Republic of Lithuania that came into force on 1 July 2017. It obliges employers in workplaces with more than 20 employees to initiate the establishment of works councils with clear tasks. While the works councils represent employees in information and consultation matters, trade unions remain the unique partner in collective bargaining¹⁶¹. Collective bargaining is traditionally treated as a form of social partnership. Collective agreements may be concluded on different levels: state (national) level; sector (production, services, professional) level; territorial (municipality, county) level; enterprise (institution, organisation) level or on the level of its structural subdivision.¹⁶²

Trade union membership in Lithuania in general is quite low and since 2006 has been quite stable, covering up to 100,000 (approximately 10%) of all workers with employment contracts¹⁶³. The low membership renders the trade union in Lithuania weak with the result that the employees lose the opportunity to bargain collectively in order to improve the minimum labour standards set by law, to go on strikes and to participate in decision-making processes of an enterprise¹⁶⁴.

There are two trade union organisations at the national level: Lithuanian Trade Union Confederation (LPSK) and Lithuanian Trade Union 'Solidarumas'. They participate regularly in national-level negotiations at the Tripartite Council of the Republic of Lithuania (LRTT). Most trade union members also participate in the dominant company

¹⁵⁶ European Institute for Gender Equality (EIGE) Gender Equality Index, 2017. Lithuania, domain of Time.

<https://eige.europa.eu/gender-equality-index/2015/domain/time/LT>

¹⁵⁷ International Network on Leave Policies and Research (n 59)

¹⁵⁸ International Network on Leave Policies and Research, 2018. Country Notes, Lithuania.

https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINALLithuania2018.pdf

¹⁵⁹ EIGE Gender Equality Index, 2017. Lithuania, domain of Time. <https://eige.europa.eu/gender-equality-index/2015/domain/time/LT>

¹⁶⁰ European Social Policy Network (ESPN), 2018. Thematic Report on Challenges in long-term Care Lithuania.

<https://europe.eu/social/BlobServlet?docId=19857&langId=en>

¹⁶¹ Eurofound (n 10)

¹⁶² ILO (n 156)

¹⁶³ Eurofound, 2017. Living and Working in Lithuania. Work-life balance.

<https://www.eurofound.europa.eu/country/lithuania#worklife-balance>

¹⁶⁴ ILO (n 156)

level collective bargaining. The main tripartite organisation, the LRTT, was established in 1995 following the agreement on trilateral partnership between the Lithuanian Government (LRV), the trade unions and the employer organisations in accordance with the provisions of the International Labour Organization (ILO). Several councils and commissions, dealing with areas of social and working life, function under the LRTT.¹⁶⁵

Collective bargaining takes place mostly at the company level, and despite the efforts of the trade unions to increase the importance of sectoral-level collective bargaining, the practice still does not have wide acceptance.

5.5.3 Social partners' good practices on work-life balance

The collective agreements for public sector in general have a focus on wage-related issues, but there are some good practices to be found on work-life balance measures. For example, there is no legal right to request flexible working arrangements or telework in Lithuania; and while individual arrangements concerning flexibility can be requested, there is not obligation for an employer to agree.¹⁶⁶ The following good practices (1 & 2) on public sectors address the work-life balance measure of flexible working arrangements with provisions that support workers with care responsibilities.

GOOD PRACTICE 1. COLLECTIVE AGREEMENT ON FLEXIBLE WORKING TIME, 2018

/ **SECTOR:** Social sector

/ **SIGNATORIES:** All public sector unions

/ **KEY PROVISIONS:**

- Flexibility in working time for employees who have a disabled child under 18 years, an unemployed or disabled spouse, a family member who works less than 55% of full-time or is retired; and lone parents with child(ren) under 24 years who is in higher education;
- The employees addressed with flexible working time have a primary right to stay at work in case of redundancies.

GOOD PRACTICE 2. COLLECTIVE AGREEMENT ON WORKING HOURS, 2017

/ **SECTOR:** Education

/ **SIGNATORIES:** Lithuanian education trade union, Lithuanian education institutions trade union, Lithuanian teachers trade union, Education and science trade union „Solidarumas“, Lithuanian higher institutions trade union, Lithuanian trade union „Sandrauga“

/ **KEY PROVISIONS:**

The agreement was finalised after long negotiations of more than two years. Collective agreements at institutional level (schools) are very common, and they often include provisions that support work-life balance:

- In case of dismissals, employees with children who are not working, have the first right to stay in employment;
- The redundancy notice given by an employer is one month longer than by law (6 instead of 5 months);
- It is possible to change the working hours of a person with a child under 6 years in agreement with them;
- When returning to work from maternity leave, the employee has the right to the same position, salary and working conditions as before the leave.

¹⁶⁵ Eurofound (n 164)

¹⁶⁶ International Network on Leave Policies and Research, 2018 Lithuania.

https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/Leave_Review_2018.pdf

Supportive work-life balance measures can be also found in the private sector, where the provisions are easier to negotiate than in the public sector. The provisions concern extra time off for family reasons as well as financial support for employees and their families (practices 3 & 4).

GOOD PRACTICE 3.

COLLECTIVE AGREEMENT ON PAID LEAVE FOR FAMILY REASONS AND FINANCIAL SUPPORT, 2018

/ **SECTOR:** Electricity providers

/ **SIGNATORIES:** Elektros perdavimo tinklo darbuotojų profesinė sąjunga and UAB „EPSO-G“ įmonių grupės bendrovė LITGRID AB; Lithuanian Industry Trade Unions' Federation (LITUF167) and Energijos skirstymo operatorius

/ **KEY PROVISIONS:**

- 4 days of additional paid leave per year in case of an under 12-year-old child is ill;
- 2 days of extra holidays per year, if an employee has a child under 14 years or a disabled child under 18 years, or is a single parent; extra financial support when a child is born/adopted; and
- extra financial support if an employee has 3 or more children or has a disabled child.

GOOD PRACTICE 4.

COLLECTIVE AGREEMENT ON FINANCIAL SUPPORT

/ **SECTOR:** Food production

/ **SIGNATORIES:** Trade Union of Lithuanian Food Producers¹⁶⁸

/ **KEY PROVISIONS:**

The sector has several sub-sectors, and the collective agreements vary depending on the profits of the sector. The following agreements apply to all sub-sectors, and cover all employees, not only union members:

- Parents of a newborn child receive half to two times the minimum wage as financial support (amount depends on the sub-sector);
- Financial benefits for families that have 3 or more children, or a disabled child; for all families to prepare the children to the school year and purchase necessary items; for single parents; for children's holidays; for families that experience financial problems, who can receive extra financial support from the employer that does not need to be paid back.

In Lithuania, 57% of the food manufacturing sector employees are women, and some of the collective agreements are addressing working conditions that support specifically women and families. Cross-fertilisation of good practices from one sector to another can take place, and the food producing companies, for example, are looking toward other sectors and copying good practices, which means that setting up a good practice at a sub-sector can have a lasting influence within the whole sector.

5.54 / CONCLUDING REMARKS

While work-life balance issues have not featured prominently in the signed sectoral and regional collective agreements in Lithuania¹⁶⁹, at the company level, some attention has been paid, for example, to working time flexibility.

¹⁶⁷ LITUF represents workers from Lithuanian chemical, energy, furniture manufacturing, construction and other industry enterprises all over Lithuania. Currently Federation brings together 41 trade unions and has more than 3,600 members.

¹⁶⁸ The food sector says that because of data protection they do not want to share concrete agreements, and therefore this is missing the year and signatories.

¹⁶⁹ Eurofound, 2017. Industrial relations Lithuania: Developments in working life 2017. <https://www.eurofound.europa.eu/sites/default/files/wpefi8035.pdf>

Lithuania is in the process of strengthening social dialogue and trade unions' bargaining power¹⁷⁰. Moreover, work-life balance has been a topic for some research recently - e.g. experiences of women in search of work-life balance after they return to work from parental leave¹⁷¹, and opportunities for young families to reconcile work and parenting¹⁷².

Strengthening the position of families is high on the political agendas as well as with industry due to population decrease. It is, therefore, relatively straightforward to negotiate family related questions within the tri-partite collective bargaining. Despite this enabling framework, the different trade unions do not always have work-life balance measures as part of their negotiations. Previously, trade unions' activities in the area of gender and career development were related to training and qualifications to promote equal career opportunities amongst women and men¹⁷³; and recently, some trade unions have been involved in European awareness campaigns on gender equality¹⁷⁴.

5.6 / THE NETHERLANDS

5.6.1 / STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN THE NETHERLANDS

The Dutch female employment participation rate in terms of persons is high, but almost 60% of the employed women in the Netherlands are in paid employment for fewer than 30 hours per week. As a result, quite a large group of women are economically dependent. Shorter working lives and constrained careers explain why women's pensions are relatively small, and gender pension gaps in the Netherlands are the second largest in the OECD, with women's pension income on average about 45% lower than men.¹⁷⁵

The government has initiated several policies to increase the number of working hours of women, but it has been a very persistent phenomenon, partly because it has become an institutionalized way to reconcile work and private life. Related to this are the part-time use of childcare and the short and unpaid character of parental leave.¹⁷⁶ A recent report (September 2018) on the position of women in the Dutch Labour market concluded that while the society is advanced in gender equality, it does not lead to equality in the labour market - especially looking at the part-time gap. This is a systemic problem and one of the recommendations is to bring work life balance policies up to the Western European standards.¹⁷⁷ The research has led to a robust public debate in the Netherlands, including an enquiry by the Dutch government in which several ministries work together.

Over half (56%) of the children age 0-2 participate in formal childcare in the Netherlands (this is 38% across the OECD), but use per week is short at 18 hours (versus 30 hrs on average across the OECD). The cost of childcare plays a role especially for low-income families: closing this participation gap in formal childcare should be a policy priority as it could strengthen earnings of low-income families, increase female labour force participation, and support the cognitive development of the children concerned.¹⁷⁸ The potential of early childhood education and care to support child development, in particular that of children from a disadvantaged background, has long been recognised¹⁷⁹.

Parental leave entitlement is 26 times the number of working hours per week per parent per child. It is unpaid, and an individual, non-transferable entitlement that can be taken until a child is eight years old. All employed parents

¹⁷⁰ Eurofound 2017. Lithuania: Trilateral agreement promoting social dialogue signed. <https://www.eurofound.europa.eu/observatories/eurwork/articles/lithuania-trilateral-agreement-promoting-social-dialogue-signed>

¹⁷¹ Eurofound, Lithuania: Latest working life developments - Q3 2017. <https://www.eurofound.europa.eu/observatories/eurwork/articles/lithuania-latest-working-life-developments-q3-2017>

¹⁷² Eurofound 2017. Lithuania: Opportunities for young families to reconcile work and parenting. <https://www.eurofound.europa.eu/observatories/eurwork/articles/lithuania-opportunities-for-young-families-to-reconcile-work-and-parenting>

¹⁷³ Eurofound, 2007. Gender and Career Development in Lithuania. <https://www.eurofound.europa.eu/publications/report/2007/gender-and-career-development-lithuania>

¹⁷⁴ European Trade Union Committee for Education (ETUCE). Empowering education trade unions to address gender equality in the teaching profession through social dialogue (2018-2019). <https://www.csee-etu.org/en/policy-issues/equal-opportunities/gender-equality/2401-empowering-education-trade-unions-to-address-gender-equality-in-the-teaching-profession-through-social-dialogue-2018-2019>; Get Up -project <http://www.getupproject.eu/>

¹⁷⁵ OECD, 2017. The Pursuit of Gender Equality: An Uphill Battle. How Does the Netherlands Compare? <https://www.oecd.org/netherlands/Gender2017-NLD-en.pdf>

¹⁷⁶ European Parliament, FEMM Committee, 2015. The Policy on Gender Equality in the Netherlands. [http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/519227/IPOL_IDA\(2015\)519227_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/519227/IPOL_IDA(2015)519227_EN.pdf)

¹⁷⁷ McKinsey Global Institute, 2018. The power of parity. Capturing the potential: advancing gender equality in the Dutch labor market. <https://www.mckinsey.com/featured-insights/europe/the-power-of-parity-advancing-gender-equality-in-the-dutch-labor-market>

¹⁷⁸ OECD (n 177)

¹⁷⁹ Early Intervention Foundation, 2018. Teaching, pedagogy and practice in early years childcare: An evidence review. <https://www.eif.org.uk/report/teaching-pedagogy-and-practice-in-early-years-childcare-an-evidence-review/>

are entitled to parental leave, including same-sex couples, parents of foster children, stepchildren, adopted children living in the same household, and employees with temporary contracts. Self-employed parents are not entitled. In 2015, the take up of parental leave among mothers was twice as high compared to fathers (22% of mothers versus 11% of fathers took parental leave). Furthermore, the take-up among women with a higher level of education was 56% whereas for women with a low level it was 17%; the figures for men are 26% and 8%, respectively. Women working full-time took up leave more often than those working part-time (55% and 30% respectively).¹⁸⁰

As payment depends on collective agreements, take-up rates vary between sectors. In 2015, 19% of the 100 largest collective agreements in the Netherlands contained additional arrangements with respect to parental leave: 16 collective agreements offered partly paid leave (payment varied between 25 and 75%); two collective agreements extended the age of the child to 12 years; and one collective agreement extended the period of leave. Collective agreements that supplement legislation is mainly found in public administration and the health sector.¹⁸¹

The rapidly growing population of older people requires more care at home and is also expected to increase the pressure on providing proper care in nursing homes, but the quality of nursing homes does not meet general standards. This results in the growing pressure on informal care, which is encouraged by the government. Municipalities support informal caregivers by providing information, advice, respite care and a token of appreciation to informal caregivers. However, 1 informal caregiver in ten feels overburdened.¹⁸²

Recent years have seen cuts to the health care budget, and now it is a clear political wish for people to provide and increase family care ('mantelzorg'). Caring responsibilities for family members have steadily increased over the years. For example, local governments check if the family or neighbours would be able to care for an ill person and will only provide professional care if this caregiving is insufficient.

It is no surprise that women provide more informal care than men (36% and 29% respectively). Research shows that while for men there is no conflict in combining paid employment with the provision of informal care, for women – and especially those aged 25-49 – it can impede labour market participation. This applies to mothers, women without children and women who work part time. The self-employed do not have access to short- or long-term care leave, and research indicates that they experience difficulties due to the caring role: 44% have trouble combining work and informal care, and 58% experience financial setbacks due to the caregiving.¹⁸³

Carers' leave in the Netherlands is organised under the Employment and Care Act (Wazo). The act was expanded as of July 2015, and since then gives carers the right to take leave to care not just for an ill partner, child or parent, but also for siblings, grandparents, grandchildren, housemates or acquaintances. Before July 2015, leave was only allowed to be taken if the illness of the person cared for was life-threatening. The act has been changed to enable people to provide necessary long-term care for handicapped or ill people as well. Long-term care leave gives people the right to care on a more substantial basis, when required. If there is an immediate need for care, it is possible first to take short-term leave and then switch to long-term leave later. The maximum duration of long-term care leave is six times the weekly working hours per year.

Long-term care leave is unpaid, unless there is a collective agreement or other regulation in which employers have made their own decisions about payment; these agreements carry more weight than the national agreements.¹⁸⁴

Paternity leave is another area of work-life balance that has recently become a very topical issue in the Netherlands. As of 1st January 2019, fathers (partner of the mother) have the right to one work week of 100% paid paternity leave. From 1st July 2020 partners will have the right to additional 5 weeks of 70% paid paternity leave.

The tripartite Social and Economic Council (*Sociaal Economische Raad*, SER) has unanimously asked from the government for 6 weeks of fully paid leave for both mothers and fathers. In the Netherlands, the right to leave is always individual, so it is non-transferrable from one parent to the other.

¹⁸⁰ International Network on Leave Policies and Research, 2018. The Netherlands. https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINAL.Netherlands2018.pdf

¹⁸¹ Ibid.

¹⁸² European Social Policy Network (ESPN), 2016. Thematic report on work-life balance measures for persons of working age with dependent relatives. The Netherlands. <http://europea.eu/social/BlobServlet?docId=15835&langId=en>

¹⁸³ European Social Policy Network (ESPN), 2018. Thematic Report on Challenges in long-term care Netherlands. <https://europea.eu/social/BlobServlet?docId=19861&langId=en>

¹⁸⁴ European Social Policy Network ESPN (n 184) Thematic report on work-life balance measures for persons of working age with dependent relatives The Netherlands 2016. <http://europea.eu/social/BlobServlet?docId=15835&langId=en>

The Federatie Nederlandse Vakbeweging FNV is the largest federation of trade unions, in the Netherlands. The FNV understands that gender is a crucial part of the work-life balance issues, however, gender equality views are not currently included in its work systematically. For example, the FNV decision-making takes place in their own FNV parliament, based on the advice of the advisory committees. There are committees for many topics (working conditions; terms of employment; communications and media; finances; international affairs and solidarity; local/regional offices; pensions; social security; statutes and regulations; vision and strategy), but not specifically for women and gender equality.

5.6.2 / COLLECTIVE BARGAINING STRUCTURES

In the Netherlands, the unions and employers have a strong presence at national level. Three main unions and three main employer federations are members of SER, and the unions and employers' associations form also a bipartite Foundation of Labour (*Stichting van de Arbeid*, STAR). Unions are, mainly through their membership of these bodies, involved in all major social and economic issues.

Consultations can take place at national, regional or company level. Only trade unions and employers' organisations may conclude collective bargaining agreements - these may be collective agreements for a single company or for an entire industry.¹⁸⁵

The dominant bargaining level is the sector, with many large firms having their own company agreement. Union presence at company level is rather weak, and the coordination of collective bargaining is also relatively weak - the federations may issue recommendations, but these are not binding. Employers are demanding less coordination, asking the unions to take more account of differences across sectors and companies. Collective bargaining coverage remains high - more than 80%.¹⁸⁶

5.6.3 / SOCIAL PARTNERS' GOOD PRACTICES ON WORK-LIFE BALANCE

GOOD PRACTICE 1.

COLLECTIVE TRADE AGREEMENT ON LONG-TERM CARE LEAVE, 2017

/ **SECTOR:** Hospitals

/ **SIGNATORIES:** NVZ (Dutch association of hospitals), FNV, CNV Zorg en Welzijn, FBZ, NU'91, BRV, NHV, NVAM, LVO, Donor, NVHV, VF&O, NVLA, NVLKNF, VITHaS, Landelijke vereniging van MS verpleegkundigen and VGN

/ **KEY PROVISIONS:**

- Workers in the hospital sector are entitled to 11 weeks of paid leave per year for the necessary home nursing or care to be provided by them in the event of terminal or palliative care of the spouse or relationship partner, a child or child of the spouse or relationship partner, or adopted child; or foster child or parent of the employee living in the same address;
- It is obligatory for the employer to discuss with each worker annually about possible care responsibilities;
- The employer must adjust working times or make other arrangements if necessary, to facilitate the worker to take the care leave;
- When a worker with care responsibilities takes up the carer's leave, a substitution will be arranged - the workers found this a necessary measure because taking leave would otherwise burden the colleagues.

The issue of carer's leave has been important for many years in the hospital sector; previously it has been less strong but in the 2017 agreement it is now fixed. The hospital employers found the arrangement necessary because many health care workers have family care responsibilities; in the sector 1 in 3 employees provides informal care in addition to their work. What is more, the care sector employs a majority of women.

¹⁸⁵ Eurofound, 2017. Living and working in the Netherlands

<https://www.eurofound.europa.eu/country/netherlands#highlights-working-life-in-2017>

¹⁸⁶ Eurofound, 2017. Living and working in the Netherlands. Work-life balance.

<https://www.eurofound.europa.eu/country/netherlands#highlights-working-life-in-2017>

GOOD PRACTICE 2.**COMPANY LEVEL AGREEMENT ON PATERNITY LEAVE, 2018**/ **SECTOR:** Banking/ **SIGNATORIES:** FNV, CNV, De Unie and ING/ **KEY PROVISIONS:**

- Employees of the ING Bank are entitled to three months of paternity leave, out of which one month is fully paid.

There are two main reasons that this good practice was initiated: 1) the knowledge that the relationship of the father to a new born child from the early days on is very important for all the family; and 2) there is a competition for competent workers in ICT at the banking sector, and as companies are looking for new talent the offering of paternity leave is essential in the competition for attracting and retaining the needed workforce¹⁸⁷.

The good practice is a recent development, and according to the FNV representative who was interviewed, the feedback from the field has been only positive; the employees are happy, the company has not raised any issues, and the messages from the field are that everybody is taking their opportunity to use the leave: *"It benefits the worker, the employer and the children, thereby having positive impact on the society at large."*¹⁸⁸ The practice is the first of its kind, has received positive media coverage, and has also worked as an incentive for other companies to set up similar structures.

5.6.4 / CONCLUDING REMARKS

The good practice on paid terminal or palliative care leave in the hospital sector was agreed for four years; however, the whole society sees this as an important issue due to the increased family responsibility of care combined with increased pension age. Therefore, *"it is in the flow of time to arrange these things"*¹⁸⁹.

Similarly, the awareness that paternity leave is a key issue for work-life balance, and that in other European countries the leaves are longer than in the Netherlands, contributed to the setting up of the practice in the bank. The proposed EU Directive on paternity leave – ten days paid at sick pay level – was not perceived as being enough. Although it would be an improvement for the Netherlands, in many other countries the leave entitlement is more generous. Therefore, the leave was set for longer period and with full pay.

5.7 / PORTUGAL**5.7.1 / STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN PORTUGAL**

Portugal went through a difficult process of adjustment and recovery during the financial and sovereign debt crises which were also experienced by other EU Member States of the Eurozone. The implications for industrial relations were severe. During that period, collective bargaining was put to the stress test by suspending collective agreements and decentralizing the collective bargaining structure. It took almost ten years to relaunch economic growth and reach employment levels approaching those before the global financial crisis. The gender gap, too, which was already wide before the crisis, worsened during that time. As of 2015, Portugal reached a gender equality score of 56 points out of a 100 and equality on care is reported to be as low as 30 percentage points.¹⁹⁰

While work-life balance policies are considered quite generous in Portugal – *"we have the best legislation on parental leave in the world"*¹⁹¹ – union officials agree that there is a major problem of implementation.

¹⁸⁷ Interview with Gerard van Hees, Director of Finance sector, FNV, The Netherlands, 30. May 2018, over the phone.

¹⁸⁸ Ibid.

¹⁸⁹ Interview with Marco Borsboom, Policy Advisor on Health Care, FNV, 29. May 2018, Utrecht, The Netherlands.

¹⁹⁰ European Institute for Gender Equality (EIGE) Gender Equality Index, 2017, Portugal
<https://eige.europa.eu/gender-equality-index/2015/PT>

¹⁹¹ Interview with Soraya Duarte UGT, Women's Commission, Lisbon, 19th of September 2018.

Parental leave allowance is 120 days with 100% salary replacement. A further 30 days can be either shared by the parents or 30 days can be taken alone by one parent with once again 100% salary replacement. Regarding the 150 days parental allowance, the salary replacement will be 100% whenever a different parent takes the extra 30 days leave. In case it is the same parent, the allowance will be 80%. If the parental leave is extended to 180 days, the total salary replacement will be 83%.

The take-up of parental leave by both women and men has steadily increased, particularly for men whose share of non-compulsory parental leave increased from 30,1% in 2005 to 58,1% in 2015.¹⁹² Fathers' leave is also above the European average with 25 working days at 100% compensation; 15 days are compulsory while 10 days are optional. Workers with family responsibilities have the right to move to a part-time job for at least a period of 2 years, which can be extended for another year for a third child or a child which is disabled or sick. The request to move into part-time can be refused by the employer for "compelling operational reasons" such as not finding an adequate replacement. Most recently, Portugal has introduced the right to request part-time or flexible arrangement for parents whose children are under the age of 12.

5.7.2 / COLLECTIVE BARGAINING STRUCTURES

Portuguese legislation provides for industry level agreements (CCTs) which can be signed at national, regional or local level, company agreements (AEs) for a single company and agreements covering several companies (ACTs). Traditionally industry level agreements were more important, covering large numbers of workers and explaining the country's relatively high level of collective bargaining coverage.

The General Union of Workers (União General de Trabalhadores, UGT) and the General Confederation of the Portuguese Workers (Confederação General dos Trabalhadores Portugueses, CGTP-IN) are the two main trade union confederations in Portugal. Trade Union membership is around 18,5%.¹⁹³ Both confederations are part of the Standing Committee for Social Dialogue. This tripartite body is part of the Economic and Social Council of Portugal, which is actively engaged in the planning and proposing of economic and social policies. Trade unions are engaged in collective bargaining although they can mandate the power to conclude a collective agreement to workers' representatives in companies. The affiliation principle says that collective agreements only apply to those employers and the employers' association who sign them. Similarly, collective agreements only apply to those workers who are part of the trade union, which signed the agreement. The number of collective agreements and the collective bargaining coverage declined sharply from 1894 agreements in 2008 to 241 agreements in 2013. (DGERT 2018) There was also a serious decline in sectoral agreements, though there was a concomitant rise of company agreements between 2011 and 2017. Recent data suggest that there has been a rise in agreements with 821 in 2017. (DGERT 2018)

Company agreements prevail over sectoral agreements. Collective bargaining before and after the crisis has concentrated mainly on salaries and working time. Very few agreements centred around other issues, including work-life balance. An issue that has come to the fore during the austerity regime was the extension and expiry of collective agreements. In the past this extension was almost automatic. However, as part of the agreements reached in Portugal's financial bailout, automatic extensions were almost abolished. The result was that the number of agreements extended in this way has fallen dramatically. In 2010 a total of 116 industry level agreements, covering 78,900 people, were extended by government to cover all employees in the industry concerned. However, in 2011 this fell to 17 and in 2012 to 12.¹⁹⁴

Austerity measures also impacted in other ways on the system of collective bargaining in Portugal. Two changes allowing greater decentralisation were incorporated into the Labour code in August 2012. This, in turn, had a tangible impact on the bargaining power of the trade unions.

One change allows unions to delegate collective bargaining to company level bodies in smaller companies. The other change was that industry level agreements could have clauses that allowed company level agreements to be different from the industry level agreement in areas such as pay, working time and flexibility. An ILO Report,

¹⁹² CITE - <http://www.cite.gov.pt/ptcite/licencasparentais.html>

¹⁹³ European Trade Union Institute (ETUI) Industrial Relations in Portugal - Background summary.

<https://www.etui.org/ReformsWatch/Portugal/Industrial-relations-in-Portugal-background-summary>

¹⁹⁴ European Trade Union Institute (ETUI), Worker Participation. Portugal, Collective Bargaining

<https://www.worker-participation.eu/National-Industrial-Relations/Countries/Portugal/Collective-Bargaining>

published in October 2018, states that “social dialogue between the country’s government and social partners before and after the crisis, though not resulting in consensus, was key to the country’s achievements over the last decade...however, where decisions were made unilaterally, or against the interest of unions and/or employers, conflict and pushback resulted.”¹⁹⁵

However, the 18th June 2018 tripartite agreement may mark an important milestone in rebuilding a stronger culture of collective bargaining. The agreement supports greater dynamism regarding collective agreements and greater consultation of workers regarding time banks, among other issues.¹⁹⁶

5.7.3 / SOCIAL PARTNERS’ GOOD PRACTICES ON WORK-LIFE BALANCE

Implementation of both legislation and collective agreements on work life balance is one of the bigger challenges that needs to be addressed by the trade unions. In this respect, the Commission for Citizenship and Gender Equality (CIG) and the Commission for Equality in Labour and Employment (CITE), created by Decree-Law in 2012, play a pivotal role. The two big trade union confederations participate in the deliberations of these commissions. Best practices in Portugal center around the ability to integrate already existing legal provisions on work life balance into sectoral and company agreements thus making them accountable to the supervision of the CITE whose supervisions on gender equality issues on the labour market is powerful and unique.

Many of the most recent collective agreements have focused on pay and salary scales. Negotiations on pay are important, but they are not necessarily a panacea for closing the gender pay gap in Portugal which hovers around 19% and is thus above the EU average of 16%. Overcoming unequal pay issues requires sustained effort at various levels including not only combatting gender-based stereotypes about women’s roles and aspirations but also strengthening policies on maternity and paternity as well as parental leave, and advocacy for better sharing of family responsibilities. While the gender pay gap is still a big challenge for the trade unions in Portugal, some efforts have been made to address work-life balance issues directly. The number of agreements which make reference to work-life balance increased from 47 agreements in 2016 to 55 in 2017 of the 208 collective agreements published in 2017.¹⁹⁷ An analysis by the Centre for Labour Relations (CRL) shows that 3 collective agreements addressed flexible working arrangements for parents, 2 agreements included banking of working hours, 11 agreements adjusted the normal working hours, 40 agreements provided additional time off and 6 agreements improved the adaptability.

GOOD PRACTICE 1.

COLLECTIVE AGREEMENT ON WORKING TIME AND FLEXIBILITY, 2017

/ **SECTOR:** Chemical

/ **SIGNATORIES:** GROQUIFAR - Association of Chemical and Pharmaceutical Wholesalers and Federation of Industry, Energy and Transport Trade Unions - COFESINT¹⁹⁸

/ **KEY PROVISIONS:**

- Reduction of working hours up to 10 hours per week if the child is disabled or chronically ill (until the child reaches the age of one year).
- Workers with one or more children under 12 years of age have the right to work part time or flexible, under legally defined conditions not exceeding 40 or 43 hours for workers whose normal working hours are, respectively, 35 hours or more or more than 35 hours per week.
- Workers with one or more children under 12 years of age have the right to work part time or flexible, under legally defined conditions.

¹⁹⁵ ILO, 12.10.2018. Portugal’s post-crisis policies boosted growth and employment.

https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_646872/lang-en/index.htm

¹⁹⁶ It eliminates the individual time bank and the group time bank (allowing the normal working time to be increased to two hours a day with a limit of 50 hours per week and 150 hours per year) and originating in agreements. It also establishes that the time banks already in existence by agreement terminate at most one year after the new rules enter into force, reserving the adoption of the time bank for collective bargaining or for group agreements to be reached through consultation of workers.

¹⁹⁷ Centro de Relações Laborais (CRL), 2017. Relatório anual sobre a Evolucao coletiva de 2017 -Sistematização dos conteúdos sobre a igualdade e não discriminação na contratação coletiva em 2017. MTSS. http://ciporgpt/wp-content/uploads/2018/04/CIP-Relat%C3%B3rio-e-Contas-2017_aprovado_AG-de-29-mar%C3%A7o-2018.pdf

¹⁹⁸ Boletim do Trabalho e Emprego, n.º 15, 22/4/2017 Contrato coletivo entre a GROQUIFAR - Associação de Grossistas de Produtos Químicos e Farmacêuticos e a Federação de Sindicatos da Indústria, Energia e Transportes - COFESINT e outra (produtos farmacêuticos) - Revisão global.

- Part-time or flexible work applies, regardless of age, to workers with children with a disability or a chronic illness, under legally established terms and conditions
- Prenatal fathers' leave - right to take off four working days

GOOD PRACTICE 2.

COLLECTIVE AGREEMENT ON A SUBSIDY FOR THE SUPERVISION OF CHILDREN, 2017

/ **SECTOR:** Energy and Transport

/ **SIGNATORIES:** ANIL - National Association of Wool Industrialists and the Federation of Industrial, Energy and Transport Trade Unions - COFESINT

/ **KEY PROVISIONS:** (these do not apply to GROQUIFAR)

- Support for the supervision of the children of workers. After the period of initial parental leave, companies shall grant workers a monthly allowance for the supervision of children up to the age of six, nurseries or other institutions or duly legalized persons pursuing the same objectives;
- The subsidy will correspond to 50% of the monthly payment paid by the worker or the worker for the supervision of each child, and in no case may exceed a value corresponding to 10% of the remuneration of group.

GOOD PRACTICE 3.

COMPANY AGREEMENT ON FLEXIBLE WORKING TIME FOR CARING, 2018

/ **SECTOR:** Tourism

/ **SIGNATORIES:** Viking Cruises Portugal, SA and the Federation of Trade Unions of Sea Workers - FESMAR

/ **KEY PROVISIONS:**

- One parent has the right to reduce working time by 10 hours per week not exceeding 40 or 43 hours per months for workers with normal working hours, if the newborn has a disability or a chronic disease;
- Workers with one or more children under 12 years of age have the right to work part-time
- Flexible part-time work applies regardless of the age of workers with children
- Workers have the right to be absent from work in order to provide unavoidable and indispensable assistance in case of illness or accident, to a child under the age of 14, up to a maximum of 30 days per year.
- In case of hospitalization of a minor below the age of 14, the right to be absent extends for the period of hospitalisation;
- Workers may be absent from work in order to provide urgent and essential assistance in case of illness or accident up to a maximum of 15 days per year.

5.74 / CONCLUDING REMARKS

Portugal has progressively regained financial and fiscal stability. But despite the slow economic and employment recovery, there remain concerns about the quality of jobs, particularly the job segmentation and youth unemployment. Collective bargaining helped to ease the way out of the crisis but focused too narrowly on wage bargaining. The latest ILO report¹⁹⁹ on Portugal suggests that it examine ways “to make the content of collective agreements more dynamic by going beyond wages and working hours.” Trade union pressure has done much in the last 10 years to improve the legal parental leave provisions and worked with the CITE on the monitoring and evaluation of collective agreements and their impact on work-life balance. Collective agreements, for the most parts, do not create new rights at sectoral or company levels on work-life balance, but its clauses serve to best implement existing legislation. Implementation remains the most challenging part of improving work life balance for parents/carers.²⁰⁰ But legislation could also be improved. Improved legislation could help guarantee better implementation of the legal provisions; could make the violation of the law punishable by imposing adequate fines, requiring enterprises to be sensitised to work-life balance issues, and add financial benefits for childcare.

¹⁹⁹ ILO (n 197)

²⁰⁰ Interview with GS of the UGC, September 19, 2018

5.8 / SLOVENIA

5.8.1 / THE STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN SLOVENIA

Work-Life Balance legislation in Slovenia is generally recognised as generous when compared to other European countries.²⁰¹

The parental benefit period is divided into three parts: maternity leave, parental leave and paternity leave. Maternity leave lasts 105 days and must be used in a single block of time in form of full absence from work. The mother starts maternity leave 28 days before the anticipated date of birth. During this leave, mothers are entitled to maternity benefit at 100 % of the average salary of the previous year.

Parental leave is an individual right for each parent. The duration of parental leave is 260 days but may be extended for additional 90 days for twins. The baseline is that each parent has the right to 130 days. However, the mother can transfer 100 days to the father while the rest 30 days are not transferable. This is by contrast to the right of the father to transfer all his 130 days to the mother. Parental benefits during the time of leave were 100% of the average salary over twelve months prior to the leave up until 2012. Since then, until January 2019, due to cost cutting measures, the Ministry of Labour, Family, Social Affairs and Equal Opportunities paid 90% of the average salary of the previous year prior the leave with the ceiling (the amount of parental benefit may not be higher than twice of the average monthly salary in Slovenia). In cases, when the average salary did not exceed the minimum wage remuneration was 100%.²⁰² These austerity measures were abolished in view of improved economic performance and due to the pressures from ZSSS, some NGO's and with media support. Since January 2019 100% salary replacement and increased upper ceiling (2,5 times of the average monthly salary in Slovenia) is in force again.

The legislation on paternity leaves is likewise generous. Slovenia has introduced paternity leave in 2003. Since then there have been some revisions regarding duration, compensation and flexibility of take-up. Since January 2018, fathers can take a non-transferable 30 days of paid paternity leave. Four out of five fathers take up 15 days of Paternity leave; while less than one in five take more than 15 days. The main reasons are compensation that was not fully compensated during the second part of the paternity leave (prior 2016 15 days of paid leave and 15 of unpaid leave were available) and obstacles on the employers' side. The share of the fathers taking at least some part of the parental leave has been slowly increasing from 5% in the mid-2000s to 6-7% in 2012-2016.²⁰³ A simpler, more transparent and more flexible paternity leave has been introduced last year applying to fathers whose children were born after May 2018. It allows for splitting up the paternity leave into two segments, the first 15 days of paternity leave must be taken until one month after the end of Parental leave, while the remaining of 15 days must be used before the child completes the first grade of primary school. Paternity leave can be taken as full-time or part-time leave. The benefits are equal to those of parental leave. Regarding care issues, however, the legislation is more restricted both in terms of the time (baseline 15-30 working days depending type of care) and compensation amounting to 80% of the average base salary of the 12 months prior to the claim. As regards flexible working arrangements, Slovenian workers can request part-time. This right is held by one of the parents who is caring of a child up to three years of age and in case of two children this right may be exercised until the end of the first grade of primary school of the youngest child. The employer covers the salary of the worker based on actual working hours,²⁰⁴ while the Slovenian state assumes the responsibility to ensure full social security coverage based on the minimum wage. There are a good number of specific provisions on work-life balance, which take account of the range of different situations faced by parents and/or carers.²⁰⁵

²⁰¹ European Network of Legal Experts in Gender Equality and Non-Discrimination, 2015. A comparative analysis of the implementation of EU gender equality law in the EU Member States, the former Yugoslav Republic of Macedonia, Iceland, Liechtenstein, Montenegro, Norway, Serbia and Turkey. <http://www.equineteurope.org/A-comparative-analysis-of-gender-equality-law-in-Europe-2015>

²⁰² For more detailed information on WLB legislation, see: European Network of Legal Experts in Gender Equality and Non-Discrimination, 2018. Slovenia Country report: How are EU rules transposed into national law?

<https://www.equalitylaw.eu/downloads/4731-slovenia-country-report-gender-equality-2018-pdf-1-77-kb>

²⁰³ International Network on Leave Policies and Research, 2018. Slovenia. https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINALSlovenia2018.pdf

²⁰⁴ The right is for the purpose of caring for and the nursing of children

²⁰⁵ Please consult: European Network of Legal Experts in Gender Equality and Non-Discrimination (n 204) and European Social Observatory (OSE), 2018. Brief overview of measures related to work-life balance in the European Union Country sheets.

https://www.etuc.org/sites/default/files/press-release/file/2018-06/etuc_wlb_country_sheets_ose_final_19_01_2018.pdf

5.8.2 / COLLECTIVE BARGAINING STRUCTURES

The coverage of collective agreements (CAs) in Slovenia is among the highest in the European Union reaching almost 80%.²⁰⁶ As such, collective agreements are key instruments for structuring the employment relationships. In this context, collective bargaining is said to have contributed “considerably” to the reduction of gender inequalities in Slovenia.²⁰⁷

In the private sector, there is collective bargaining between unions and employers at industry and company level whereas the public sector is covered by an agreement which spans the whole of the non-commercial sector as well as separate agreements for its different parts.

In addition, there have been tripartite national agreements between the unions, employers and government, covering a range of economic and social issues. The tripartite economic council (ESS)²⁰⁸ not only discusses issues such as pensions and health, but also reviews legislative proposals on employment, taxation, budget, minimum wage, national reform programme etc.²⁰⁹

Negotiating at industry level brings together trade unions and employers’ associations including the chamber of commerce and industry. The union negotiators are for the most part professional union officials and union representatives from the companies.

The Slovenian Trade Union movement is composed of seven confederations and some non-affiliated/autonomous unions. ZSSS incorporated union structures existed before the Slovenia’s independence in 1991 and has since then been the leading confederation in Slovenia. The second largest confederation is the Confederation of Public Service Trade Unions of Slovenia (KSJS), with the Education, Science, and Culture Trade Union of Slovenia as its largest affiliate.

Collective bargaining takes place about issues of pay, working conditions, working time as well as work life balance issues. A survey undertaken by the GEQUAL project²¹⁰, which gathered the views of employers and trade unions alike showed that both deemed it important to improve measures for the parents of first-grade children or children who are starting kindergarten, as well as family friendly scheduling of working time. The ZSSS conducted its own survey in 2015 of trade union representatives involved in collective bargaining at all levels. “The results showed that almost 93% of representatives found that measures for a better reconciliation between work and family in collective agreements are very important for regulating employment relationships and that they should be agreed at the different levels of social dialogue. The report concludes that the role of social partners in promoting equal opportunities in the labour market is crucial and that the process of collective bargaining offers an opportunity for introducing a variety of approaches and good practices in reconciling work and family into collective agreements.”²¹¹

5.8.3 / SOCIAL PARTNERS’ GOOD PRACTICES ON WORK-LIFE BALANCE

Work-life balance issues are of primary importance for trade unions in Slovenia. Despite the relative generous legal framework, unions have consistently asked for better work-life balance provisions in sectors and companies and have successfully negotiated some substantial collective agreements, which enable workers to better reconcile

²⁰⁶ The overall coverage has gone down since 2005 (96%), also due to the change of law that required compulsory membership of the chambers of commerce and industry, which are also the signatories of the collective agreements.

²⁰⁷ Fulton, L. 2013. Worker representation in Europe. Labour Research Department and ETUI. Produced with the assistance of the SEEurope Network. <http://www.worker-participation.eu/National-Industrial-Relations>

²⁰⁸ The Economic and Social Council of the Republic of Slovenia (ESC) was established in June 1994 by social partners (employers’ associations, trade unions and the government of the Republic of Slovenia). The ESC is organised following the ILO pattern of tripartism. The ESC was founded as the main consultative and coordinative institution for social dialogue in Slovenia. It was primarily set up to deal with issues related to the social agreement and wage policy, social policy, labour relations, employment and employment related topics, industrial relations (system of collective bargaining, etc), prices and taxes, the economic system and economic policy, legal security plus other areas that are relevant for social partners. As well as dealing with areas requiring tripartite agreement, the ESC can also examine other matters of an economic and social nature. The ESC examines draft legislation covering the entire spectrum of economic and social relations between employers and employees. More:

<http://www.ess.si/ess/ess-eng.nsf>

²⁰⁹ European Trade Union Institute (ETUI), Worker Participation. Slovenia, Collective Bargaining

<https://www.worker-participation.eu/National-Industrial-Relations/Countries/Slovenia/Collective-Bargaining>

²¹⁰ Eurofound, 2016. Slovenia: Promotion of gender equality and work-family balance in collective agreements

<https://www.eurofound.europa.eu/publications/article/2016/slovenia-promotion-of-gender-equality-and-work-family-balance-in-collective-agreements>

²¹¹ Republic of Slovenia, Government Office for Development and European Cohesion Policy, 2014. Reconciliation of Professional and Family Life in Collective Agreements: Role of Social Partners in the Promotion of Gender Equality (GEQUAL).

<https://institut-delo.com/S40300/GEQUAL?Language=en>

work and family life. One such agreement has only recently been concluded in the retail and trade sector which covers more than 100 000 working women and men. The agreement was signed on 16 July 2018. It was negotiated between the Trade Union of Workers' in Trade Sector Slovenia (SDTS) on trade union's side and Slovenian Chamber of Commerce (TZS), Association of Employers of Slovenia (ZDS) and Chamber of Commerce and Industry of Slovenia (GZS) on the employers' side.²¹²

Likewise, unions of the public sector have been adamant about the importance of work-life balance issues, particularly in those areas like the police where flexibility oftentimes competes with the regularity needed to attend to children or relatives in need of care.

GOOD PRACTICE 1. COLLECTIVE AGREEMENT ON FLEXIBLE WORKING ARRANGEMENTS FOR SLOVENIA'S TRADE SECTOR, 2018

/ SECTOR: Retail and Trade: 15,372 companies. 85 with more than 250 people employed.

/ SIGNATORIES: The Trade Union of Workers' in Slovenia's Trade Sector (SDTS) and the Slovenian Chamber of Commerce (TZS), Association of Employers of Slovenia (ZDS) and the Chamber of Commerce and Industry of Slovenia (GZS).

/ KEY PROVISIONS:

- Limits work on Sundays and prohibits work on public and/or statutory holidays for all workers;
- Regular workers cannot work more than 2 Sundays a month and no more than 20 Sundays in a year;
- Work on Sundays is prohibited for workers who take care of children up to the age of 3, pregnant workers, breastfeeding or for workers - single parents who take care of a seriously ill child or physically or mentally disabled child;
- Work on Sundays can be done by workers who take care of children up to the age of 3, if the worker demands it and signs for it (the signature can be withdrawn at any time);
- There is total prohibition to work on 15 public and/or statutory holidays;
- If the employer breaches the agreement regarding protected categories, work on Sundays and holidays, he will have to pay to the worker 500% of the monthly base wage of the worker.

The Collective agreement came into force on 15th of August 2018 and is valid until 31st of December 2022. After the termination of this collective agreement, the provisions of the normative part of this collective agreement are valid until the conclusion of a new CA, but not longer than one year after the expiration date.

Workers in the retail and trade sector in Slovenia were often assigned working hours and days which include Sundays or public/statutory holidays making it difficult for workers with children to reconcile family and work. The Trade Union of Workers' in the Trade Sector, Slovenia (SDTS) has tackled this issue of working time/working conditions on normally off-work days already in 2006 when they as the only collective agreement in detail defined working time in the sector.²¹³ The collective agreement, signed in 2006, limited the number of Sundays a worker could be asked to work to two days a month and a maximum number of 26 Sundays during a year. Employers were also prohibited to ask pregnant or breastfeeding workers to work on Sundays and those workers who have children up to the age of 3 as well as single parents with a sick child (in the last two cases, however, workers can work on Sundays provided they give their written agreement). The same collective agreement also applied the same restrictions regarding the work on holidays (for parents with children younger than 3 years, in time of pregnancy or when taking care for

²¹² Interview (6/7/2018 - Montepuliciano, Italy) with M. Sc. Andreja Poje, univ. dipl. ekon., Executive Secretary for Economics and Equal Opportunities ZSSS and Ladi Rožič, General Secretary of The Trade Union of Workers' in Trade sector, Slovenia

²¹³ Normal working time in retail is 40 hours a week over a period of 6 days with the maximum hours limited to 56 hours a week as defined by the European Directive on Working Time in case of uneven and temporary distribution of working time. In those cases, employer is according to CA obliged to conduct analysis of the excess hours every three months and at the request report to the trade union. Within the period of 12 months, the employee has the right to use overtime hours as days off. In case this is not possible during this reference period, employer must pay the worker the excess hours in the month following the expiry of that period at the rate of the hourly rate of the worker's basic wage, increased by 60 %. In case of equally distributed working time, should not exceed more than 48 hours per week (including overtime). Employees must be given at least 11 (12) consecutive hours of daily rest and at least 24 hours of uninterrupted weekly rest every 7 days, over a reference period of 2 weeks. (European Union Directive 2003/88/EC, of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0088&from=EN>)

sick child), and prohibited that the worker should be asked to work on at least 5 statutory holidays (1st of January, 1st of May, 1st of November, 25th of December and Easter) . “*But we saw that the employers were exploiting the use of the signature, asking workers proactively to sign and many of them were reluctant to refuse,*” explained Andreja Poje, Executive Secretary for Economics and Equal Opportunities.²¹⁴ As the problem escalated, the ZSSS undertook a review of the impact of the existing collective agreement and demanded that working on Sundays and public/statutory holidays is totally prohibited for workers with children under the age of three. During the negotiations, which were done in phases, reconciliation between work and professional life was a major issue as many workers had lost their jobs due to the financial crisis. With fewer workers, but the same amount of work, workload increased dramatically. For many workers, the additional EURO 5,40 per hour or 100% of the base wage^{215/216} (*in favorem principle applies*) added to their base wage when working on Sundays, was incentive to compromise their time with the family.

Final negotiations took place in November 2017 and the agreement was signed in December of the same year.

When the agreement was signed in December 2017, many workers in the retail and trade sector reacted angrily because they feared that they would lose the high supplements that working on Sundays provided. Responding to its members, the ZSSS renegotiated the collective agreement pushing for the possibility to work on Sundays with the hiatus that the worker could at any time terminate his/her availability to work. Moreover, it was agreed that there should be a prohibition to work on public /statutory holidays. Furthermore, employers who breached the agreement could be fined an amount equal to 500% of the monthly base salary or the corresponding hourly rate of the employee.

The negotiations were described as very tough over the two months during which they took place, but employers were listening, not least because the SDTS was considered very strong. Being well organized and able to co-ordinate fast, there was a real fear by the employers of possible strike actions. The unions were supported with advice from lawyers and economists at each stage of the negotiations. Moreover, the unions had done research into companies where they knew problems existed and presented that information to the employers. Union representatives made sure that they kept the membership informed. The new proposal was checked and discussed by the so-called “Republic Committee”, which brings together union representatives of the companies concerned. However, the final proposal for a collective agreement was rejected by the membership causing the lead negotiator to send a letter to the employers listing the points that could not be accepted. The employers accepted those points in the end which included a wage increase for work on Sundays (from EURO 5,40 to 6,05 or 100% of the base wage if higher), the prohibition to work on all public /statutory holidays as well as limiting the work on Sundays to 20 a year and two per month.

Good Practice in the Public Sector – The Police

Collective Agreements in the public sector cover the entire work force. Article 182 of the Employment relationship act (ERA-1) assigns the responsibility for the reconciliation between work and professional life to the employers, but only in a very general way. The details are then negotiated and laid down in collective agreements.

²¹⁴ Interview with Andreja Poje.

²¹⁵ The wage of an employee is according to the Employment relationship Act a sum of the base wage (defined for difficulty of work), supplements for working conditions related to the distribution of working time (for night work, Sunday work, work on statutory holidays, etc), supplements for special working conditions related to special burdens at work, unfavourable environmental influences, part of performance pay and supplement for years of services. The collective agreement for retail trade has still one of the highest supplements for working in the unfavourable working time.

²¹⁶ The base wage in Slovenia does not represent the price of labour, it is just a tool for the calculation of paid wage.

GOOD PRACTICE 2.**COLLECTIVE AGREEMENT ON WORKING ARRANGEMENTS AND WORKING TIME FOR POLICE OFFICERS, 2012**

/ **SECTOR:** Public Sector/Police

/ **SIGNATORIES:** The Police Trade Union of Slovenia (PSS) and Trade Union of Slovenian Police Officers (SPS); The Government of the Republic of Slovenia (the Minister of the Interior).

/ **KEY PROVISIONS:**

- Parents of school children can take at least 10 days of their annual leave during school holidays. In the case of that both parents are police officers, they have the right to use their annual leave at the same time.

Special parental protection:

- Parents cannot be stationed or transferred more than 30 km from current place of work to another unit until the child is 7 - that applies for one of the parents of the police family and in case of a single parents-family;
- This right is also guaranteed to the worker who takes care of a seriously mentally or physically disabled family member;
- Parents cannot be expected to work past 15:30 unless the parent in question gives her/his agreement to different working arrangements. This protection is guaranteed for pregnant and breastfeeding workers and those workers who take care of a child up to 3 years of age and in case of a single-parent family until the child is 7 years of age. In case both parents are police officers, this right may be exercised by one of the parents.

The collective agreement was initially agreed for a period of 5 years, but with automatic prolongation of three years unless one of the contracting parties denounces the contract within six months prior to its expiration date.

While the agreement on wages, allowances and bonuses was not respected by the state and led to legal actions, the provisions on work-life balance were successfully implemented.

The initial collective agreement negotiated between the Slovenian state and the Police Trade Union of Slovenia (PSS) in 2012 had a bumpy start with the state initially refusing to negotiate at all. It was during that time that the Slovenian government had been introducing crisis related austerity measures which were pushing wages downward. The PSS was concerned as these measures were affecting also certain benefits such as reimbursement schemes, which the police, given the nature of their work, was using considerably more than other parts of the public sector. Moreover, many police officers, women²¹⁷ and men, were demanding better parental rights in order to be able to be with their children more often. Thus, reconciliation issue became a very important part of the negotiations as officers were often transferred or stationed far away from their current place of work; it was not exceptional that police officers could be transferred more than 70 km away from their usual place of work. When the state refused to negotiate, the PSS decided to go on strike, a hard-won right, which was granted, with exception by the "Act on Strike of 1991".²¹⁸ The strike action was supported by 80% of the membership of the trade union. The strike was announced 10 days before it commenced. While the strike continued for the wage issue and lasted almost a year around minimalist, but effective strike actions, it took only four days to win the addition to article 19 which prohibited the transfer of working parents more than 30 kilometres from their homes. In addition, article 22 c was also accepted limiting working hours for parents to the morning shift. The threat of a strike and the strike itself proved to be a major bargaining asset.

But there are still some important outstanding issues.

Issues that remain to be negotiated include the assessment and promotion of women who have been on maternity and parental leave, which is on average one year. During that year, women do not participate in the annual performance assessment, which is an important step for promotion. This issue has been presented to the Slovenian Advocate of the Principle of Equality in 2018. Further negotiation issues include more flexible working time for parents working in the police administration and provisions that regulate carers' leave. While carers' leave is defined as leave for parents to attend to a sick child and is basically generous in terms of duration and covered by the national health

²¹⁷ The Slovenian police force has 15 % women working in the service, according to the PSS.

²¹⁸ The general prohibition for public servants to strike in some Member States was repeatedly challenged. Belgium, Ireland and Portugal filed complaints based on the European Social Charter.

insurance, the regulation does not extend to the care of elderly dependents. This is an issue that remains high on the agenda of the trade unions in Slovenia.

“Minimum standards and rights need to be negotiated for the police at the European level.”

Alen Pečarič, chief negotiator for the PSS and member of the Executive Committee, Slovenia.

5.8.4 / CONCLUDING REMARKS

In 1990-91 two general collective agreements were signed in Slovenia – one for the private sector and one for public sector. The collective agreement for the public sector and public sector salary system act still guarantee 100% coverage, whereas in the private sector since 2006 the general collective agreement was not concluded. In the private sector 26 sectoral collective agreements apply with a coverage of 79%²¹⁹. ZSSS observes that the trade union density has been decreasing steadily, but that coverage continues to be broad. They also see that some trade unions have been weakened in some sectors which had problems competing globally with only a few companies remaining in Slovenia. Work-life balance remains an important issue in Slovenia and thus part of collective bargaining. Projects co-financed by the Norway Grants (Norwegian Financial Mechanism Program 2009 – 2014) and in support of developing clauses on work-life balance which were designed (in cooperation with the Institute for Labour Law at the Faculty of Law, University of Ljubljana and agreed between ZSSS and employers’ organization ZDS) for unions and employers to propose them during negotiations have been proven to be effective. Clauses were developed for childcare and elderly care as well. The latter is particularly relevant as legislation falls short of providing workers with time and money to also care for their elderly parents.

At company levels, however, unions have already gained some concessions regarding elderly care. One such example is a collective agreement with ETI Elektroelement, d.o.o. (ETI). Seventy per cent of ETI’s employees are women. Work-life balance is regarded as one of the major issues as shift work places a toll on family life. The trade union is aiming to improve the work life balance of young mothers as well as the protection of the elderly. According to the chief negotiator, Mateja Gerečnik, the company was not willing to negotiate on these issues, but also realised that there were an inordinate number of workers who went on sick leave. Evidence suggested that some of the sick leave was taken not because the workers themselves were ill, but a family member. The trade union proposed soft measures to address the work-life balance problems of the workforce. The company could not ignore the evidence and was ready to concede around a series of these soft measures. In the end, three parity committee comprising a representative of a trade union, the head of unit of the company and the head of the Human resources department of the company was established. The three parity committees are dealing with cases such as on young motherhood (an extra day off), elderly care (make annual leave a priority for those who care) and teleworking. The idea behind the union’s proposals and the use of the parity committee was to heed the needs of every single worker individually. The results of the company agreement were impressive. They reduced the taking of sick leave, improved efficiency and contributed to more well-being of the worker.

Trade unions in Slovenia have long pushed for better public care facilities for elderly people, much the same as they exist for children. Legislation, which is being prepared in 2017, however, places the financing burden of caring for the elderly on the families, which many may not be able to afford. This, they consider, will be detrimental to women’s participation in the labour market. Women in Slovenia are in the main full-time employed with only 14,5% (Eurostat, 2017) of them working part-time. The ZSSS underlines that the high rate of women’s full-time employment can be credited to the existence of state-run, high quality, accessible and affordable childcare facilities.

Unions in Slovenia have embraced the new EU proposal for a directive on work-life balance and they have been actively supporting its passage particularly with a view to the carers’ leave provisions.

“The collective agreement in the commerce (retail) sector is the first collective agreement in Slovenia which defines contractual penalties in favour of workers, which have proven to be effective!”

Ladi Rožič, chief negotiator, ZSSS, Slovenia

²¹⁹ Stanojević, M. and A. Poje (2019 forthcoming). Organized decentralization in the private sector and centralization in the public sector: V. Müller, T.; K. Vandaele, in J. Waddington: Collective Bargaining in Europe. Brussels: ETUI.

5.9 / SPAIN

5.9.1 / STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN SPAIN

Spain's accession to the European Union, (1986) was good for women, for gender equality and for negotiating on issues such as work-life balance. Before Spain joined the EU, unions report that it was difficult to discuss issues of gender equality at work, such as maternity leave. In fact, it has been thanks to EU action, mainly enforcing the transposition of European legislation in Spain, that laws were modified and EU directives on gender equality better transposed, particularly in the area of work-life balance.

*"In Spain, on issues of gender equality, governments only work when there is a "warning-call" from the EU, the ECJ or the European Commission."*²²⁰

EU legislation²²¹ is also said to be responsible that many companies started to adopt gender equality plans because the EU obliged Spain to evaluate the measures taken by companies for more gender equality when public grants were at stake. However, Spain has always failed to transpose the EU Directives on gender equality within the time given. Moreover, the transposition of EU definitions, procedures and terminology has often been less than precise which has led to misunderstandings and contradictions with existing European provisions.

The Spanish Workers' Statute (Royal Legislative Decree 2/2015, October 23rd) defines what leave workers can take and still receive their pay. Collective bargaining has strengthened these rights. Equality plans then have been able to broaden some these rights. As far as paternity leave is concerned, the Spanish law allowed fathers 13 days of paternity and two days around the birth of the child. Very few collective agreements have added to these rights.²²² Paternity leave has recently been increased to 5 weeks, extended by 2 days for each child. Spanish law also defines "breastfeeding leave (paid leave for one hour per day until the child is 9, whilst collective agreements detail the hours or distribution (over time or taken in one go) of the leave.

The Reconciliation Law (Law 39/1999, of 5 November) not only provides men with access to the care of their children as of the moment of their birth, it also offers women the option of allowing the father to enjoy up to a maximum of ten of the sixteen legally recognized weeks of maternity leave, while also permitting both parents to simultaneously enjoy this leave.

Parents or those caring for children up to the age of 12 have the option of reducing their working hours between one-eighth and one half of the working day, but there is no salary compensation; they are also entitled to ask for a period of leave to care for children until they reach the age of three. The law on carers' leave allows each employee to take up to two years of leave (excedencia por cuidado de un familiar) or reduce working hours by between an eighth and a half (reducción de jornada por cuidado de un familiar) to take care of a dependent relative (up to the 'second degree of consanguinity or affinity') due to severe illness, disability, accidents or old age. In certain regions and under specific conditions such leave may be compensated, but in any case, such leave entitles to social security.²²³

5.9.2 / COLLECTIVE BARGAINING STRUCTURES

As more women have entered the Spanish labour market in recent years, the right to reconcile family and working life has gained in importance.

Negotiations between employers and unions take place at three levels: national, industry and company/organisation. An annual national agreement has provided a framework for lower-level bargaining. The overall level of coverage is high at around 70% of the total workforce.

The major agreements can be tripartite, involving the government, unions and employers, and sometimes just between the employers and the unions at national level. They have covered a range of topics including an increase

²²⁰ Interview UGT. The following persons were interviewed for the Spanish good practices : Juna de Gregori, DPTO Mujer de UGT (VIPS); Rosa Gorgues, Secretaria de Igualdad de UGT, FICA (Ericsson and Thales; B  triz Quintanilla, Expertad Espana; Amor Vazquez Martinez, Tenica Dpto: Confederal de la Mujer.

²²¹ European Union Directive 92/85/EC, of 19 October 1992, on the introduction of measures to encourage improvements in the security and health at work of pregnant workers and workers who have recently given birth or are breastfeeding and the Council Directive 96/34/EC of 3 June 1996, on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.

²²² European Trade Union Institute (ETUI), Worker Participation. Spain. Collective Bargaining <https://www.worker-participation.eu/National-Industrial-Relations/Countries/Spain>

²²³ International Network on Leave Policies and Research, 2018. Spain. https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINAL.Spain2018.pdf

of permanent contracts, training and social security issues, but also gender equality issues including work-life balance provisions.

Bipartite guidelines on pay have been signed by the two biggest trade unions, the Workers' Commissions (Comisiones Obreras, CCOO) and the General Workers' Union (Unión General de Trabajadores, UGT). There has been a tendency in recent years, however, to conclude more agreements at company and even plant level. The government also has powers to extend collective agreements in areas where negotiations have not taken place, but that power has been seldom used. Legislation to that effect facilitated the process of decentralisation of collective bargaining.²²⁴

The European Trade Union Institute (ETUI) reports that as a result, company agreements now have complete precedence in key areas, even if the provincial-level agreement covering their industry is still in force. "Company agreements can set terms on wages, hours, grading and other issues, such as work-life balance, irrespective of those in industry-level agreements."²²⁵

At the company and plant level the appropriate bodies are the employer and the works council. But at higher levels the only trade unions which can sign the agreement on behalf of all the employees are the "most representative unions" at national or regional level or unions which can show that they have a specific level of support in the area covered by the negotiations.

5.93 / COLLECTIVE AGREEMENTS AND EQUALITY PLANS

Although collective agreements play a major role in defining industrial relations, obligatory company equality plans are of major importance for the advancement of gender equality as they are binding, monitored and adjusted if necessary.²²⁶ In 2007, the government passed legislation making it obligatory for companies with more than 250 employees to establish equality plans. Much like collective agreements, these plans are drawn up and negotiated by the social partners and aim to ensure that there is no discrimination at the workplace. The annual plans constitute an important mechanism to draw attention to the issues of gender equality. In this context, they are important to regulate effective work-life balance provisions at company level. However, equality plans are not compulsory for small and medium-size companies. A 2011 resolution regulates economic incentives to companies with less than 250 employees, which voluntarily negotiate and implement an equality plan (Valdés 2011).²²⁷

Measures on work-life balance are sometimes included in the collective bargaining, and other times they are negotiated as part of the gender equality plans. Union representatives of the UGT underline that the Gender Equality Law of 2007 really helped the inclusion of gender equality measures in collective bargaining. With the onset of the economic and financial crisis of 2008 gender equality consideration lost in importance. Protecting jobs assumed priority and thus, the establishment of measures for work-life balance were considered secondary. As laws were changed and employment regulations loosened, gender equality dropped off the agenda even though the crisis affected women proportionally more than men.²²⁸

The relation between the legislation, collective agreements and gender equality plans is complex. Gender equality plans, and collective agreements are negotiated separately, and gender equality plans are not incorporated into the collective agreements in most of the cases, as they are a separated instrument. This is problematic because it hampers the negotiation of many areas that a gender equality plan covers (i.e. compensation, salaries, daily working hours...) Once a collective agreement is finalised, it cannot be modified anymore (until its deadline). But gender equality plans, on the other hand, need to be always open, they must be reviewed, improved, analysed. If, for example, a positive action is not working well, there needs to be the opportunity to review it and modify it. "Legal adjustments to make clear the relation between the equality plans and the collective agreements are necessary in order to make them more coherent and time-bound." The situation is complex because issues such as the gender pay gap are discussed in the gender equality plans' negotiations, but at the same time, in order to adjust salaries, this aspect enters the field of collective agreement's negotiations. There are considerable limits to what the gender

²²⁴ In 2011, the socialist-led government introduced legal changes (RDL 7/2011) giving a greater role to company bargaining; later governments have passed additional legislation. (Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres.

²²⁵ European Trade Union Institute (ETUI) (n 224)

²²⁶ European Parliament DG for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, Women's Rights and Gender Equality, 2016. Gender equality policies in Spain - update. [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/583112/IPOL_STU\(2016\)583112_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/583112/IPOL_STU(2016)583112_EN.pdf)

²²⁷ Ibid.

²²⁸ Ibid.

equality plans can do. As most companies in Spain are small or medium-sized (to 100 or 150), they are not obliged to have such plans. However, when and if collective agreements are negotiated, they must include issues in relation to work-life balance.

5.94 / SOCIAL PARTNERS' GOOD PRACTICES ON WORK-LIFE BALANCE

Trade unions²²⁹ have negotiated several good practices either in the context of a collective agreement or as part of an equality plan. Some of them provide economic compensation for both women and men for taking the “breastfeeding leave”; others negotiated economic compensation for reductions in the daily working hours to take care of children; while some others fought for the right for financial compensation when taking the maternity leave or father’s leave, which is paid at the level of 100% of the last salary. “Caution is needed with regards to some specific measures for fathers, as they may discriminate mothers who do not receive any compensation when they take days off to care for a child.”

Negotiations can be easier if there is already jurisprudence in favour of the measures or approach that representatives want to take; in addition, there is a spectre of sanctions, which labour inspectors introduced in 2008-2009, when companies were found to fail on gender equality. Where companies became aware of these sanctions; negotiations on equality plans became easier.

GOOD PRACTICE 1. VIPS EQUALITY PLAN AGREEMENT, 2010

/ **SECTOR:** Commerce/Restaurants/Catering

/ **SIGNATORIES:** UGT, CC.OO and Federation of Independent Workers in Commerce and VIPS.

/ **KEY PROVISIONS:**

- 5 extra days of paid leave for fathers who have taken at least two of the weeks that mothers are entitled to transfer.

VIPs is a company of the catering sector which predominantly employs women, even though the number of women working there decreased with the economic crisis. The negotiations with VIPs brought together company representatives coming from Madrid and Sevilla and employees’ representative as well as outside advisors who served as experts in support of the two parties. Negotiations proved to be difficult from the start with the company being reluctant to discuss any work life balance measures such as flexible working hours. Negotiators from the union-side were struggling with access to information as well as with a lack of knowledge of gender issues, including work-life balance. Employee representatives were arguing that fathers needed to have more time to attend to their children. While the result of the negotiations granted an extra five days to fathers, it was not sure whether fathers would apply for it since the take up of paternity leave remained quite low in Spain. It was for this reason that the extra five days were coupled with the condition that fathers had to already have taken the two weeks of maternity leave that mothers could transfer to them. While this was celebrated as major win for the employees, it still did not have the desired impact as fathers continued to not take up the two weeks of transferred maternity leave granted by law.

Such monitoring of results was important and led the works council to establish additional soft measures which were: 1. Awareness raising among the staff; 2. Continue working on improving of work-life balance measures for all, both men and women; 3) campaigning for joint responsibility (steps to make sure that work-life balance measures are taken by both, men and women (and not only women). The awareness raising campaign includes the celebration of a day of “joint responsibility” for parents.

It is considered a long and difficult struggle to increase the take-up of paternity leave for two reasons related to old, gendered role models and the fact that women are reticent to give up two weeks of maternity leave.

²²⁹ See footnote 220.

GOOD PRACTICE 2. ERICSSON SPAIN EQUALITY PLAN, 2015

/ **SECTOR:** Telecommunications including telephones, mobile telephones, multimedia communications and internet.

/ **SIGNATORIES:** UGT CC.OO. CGT, STC and company Ericsson Spain S.A

/ **KEY MEASURES:**

All employees will be entitled to the following paid leaves:

- For reasons of medical consultations or care and attention due to illness or indisposition of minor children, spouses, children or elderly with some degree of increasing disability. Direct (first degree) relatives will have the right to a maximum of 16 hours off work during a year.
- Paid leave for people with first degree relatives with a serious, rare or chronic illness, for the time necessary to perform diagnostic tests, medical consultations and / or treatments up to 28 hours per year.
- Up to 1 month due to hospitalization, serious illness or accident of ascendants of first-degree family members.

The agreement was framed within a wider context of collective bargaining in which the criteria were set, and the means were put in place to achieve equality between men and women in the company. A commission was established to follow up on the implementation of the agreement, so that the impact of these measures and the results thereof could be further analyzed.

Initial negotiations were considered complicated and the overall negotiation process took a long time; there was a sense that the company tried to avoid reaching an agreement even though in Ericksson's CSR criteria reconciliation issues were identified as one of their priorities. *"It was the perseverance of unions that moved things forward."*²³⁰

For negotiators, the increase in flexibility as a negotiating criterion to improve the lives of workers is a relevant aspect of these agreed measures. It is expected that the promotion of these measures and the flexibility of the hours will reduce the impact of psychosocial risks and allow the promotion of a more satisfactory and efficient social environment.

GOOD PRACTICE 3. COLLECTIVE AGREEMENT ON WORKING HOURS AT COMPANY LEVEL, 2016

/ **SECTOR:** Aerospace/defence/transportation

/ **SIGNATORIES:** Thales Spain GRP, SAU (Sociedad Anónima Unipersonal) and CCOO; UGT; USO

/ **KEY PROVISION:**

- Reducing working hours on account of family responsibilities will not impact on pension rights/company level employment pension plan.

Thales España GRP, S.A.U. is a multinational company which develops safety, signaling and control systems for the aeronautics, space, transport, defense, and security markets. The company was incorporated in 1987 and is based in Madrid, Spain. Thales España GRP, S.A.U. operates as a subsidiary of Thales SA. Although very few women work in the company, they are in the majority to ask for reduction of working time on account of family responsibilities. This means however that a reduction in working hours implies a reduction in salary and hence reduce the contributions to the pension plan. The CCOO picked up the issue through collective bargaining and was successful in ensuring that the reduction of working hours would not negatively impact on women's equal access to pensions. The CCOO underlined that it was mostly women who reduced their working time on account of family responsibilities thus risking losing their full retirement entitlements or in some cases, all of them.

Negotiations were difficult, mostly because management was not convinced, but they understood that in order to retain skilled workers, pension plans should not discriminate because of issues of reconciliation." Once the management was convinced after studying the potential impact and quantified its value, we got an agreement that a reduction of working hours will not have an impact on women's pension rights. The reduction of the working day will not modify the monetary amount of the Business Pension Plan." (Maria Eloisa Gomez Gutierrez, Secretaria Igualdad CCOO Industria de Madrid)

²³⁰ Ibid.

5.9.5 / **SECTORAL AND CROSS-SECTORAL NEGOTIATIONS ON WORK-LIFE BALANCE**

In the cement sector most companies are small or medium so the preferred framework for negotiations on work-life balance measure is the obligatory gender equality plan. Unions are trying hard to lobby for a lowering of the threshold of 250 workers which requires a company to put in place a gender equality plan. The goal is to lower it to 100. In the sector of glass and ceramics unions negotiated to lower it to 150 employees or more. In a sector such as the construction, which is very male dominated, unions feel that it is very important to have gender equality plans. These negotiations at sectoral level have encountered difficulties, not only in the chemical sector, but also in the metal sector.

A royal legislative decree has been prepared on the implementation of gender equality plans and measures. However, it has not yet been adopted. It is supposed to clarify the way workers are counted, and who is entitled to negotiate, among other things. Companies do not have the obligation to have a collective agreement, but they do have the obligation to have a gender equality plan. For adopting gender equality plans, they're obliged to negotiate with the trade unions.

5.9.6 / **CONCLUDING REMARKS**

The economic situation and the labour market reforms over the last few years have not helped the development of measures to improve work-life balance in Spain. It can be observed that work-life balance policies have deteriorated alongside a more general trend of weakening general gender equality provisions, practices and dedicated institutions.

Although the general strategy of gender mainstreaming remains in place through a legal mandate at the central and the regional levels, policy reforms adopted in response to the economic crisis did not heed gender equality. In this context of backlash, the future of gender equality policies in Spain appears extremely uncertain. Nevertheless, trade unions have started to be more systematic about their demands for reconciliation and what they themselves need to do in order to strengthen their voices on gender equality in general and work-life provisions.

The UGT and the CCOO are looking toward the EU's proposal on work-life balance supporting proposal embracing particularly the aspect of the individualization of rights: "For Spain, the most important element would be to have a non-transferable parental leave which is compensated at least for the first 4 months." Spain already has a paternity leave but if other member states still do not have it, the fact to establish a father's leave across all EU member states is good. We are concerned, however, about the current negotiations and a possible rejection or watering down of the proposal in the Council."²³¹

5.10 / **SWEDEN**

5.10.2 / **STATE OF PLAY WITH WORK-LIFE BALANCE AND LEGISLATION IN SWEDEN**

The legislative framework on work-life balance is well developed in Sweden; therefore, while gender equality is being considered important both by the unions and the employers, work-life balance is not on top of the collective agreement negotiations. The resources are mostly focused on negotiations concerning pay rise, better working conditions and part-time workers rights. Work-life balance is addressed at the company level and local level. In the Swedish model the thinking is: laws can be changed, but the collective agreements are for real; agreements are more robust, steady and sustainable as they are the real agreements between the employers and the employees. For example, most white-collar workers get supplementary compensation through collective agreement when they are on parental leave (but the regulation differs regarding the length, upper limit, number of periods you can apply for etc.).

Sweden has a system of Gender Equality Plans that must be in place for all companies with over 25 employees. An Equality Ombudsman monitors that gender equality plans are in place where obligatory, and that the employers have active measures in place to combine work and parenthood.

There is no legal requirement for working time flexibility; it can be negotiated in collective or local agreements, and flexitime is relatively common in Sweden.²³² However, there are big differences between workers' groups - 52% of blue-collar women workers, for example, work part-time without the possibility to decide when to work and when to take leave.

²³¹ Ibid.

²³² Eurofound, 2017. Living and Working in Sweden. Working time. <https://www.eurofound.europa.eu/country/sweden#working-time>

5.10.2 / COLLECTIVE BARGAINING STRUCTURES

The main agreement regulating collective bargaining between social partners was set in 1938 (*Saltsjöbadsavtalet*). The agreement gives employers and trade unions the right to determine wages and employment conditions in collective agreements. Self-regulation through collective bargaining is a strong tradition on the Swedish labour market, while the government's legislative role is limited, thus tripartite negotiations are rare.²³³

Bargaining takes place mostly at the sectoral level, with bargaining at the local level also becoming increasingly common²³⁴. There are normally several sectoral agreements within each sector, for example one covering blue-collar workers and another covering white-collar workers. Agreements are also negotiated at company level, but cross-sectoral agreements are uncommon.²³⁵

Trade unions have a strong role in the Swedish labour market, and trade union membership in Sweden is high by international standards (around 80%). Trade unions are present in almost all workplaces where there are collective agreements, either as local representatives or as a local branch of a trade union. Trade union representatives negotiate on issues between employers and employees. There are approximately 60 trade unions, most of which are members of one of the three major trade union confederations: The Swedish Trade Union Confederation (*Landsorganisationen i Sverige, LO*); the Swedish Confederation of Professional Employees (*Tjänstemännens Centralorganisation, TCO*); and the Swedish Confederation of Professional Associations (*Sveriges Akademikers Centralorganisation, SACO*).²³⁶

5.10.3 / SOCIAL PARTNERS' GOOD PRACTICES

The Swedish Trade Union confederation (LO) has successfully negotiated a parental benefit compensation with the Confederation of Swedish Enterprise (*Svenskt Näringsliv, SN*) and the Co-operative Employers' Association (*Arbetsgivarföreningen KFO*). The insurance covers private sector workers and cooperatives - a member group that consists about half of women and half of men²³⁷.

GOOD PRACTICE 1.

COLLECTIVE TRADE AGREEMENT ON PARENTAL BENEFIT COMPENSATION, 2014

/ **SECTOR:** private and cooperative blue-collar workers

/ **SIGNATORIES:** The Swedish Trade Union Confederation (LO); the Confederation of Swedish Enterprise (SN) and the Co-operative Employers' Association (KFO)

/ **KEY PROVISIONS:**

- The Parental Benefit Compensation (*Föräldrapenningtillägget FPT*), provides supplementary compensation for those who are on parental leave²³⁸, in addition to the benefits from the social insurance fund. FPT applies to all employees, not only the union members. The conditions are that the current employer has a collective agreement and that the employee has worked in the workplace, or with other employers with collective agreements for at least 12 months in the last four years;
- This parental leave top-up insurance must be applied during the first 4 years from the birth of the child, and it provides a maximum of 180 days of compensation per parent for a continuous period. The supplementary compensation can be paid until the child reaches 18 months or 18 months after adoption, and the employee and the employer agree on the payment period;
- LO owns all the insurances and pays for them, and the insurance company (AXA) pays what is requested. LO and the 14 involved Unions are responsible for the implementation, and the employers receive the money to pay out.

²³³ Eurofound, 2017. Living and Working in Sweden. Actors and Institutions. <https://www.eurofound.europa.eu/country/sweden#actors-and-institutions>

²³⁴ Eurofound, 2017. Living and Working in Sweden. Background. <https://www.eurofound.europa.eu/country/sweden#background>

²³⁵ Eurofound, 2017. Living and Working in Sweden. Collective bargaining. <https://www.eurofound.europa.eu/country/sweden#collective-bargaining>

²³⁶ Eurofound (n 233)

²³⁷ *Landsorganisationen i Sverige (LO)* http://www.lo.se/start/lo_fakta/extrapengar_vid_foraldradedighet_en_utvardering_av_foraldrapenningtillagget_2017

²³⁸ Sweden, Parental Leave Act (1995:584). <https://www.government.se/4ac87f/contentassets/d163a42edcea4638aa112f0f6040202b/sfs-1995584-parental-leave-act>

Before the agreement in 2014, most collective agreements had the insurance in place, but the regulation differed in the length and the upper limit of the insurance the employees were entitled to. LO and their 14 members “wanted more than this” – and “when these members want something together, they get it.”²³⁹

The negotiations were initiated by the question: who pays the top-up insurance for the sectors where women of child-bearing age work? It might become an obstacle to hire these women if it is a high financial cost, while sectors where most employees are men (e.g. metal, construction) would not have the expense. The thinking was that the male dominated sectors would not want to pay, presuming that the mother would stay at home and take care of the children. In the negotiations, the unions pointed out that this was a gender equality issue, and now the thinking has changed and there has been a redistribution of the costs.

The negotiations took place in the spring 2013, from an afternoon until the following-morning. Initially, the LO wanted the insurance to cover the whole length of the parental leave (until the child is 12 years), but in the already existing collective agreements it was until 18-months, and that is how it stayed. This is now perceived as a positive measure for gender equality because it encourages fathers to take leave in the early life of the child, rather than waiting for years.

LO monitors the use of the top-up insurance; how many people apply and how many receive it. Men use up to 90 days of the insurance, and only 47% take the full 180 days; while 96% of qualified women take the full 180 days. There has been an increase on the uptake of the leave by men, but they take shorter time than women. Also, women do not qualify for the top-up as often as men as they work less on the private sector. 120 000 children are born in Sweden per year, but only 26 000 people apply for the top-up insurance; it is likely that higher number of parents would be entitled to this benefit, and therefore LO is rolling out awareness campaigns in social media and on tv.

5.10.4 / CONCLUDING REMARKS

While Sweden has a strong legislation on gender equality and work-life balance, there can be issues in the equal take-up of the leaves between women and men, as observed in the FPT.

Some measures are also benefitting more white-collar workers, while not realistically accessible to the blue-collar workers. An example would be the RUT scheme (tax-deduction for domestic service work) which is criticised for being used for the most part by high income earners and for reduced tax revenues; the scheme seems to benefit wealthier people, while public services are very important for the blue-collar workers. LO and TCO view that it is important to focus on good quality public services – childcare (full-time, affordable), elderly care (currently situation is challenging), and after-school care (for children up to 12 years). These structures and services should not be compromised because the risk of not developing public services is that it leads to less gender equality and inequalities in general.

²³⁹ Interview with Magnus Furbring, Ombudsman, LO, 14 June 2018, Stockholm, Sweden.

6

CONCLUSION

6.1 / WORK-LIFE BALANCE MEASURES BY SECTORS

The social, cultural, regulatory and political landscapes within which trade unions operate in the 10 Member States of this study are extremely diverse. What defines the value of a good practice is its impact on work-life balance within a given context – whether at the national or sectoral level. Table 3 lists the good practices by work-life balance measure and sectors (n=24). While we covered a wide range of sectors, not all sectors are represented. This may have been due to the limited number of countries covered by this study, but it may also be that some sectors are more proactive on work-life balance measures.

TABLE 3:

Work-life balance measures by sectors covered by the study

WLB measure	Sectors
Paternity leave (time and/or payment)	Technology industry (FI); Local governments (FI); Retail (FI); Textile and Fashion (FI); Banking (IT; NL); Electricity and Utilities (IT); Food production (IT); Pharmaceutical industry (PT); Commerce/restaurants/catering (ES); Media (FR)
Parental leave	Private and cooperative blue-collar workers (SW)
Flexible work arrangements (time and/or location)	Technology industry/experts and managers (FI); ICT industry (FI); Metal and Electrical industry (DE); Banking (DE); Electricity and Utilities (IT); Transport (IT); Food production (IT); Social sector (LT); Education (LT); Pharmaceutical industry (PT); Sea Workers (PT); Metal workers (DE); Banking (DE); Retail and Trade (SI); Police (SI), Media (FR; ES),
Long-term care	Banking (DE); Hospitals (NL), Media (FR)
Economic incentives	Metal and Electrical industry (DE); Banking (DE; IT); Electricity and Utilities (IT); Food production (IT; LT); Agriculture (IT); Electricity providers (LT); Aerospace/Defence/Transportation (ES); Private and cooperative blue-collar workers (SW), SNCF-transport (FR)
Childcare	Electricity and Utilities (IT); Food production (IT); Wool industry (PT); Media (FR)
Other measures (observed in more than one sector)	<i>Paid short-term care leave:</i> Technology industry (FI); Local governments (FI); Chemical industry (FI); Food production/Nestle (IT); Electricity providers (LT); Sea Workers (PT); <i>Training courses after family leave:</i> Food production (IT); Technology industry (FI); Media (FR); Transport (FR)

The most commonly reported good practice out of the six work-life balance measures mapped out in the study concerned **flexible working arrangements** (time and/or place of work). Such practices were found in 15 sectors out of the 24 included in the study. This measure was followed by good practices regarding **paternity leave** (time allocations and/or payments) that were included in the collective agreements for 10 sectors. Family related **economic incentives** had been negotiated in 9 sectors, **childcare** arrangements were part of agreements in 4 sectors; and **long-term care** and **parental leave** were addressed in 2 sectors each.

Other measures that were found in more than one sector included **paid short-term care leave** in 8 sectors, and **training** that was provided to employees with their consent during or after family leave in 2 sectors.

The clear trends across sectors then concerned 1) flexible working; and 2) securing time and payments to encourage men's take-up of family leaves.

Work-life balance and flexibility is an area where the unions have many good practices and union strength is pivotal to success. In addition to flexibility regarding working hours and the place of work, the positive measures in this area included for example reducing working hours but keeping pension rights (ES), time banking (DE, IT), and limiting working time on public holidays and Sundays (SI).

Trade unions are doing their part in trying to tackle the issues surrounding the take up of paternity leave. In several Member States, time allocation and payments that go beyond legislation have been negotiated into the collective agreements, while the pressure from the trade unions has helped to improve the legal provisions, e.g. in Portugal and Spain. However, ensuring a leave provision does not always suffice, as the availability will not automatically lead to increased take-up. Awareness-raising of the rights as well as role models in the workplace were also used to support change.

A specific issue highlighted in the interviews, is the importance of sustainability of work-life balance measures. Those agreements that are not automatically renewed after expiration must be renegotiated and are therefore at a higher risk of being dropped. This had clearly been the case in some countries during the crisis. However, as we have seen in Slovenia and Germany, for example, collective agreements on work-life balance ensure that they do not expire if they are not re-negotiated.

6.2 / TRADE UNIONS' STRATEGIES TO SUPPORT WORK-LIFE BALANCE: SOME COMPARISONS

Gender equality was acknowledged as part and parcel of better work-life balance in the study data. Many good practices arose from a more general policy of improving gender equality, e.g. through gender equality plans, as for example in Spain, or overall monitoring mechanism imposed by equality bodies such as in Portugal. There were internal and external aspects to the actions that were taken by the unions in this regard. **Internal measures** addressed the union itself and included, for example, ensuring that all collective agreement negotiations would have an equality objective (FIN/Trade Union Pro), and a gender perspective would be mainstreamed into the internal structures and processes.

Some unions pointed out that it is key is to know how to include the gender perspective in all aspects of the collective negotiations given that most negotiating is done from the masculine perspective. However, if you start negotiating from another perspective, everything changes.

Women's Committees in the trade unions were identified as important bodies for advocating for work-life balance (IT). In general, such committees are considered as a useful instrument for trade unions to promote policies in support of gender equality and for the improvement of the status of female workers²⁴⁰. However, members of women's committees across the board speak of a varying degree of lack of interest in gender equality issues, particularly at times of general mobilisation around pay issues. All too often, gender equality is considered secondary to other issues like pay or employment rights and risks to be marginalised, particularly in times of economic downturn.

External actions for gender equality involved participation in awareness raising campaigns on gender equality in general (LT/Education sector), and on work-life balance as a key societal issue (DE/DGB campaign). Awareness raising on carers' rights was said to be important both among workers (SW and IT/Agri) and employers (FI/SAK;

²⁴⁰ European Trade Union Confederation (ETUC), 2007. Women in Trade Unions in Europe: Bridging the Gaps. https://www.wetu.org/sites/default/files/English_complet_1.pdf

SI/ZSSS). Gender Equality Plans were highlighted as an important legally binding instrument in France, Spain and Sweden. In the Spanish case, gender equality plans are mandated by law for companies above the size of 250 employees. As most companies in Spain are small and medium-sized, many workers do not reap the benefit of such plans. Unions in Spain, however, in some regions, were able to negotiate that companies of lower size must also present an equality plan.

Involving members into defining what is important in terms of work-life balance

Trade unions saw it important to have a clear understanding of their members' views on the key issues and problems related to work-life balance. Surveys had been conducted to identify the issues, and to plan targeted actions (IT/FILLEA-CGIL; DE/IG Metall; SI/ZSSS). For example, in 2013, the IG Metall (DE) conducted one of the largest surveys in years in numerous companies and found that the average working time exceeded generally the legal limits; and in 2018, a company survey of both employer and union investigated whether the agreement covered the real-life circumstances of the staff at Ver.Di.

The ZSSS (SI) conducted its own survey in 2015 of trade union representatives involved in collective bargaining at all levels. The results showed that almost 93% of representatives found that measures for a better conciliation between work and family in collective agreements are very important for regulating employment relationships and that they should be agreed at the different levels of social dialogue. Moreover, the unions had done research into companies where they knew problems existed and presented that information to the employers. When ZSSS negotiated for better work-life balance taking an initial stand to push for no work on Sundays, the membership reacted strongly fearing that important supplementary income would be lost. Due to the pressure from members, ZSSS changed its bargaining positions and won it eventually.

Monitoring work-life balance measures

One practical aspect of trade unions' approach to work-life balance measures is to monitor their use and effectiveness. For example, in Italy, there are plenty of agreements at regional, local and company levels, and CISL has an observatory of these 2nd level agreements (OCSEL) that has collected over 8500 practices. UIL makes sure that sectoral agreements always include a work-life balance aspect, and all collective agreements are submitted to the UIL Equal Opportunities Committee for monitoring.

In Sweden, LO monitors the use of the parental leave top-up insurance.

In France, monitoring mechanisms are now regularly added to collective agreements on gender equality.

In Portugal trade unions have worked with the CITE on the monitoring and evaluation of collective agreements and their impact on work-life balance and used the equality commission to develop common standards of implementation and monitoring.

In Spain, monitoring of results was important and led the works council to establish additional soft measures (e.g. VIPs company agreement), and the equality plans help enormously to monitor the situation and changes across sectors.

Transferring good work-life balance practices across sectors

A positive work-life balance measure that had been established in one sector, was seen by some unions to transfer the concerned practices to other sectors, thereby enhancing work-life balance in the society at large. For example, in Italy, the UIL aims to cross-fertilise good practices from one sector to another, such as from chemicals to electricity; and the Smart Working agreement is now being used as an example for other sectors to adopt. In Lithuania, the food producing companies were said to be looking toward other sectors and copying good practices, which means that when a good practice is set up at a sub-sector it can have a big influence within the whole sector. In the public sector in Slovenia, representatives of the Police Trade Union of Slovenia (PSS) felt that there was a need to sector-specific provisions as police work differs from the work of the 43 other sectors that were part of the agreement. As a matter of fact, PSS insists that minimum standards and rights need to be negotiated for the police at European level.

Implementing work-life balance laws and pushing for public services

Implementation of both legislation and collective agreements on work life balance is one of the bigger challenges that needs to be further addressed by the trade unions. In some countries, such as Portugal, legislation plays a much more important role or is more wide-ranging, so there is less need or room to fill gaps. In other countries, like Italy, France or Sweden, collective agreements traditionally complement legislation in the area.²⁴¹ In Spain, it is the use of gender equality plans, which companies are required by law to have and implement, that play a pivotal role in improving work-life balance provisions.

Examples from the different countries include:

- In Finland, Trade Union Pro highlighted that while the measures regarding the return to work are in the legislation, the advantage of including them into the collective agreement is that they can be monitored by the unions. AKAVA highlighted that while redundancy protection covers by law, the time of pregnancy and family leave, it is not addressing sufficiently the time after return to work from family leave. The employment law includes the right to return to employment with the same conditions, but in practice this does not often actualise.
- In Portugal, the Commission for Citizenship and Gender Equality (CIG) and the Commission for Equality in Labour and Employment (CITE), created by Decree-Law in 2012, play a pivotal role. Collective agreements, for the most parts, do not create new rights at sectoral or company levels on work-life balance, but their clauses serve to best implement existing legislation.
- In Spain, it was highlighted that the issue of the gender pay gap and salary is an important aspect of work-life balance: in couples, it affects the decision on who is going to stop working or reduce working hours, maybe more than the offered work-life balance measures.
- In Slovenia, trade unions have long pushed for better public care facilities for elderly people much the same as they exist for children, to enable better work-life balance for carers.
- In Sweden, trade unions emphasise the crucial importance of good quality, accessible, and affordable public services to support work-life balance (child and elderly care).
- In Germany, trade unions have been pushing for better childcare facilities and companies, such as DIBA, have offered in-house childcare.

Using the new EU Directive on work-life balance as advocacy tool

The recently adopted EU Directive on work-life balance was perceived as a positive measure across the interviews, and in some countries as useful support for achieving new rights and advocating further actions in this area. Specifically, the proposed 10-day paternity leave provision was referred to in the Netherlands and in Italy; the Slovenian trade unions look towards the prospective new provision of carers' leave (5 days/year), and in LO in Sweden holds an interest on the possible support of the Directive to flexible working rights for part-time workers. Spain is crediting improved legislation through European Directives.

²⁴¹ Eurofound (n 6)

6.3 / STRUCTURAL BARRIERS FOR BETTER WORK-LIFE BALANCE

The study showed that there is a strong correlation between robust social dialogue, better gender equality and good work-life balance. It looked at the variety of work-life balance measures that social partners have taken to improve the quality of life of workers, making good on gender equality, retaining the workforce and attracting new talents as well as broadening the approach to care. It became clear that social partners, in quite different legal and social contexts, have negotiated specific issues on work-life balance in the workplace that were pertinent to the country, sector or company. Given the vast array of differences, comparisons and recommendations seem at first glance counterproductive. However, this study allowed us also to identify some fundamental structural issues that need to be tackled if the goal is *de facto* gender equality, around work-life balance.

Working life vs Lifetime

In the first instance, we observe that the structure of working-life and working time remains unadjusted to the requirements of life-time family responsibilities. Neither working-time, school hours, nor other public services have fully or partly adjusted to the needs of caring. There are some good practices in Sweden and Finland, but even they cannot accommodate the real needs of working parents. There is clearly some fundamental action required on the part of legislation, that is moving more towards what has been termed a “care economy”.

Work and gender equality

Gender equality remains an aloof goal in the world of work evidenced by the segregation of the labour market, unequal pay, the low number of women in decision-making positions and the unequal sharing of the “burden” of caring. While legislation requiring that gender equality is practiced remains an important framework – also considering EU legislation - social partners have been developing campaigns to tackle gender stereotypes. This study shows, however, that caring issues or “who cares” remains closely related to financial compensation. And while it was felt by most unions which were interviewed that tackling gender stereotypes remains an important goal, there is little evidence that most strategies have made a difference. The women and men who were interviewed not only pointed to the problem of convincing the company or the employers’ representatives of the in-built biases, but also cited examples where unions did not take account or simply ignored issues relating to work-life balance. Examples in this study show that there are ways to overcome these biases, such as sensitising union officials to issues of caring and establishing gender equality as one of the pillars in upcoming negotiations over collective agreements.

Where have all the fathers gone?

Whether one looks North or South or East or West, fathers’ uptake of care leave is low and directly linked to compensation. But even if leave is compensated at 100% of their salary, fathers refrain from taking all leave and prefer, if possible, to transfer some of their leave to the mother. Legislation could help a lot to remedy this situation, but so can collective agreements as some of the good practices demonstrate.

Caring for a family member

The study highlights only a few examples where caring for an elderly family member or disabled child is part of collective bargaining. Women are shouldering these responsibilities and pay dearly for them with their career, pay and pension checks. This is one area that unions agree on the need for more bargaining power, and further commitment by unions and employers.

7 RECOM MENDA TIONS

There is growing consensus among the trade unions which were interviewed for this study that a strong legal framework is an important prerequisite for successful collective bargaining regarding issues of work-life balance. Many unions stressed particularly the importance of an ambitious European-level legal framework underlining both the need to improve paternity leave as well introducing the right to paid carers' leave.

THE EUROPEAN UNION

- Monitor transposition and assess the implementation of the new Directive on work life balance; ensure that there are adequate sanctions if the directive is not properly implemented and applied;
- Develop a new gender equality strategy for the European Union and make it a priority, agreed by a European Council decision;
- Propose and agree to new legislation on equal pay, e.g. by putting forward a pay transparency directive;
- Enhance the use of EU Semester to assess national policy effectiveness and care structures promoting work-life balance;
- Revise the Barcelona Targets on childcare provisions upward, and ensure that they are being met in a timely manner - and if necessary, provide incentives/disincentives towards that goal;
- Develop a new Lisbon target on elder care/ care for dependents and support EU initiatives in this field with financial resources available ²⁴²Elderly care should be treated as a universal human right;
- Introduce new binding provisions to oblige companies of all sizes develop gender equality plans that include pay surveys together with employees' representatives/unions, and oversee/monitor their implementation;
- Adopt measures that strengthen national monitoring of agreed measures with appropriate indicators, benchmarks and other measurements aimed at improving work-life balance for women and men;
- Encourage measures on the use of appropriate tax incentives as well as individualisation of taxes which can have a considerable positive impact on gender equality and better work-life balance;
- Support social dialogue and monitor sectoral and company CBAs and data related to WLB (e.g. take-up of family related leaves) and ensure that the data is disaggregated by sex and socio-economic status;
- Mainstream work-life balance as a topic within the EU Institutions, across the Directorate Generals.

²⁴² European Trade Union Confederation (ETUC) Position on the first stage consultation of the social partners at Community level on the reconciliation of professional, private and family life, 21. 12. 2006.

Member States' policies differ widely as regards their overall approach to work-life balance, specific benefits and rights. Like others before, this study has identified several issues that prove to be barriers to gender equality and to a fairer share of work and family responsibilities. All too often, policies do not adequately address "the carers' penalty", or the sum of financial and professional disadvantages that come with being a carer. People, mostly women, who take on caring responsibilities often experience a considerable negative impact on their salaries, promotions and working time, all of which may carry long-term effect such as low pensions.

THE MEMBER STATES

to engage to:

- Pursue national legislation on gender equality including inter alia equal pay for equal work and work of equal value, work-life balance, and parity with the view to establishing de facto equality;
- When transposing the work-life balance Directive, ensure that 'adequately paid' parental leave is the minimum of 66% of earnings.
- Commit to a minimum percentage of GDP for care;
- Ensure that social security (pension/health) is de-linked from working life and provide a secure base for all people to prepare for equitable retirement provisions;
- Strongly consider - unless already established - the creation of an independent agency in charge of monitoring the implementation of gender equality, including in collective agreements, and the authority to apply adequate punitive, correctional measures;
- Ensure the individualisation of rights, as a key policy measure in relation to work-life balance. It should be noted that the existing measures to transfer work-life balance rights are the only social benefits that are transferable mainly to the disadvantage of women;
- Improve availability, accessibility, affordability and quality of publicly funded care facilities and services;
- Ensure carers' right to work;
- Value unpaid care and engage in fostering the societal changes. Role models in the workplace can demonstrate the value and possibility combining unpaid care and paid employment - work and care should not be considered as mutually exclusive.
- Better provision of out-of-school care, and bridging the gap between school hours and regular working hours;

THE EUROPEAN TRADE UNION CONFEDERATION (ETUC)

to develop:

- A global monitoring framework to assess and monitor the impact of all levels of collective agreements on work-life balance;
- A toolkit for unions negotiating agreements on work-life balance;
- A toolkit for unions to transpose the work-life balance Directive;
- Gender mainstreaming of ETUC policies

to extend:

- The current study to all Member States

to make available:

- Work-life balance model collective agreements for different sectors; and model provisions on work-life balance that can be included into agreements;
- Other tools and training for collective bargaining on work-life balance issues

THE EUROPEAN TRADE UNION FEDERATIONS

to develop:

- Model agreements specific for different the sectors;
- Provisions for raising further awareness of work-life balance issues within the ETUFs.

to provide:

- training for members on gender equality and work-life balance

Research has shown that collective arrangements are good for workers in general, but they also have important advantages for women in the labour market. In unionised companies and sectors of the economy, as well as in countries with a high coverage of collective bargaining, a general tendency exists to have shorter working hours for both women and men, more flexible work options under secure employment conditions, better protection for non-standard workers, in addition to a reduced gender pay gap.

SOCIAL PARTNERS AT NATIONAL LEVEL**to commit to:**

- Realise that work-life balance is also an investment in productivity as it provides for more quality of life;
- Promote collective bargaining as an effective way to improve work-life balance of workers;
- Ensure equal pay for equal work or work of equal value;
- Gender mainstreaming in all collective agreements with monitoring and evaluations on a regular basis;
- Ensure that external experts, engaged in the negotiations, understand gender mainstreaming and gender equality; support this by providing training
- Establish gender parity in negotiating teams;
- Agreements that acknowledge the diversity of families, such as single parent families, adoptive and same sex parents' rights, etc.;
- Tackling stereotypes to improve the take-up of paternity leave and improving work-life balance for women and men;
- Targeted policies to the need of the employees, e.g. younger workers have different expectations regarding working time and leave;
- Giving employees room to find their own solutions around working time, especially in sectors such as healthcare; flexibility should be driven by the workers and the right to disconnect enforced;
- Work-life balance measures that have an equity aspect embedded, so that they support all workers (e.g. part-time; blue-collar);
- Technology that helps to create the conditions for a better work-life balance, and is gender-proved;
- Systematic collection of past and present collective agreements in order to assess their usefulness regarding work-life balance and gender equality. In terms of monitoring, it is advised to pay attention to:
 - Who uses family leaves,
 - Length of leave,
 - Position held when leave was taken from,
 - What happened to the person taking leave (professionally/salary/promotion) after s/he returned from leave

TRADE UNIONS AT NATIONAL LEVEL**to work for:**

- Provisions for raising further awareness of work-life balance issues within unions in order to strengthen collective bargaining on work-life balance;
- Non-transferability of and higher pay for paternity leave, parental leave and carer's leave, as well as greater social support;
- Valuing of unpaid care work; role models in the workplace can support cultural change by demonstrating the value and possibility of combining care and employment

to identify:

- Successful drivers for collective bargaining at company and/or sectoral/cross -sectoral levels.

to lobby:

- For improvements in work-life balance legislation to make the measures sustainable

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