



**2017/0085(COD)**

30.5.2018

## **OPINION**

of the Committee on Women's Rights and Gender Equality

for the Committee on Employment and Social Affairs

on the proposal for a directive of the European Parliament and of the Council  
on work-life balance for parents and carers and repealing Council Directive  
2010/18/EU  
(COM(2017)0253 – C8-0137/2017 – 2017/0085(COD))

Rapporteur for opinion: Agnieszka Kozłowska-Rajewicz

(\*) Associated committees – Rule 54 of the Rules of Procedure



## SHORT JUSTIFICATION

Work life-balance measures are a requirement not limited to women rights, but also necessary for safeguarding the rights of men and gender equality in general. They are also instrumental for the EU economy, including for combating the negative effects of population aging and labour shortages.

The situation of women in the labour market persists to be challenging – women's employment rate is 64% on average in the EU, while it is 76% for men. As evidence shows, the main reason for labour market inactivity for women is related to the lack of possibility to effectively reconcile professional work with family duties. As a consequence, the gender pension gap, which results from accumulated inequalities throughout women's life course and their periods of absence in the labour market stands at a stark 40% average for the EU<sup>1</sup>. The progress in achieving gender equality in the labour market has been slow and work-life balance measures are needed to change this trend<sup>2</sup>. Additionally, work-life balance policies are instrumental for an effective response to labour shortages and an increasingly aging population<sup>3</sup>.

The Rapporteur wishes to focus on the objective of the Directive to increase women's employment and to well reflect its legal basis. Two crucial pillars of the proposal which the Rapporteur defines as fundamental for achieving these objectives are:

- 1) Non-transferability of parental leave is a condition for an equal share of leave between women and men and a tool for increasing women's presence in the labour market and men's engagement in family duties.
- 2) Sick pay level of compensation during leaves is compatible with the existing legal framework and the Maternity Leave Directive. Fathers take up leaves when a sufficiently high level of compensation is provided<sup>4</sup>.

Paid paternity leave is the first precondition for fathers to engage in care responsibilities<sup>5</sup>. The Rapporteur decided, however, to introduce a level of flexibility for the take-up of

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<sup>1</sup> Data from DG JUST: [https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/gender-equality/equal-economic-independence\\_en#womeninwork](https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/gender-equality/equal-economic-independence_en#womeninwork)

<sup>2</sup> EIGE: Gender Equality Index 2017: Measuring gender equality in the European Union 2005-2015 - Main findings. Chapter Domain of work: 10 years of slow progress.

<sup>3</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/Europe\\_2020\\_indicators\\_-\\_employment](http://ec.europa.eu/eurostat/statistics-explained/index.php/Europe_2020_indicators_-_employment)

<sup>4</sup> Eurofound: Promoting uptake of parental and paternity leave among fathers in the European Union (2015), <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>  
OECD (2017), The Pursuit of Gender Equality: An Uphill Battle, OECD Publishing, Paris.  
<http://dx.doi.org/10.1787/9789264281318-en>

<sup>5</sup> Studies show that paternity leave is a condition for further engagement of fathers in care responsibilities, for example, in the form of parental leave take up but also in terms of their general involvement in child rearing: Linda Haas & C. Philip Hwang (2008) The Impact of Taking Parental Leave on Fathers' Participation In Childcare And Relationships With Children: Lessons from Sweden, Community, Work & Family, 11:1, 85-104, DOI: [10.1080/13668800701785346](https://doi.org/10.1080/13668800701785346)  
Sakiko Tanaka & Jane Waldfogel (2007) EFFECTS OF PARENTAL LEAVE AND WORK HOURS ON FATHERS' INVOLVEMENT WITH THEIR BABIES, Community, Work & Family, 10:4, 409-426, DOI: [10.1080/13668800701575069](https://doi.org/10.1080/13668800701575069)

paternity leave giving fathers a possibility to use this right within the first year after birth or adoption: more fathers will be likely to take the leave as some men might not be sufficiently confident in taking care of a child just after birth. Still, the Rapporteur decided to maintain the preference for the take-up of paternity leave at the occasion of birth or adoption, as evidence shows that father-child bonding happens most efficiently at that early stage<sup>1</sup>. As for the carers' leave, the Rapporteur views it as a welcome response to the problem of aging population since care responsibilities are not limited just to childcare.

The Rapporteur introduces several modifications with intention of making the proposal responsive to the demands of the EU economies:

Firstly, while work-life balance measures are long-term investments bringing economic prosperity and enhancing women's employment, particular attention has to be paid to ensuring that the short-term and long-term functioning of business, in micro, small and medium-sized companies, are safeguarded. Better clarity for companies which will allow for a more efficient planning and prevention of the loss of productivity is required. To this end, the Rapporteur emphasizes the need for clear notice periods as well as qualifying periods for the leaves and for flexible working arrangements.

While the Rapporteur recognizes the need for paying special attention to disadvantaged groups, she decided not to introduce an extended leave right for single working parents since the objectives of the Directive focus on increasing women's presence in the labour market. Extending leave periods for single parents may in practice prolong the absence from employment of single mothers, who are the majority of single parents, and therefore, undermine the objective of the Directive with detrimental effects to these women's financial independence. The Directive leaves it to the Member States to determine the nature and structure of support in cases of disadvantaged families which the Rapporteur fully supports. To conclude, the Rapporteur believes that the position of the European Parliament should be focused on defending the principal objectives of the Directive and on the legal basis which is founded on equality between women and men. The European Parliament should also be strategic and avoid the failure of an overambitious proposal by respecting the expressed reservations of Member States with a goal of rapid adoption in the Council.

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Eyal Abraham, Talma Hendler, Irit Shapira-Lichter, Yaniv Kanat-Maymon, Orna Zagoory-Sharon and Ruth Feldman: Father's brain is sensitive to childcare experiences, *Proceedings of the National Academy of Sciences (PNAS)* 2014 July, 111 (27) 9792-9797

<sup>1</sup> The stronger the bond, the more likely that the father will be engaged in care, and the greater engagement of father with the first child, the higher chances for a family to decide for a second child.

Ann-Zofie Duvander & Gunnar Andersson (2008) Gender Equality and Fertility in Sweden, *Marriage & Family Review*, 39:1-2, 121-142, DOI: 10.1300/J002v39n01\_07

## AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a directive

##### Recital 2

*Text proposed by the Commission*

(2) Equality between men and women is a fundamental principle of the Union. According to Article 3 *of* the Treaty on European Union *the* promotion of equality between women and men is one of the Union's aims. Similarly, Article 23 of the Charter of Fundamental Rights of the European Union requires equality between women and men to be ensured in all areas, including employment, work and pay.

*Amendment*

(2) Equality between men and women is a fundamental principle of the Union. According to Article 3 the Treaty on European Union *and Article 8 of the Treaty on the Functioning of the European Union the elimination of inequalities and* promotion of equality between women and men is one of the Union's aims. Similarly, *under* Article 21 of the Charter of Fundamental Rights of the European Union *any discrimination on any ground is prohibited, while Article 23* requires equality between women and men to be ensured in all areas, including employment, work and pay.

### Amendment 2

#### Proposal for a directive

##### Recital 4

*Text proposed by the Commission*

(4) The Union *is party* to the United Nations' Convention on the Rights of People with Disabilities. The provisions of that Convention are *thus, from the time of its entry into force*, an integral part of the European Union legal order and Union legislation must as far as possible be interpreted in a manner that is consistent

*Amendment*

(4) The Union *and all its Member States are parties* to the United Nations' Convention on the Rights of People with Disabilities. The *Convention underlines that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the*

with the Convention. The Convention provides, among other things, in its Article 7 that Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

***full and equal enjoyment of the rights of persons with disabilities. The*** provisions of that Convention are an integral part of the European Union legal order and Union legislation must as far as possible be interpreted in a manner that is consistent with the Convention. The Convention provides, among other things, in its Article 7 that Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children. ***Moreover, the Convention, in its Article 23, provides that Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships.***

### Amendment 3

#### Proposal for a directive Recital 5

##### *Text proposed by the Commission*

(5) Work-life balance policies should contribute to the achievement of gender equality by promoting the participation of women in the labour market, making it easier for men to share caring responsibilities on an equal basis with women, and closing gender gaps in earnings ***and pay***. Such policies should take into account demographic changes including the effects of an ageing population.

##### *Amendment*

(5) Work-life balance policies should contribute to the achievement of gender equality by promoting the participation of women in the labour market, ***encouraging and*** making it easier for men to share caring responsibilities on an equal basis with women, and closing gender gaps in earnings, ***pay and pension***. Such policies should take into account demographic changes including the effects of an ageing population. ***Moreover, they should also contribute to tackling the stereotypes ascribed to gender roles.***

### Amendment 4

#### Proposal for a directive

## **Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6 a) The European Pillar of Social Rights, which was proclaimed by Member States on 17 November 2017 aims to deliver new and more effective rights for citizens of the Union. The Pillar builds upon 20 key principles, including Principle 2 on Gender Equality, Principle 3 on Equal Opportunities, and Principle 9 on Work-life Balance. The latter states that “[p]arents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way”.***

## **Amendment 5**

**Proposal for a directive**

**Recital 6 b (new)**

*Text proposed by the Commission*

*Amendment*

***(6b) Approximately 80% of informal, usually unpaid care across the Union is provided by families and friends, who are providing an indispensable part of the provision, organisation and sustainability of health and social care systems. Approximately two-thirds of carers in Europe are women. The economic value of unpaid informal care in the Union, as a percentage of the overall cost of formal long-term care provision, is estimated to range from 50 to 90%;***

## **Amendment 6**

**Proposal for a directive**

**Recital 7**

*Text proposed by the Commission*

(7) Work-life balance remains however a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing **work and family obligations**. When they have children, women tend to work less hours in paid employment and spend more time fulfilling unpaid care responsibilities. Having an ill or dependent relative has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market entirely.

*Amendment*

(7) Work-life balance remains however a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing family **and work responsibilities**. When they have children, women tend to work less hours in paid employment and spend more time fulfilling unpaid care responsibilities. Having an ill or dependent relative **with care or support needs** has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market **partly or entirely which translates into a negative financial effect on their pay and pensions**.

**Amendment 7**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

(8) The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. Lack of paid paternity and parental leave in many Member States **contributes** to the low take-up of such leave by fathers. The imbalance in the design of work-life balance policies between women and men reinforces gender differences between work and care. Conversely, use of work-life balance arrangements by fathers, such as leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for paid

*Amendment*

(8) The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. Lack of paid paternity and parental leave **as well as transferability of parental leave** in many Member States **contribute** to the low take-up of such leave by fathers. The imbalance in the design of work-life balance policies between women and men reinforces gender differences between work and care. Conversely, use of work-life balance arrangements by fathers, such as leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for



employment.

paid employment. *Furthermore, Eurofound research shows that take-up rates among parents depend on many intertwined factors. Such factors include: information about the leave available; leave compensation and pay disparities; availability and flexibility of childcare facilities; prevailing family organisation models; and the extent to which workers fear isolation from the labour market when taking leave<sup>1a</sup>.*

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*<sup>1a</sup> Eurofound: Promoting uptake of parental and paternity leave among fathers in the European Union (2015) and The gender employment gap: Challenges and solutions (2016).*

## **Amendment 8**

### **Proposal for a directive Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

*(8 a) The availability of quality, accessible, and affordable infrastructure for the care of children and other dependants has proven to be a crucial factor for work-life balance policies that facilitate the rapid return of mothers to, and an increasing participation of women on, the labour market. However, by 2018 the majority of Union Member States have still not yet achieved the so-called Barcelona objectives for childcare, set in 2002. The achievement of these objectives is crucial to allow women to fully participate in employment and prioritising the investment in community-based quality, accessible and affordable childcare in the Multiannual Financial Framework is pivotal for unlocking the situation.*

## Amendment 9

### Proposal for a directive Recital 8 b (new)

*Text proposed by the Commission*

*Amendment*

***(8b) A disproportionately high tax burden on the second earner in most Member States remains a significant disincentive to the participation of women in the labour market. The identification and removal of all obstacles resulting from gender-biased tax benefit systems is essential to promote women to fully participate in employment and to promote the equal share of reproductive work and care responsibilities.***

## Amendment 10

### Proposal for a directive Recital 13

*Text proposed by the Commission*

*Amendment*

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to paternity leave for fathers to be taken ***on*** the occasion of the birth of a child should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law.

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to ***paid*** paternity leave for fathers ***or an equivalent second parent as defined in national law*** to be taken ***around*** the occasion of the birth ***or adoption*** of a child ***and within duration limits of the maternity leave*** should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law.

## Amendment 11

### Proposal for a directive Recital 13 a (new)

***(13 a) Member States should also assess whether the conditions and detailed arrangements of paternity leave should be adapted to the specific needs of fathers in special situations requiring more of their presence in particular with regard to fathers having a disability and fathers with children with disabilities including mental health problems, serious medical conditions or illnesses, and single fathers as defined by the national law and practice in Member States.***

## Amendment 12

### Proposal for a directive Recital 14

Text proposed by the Commission

Amendment

(14) As the majority of fathers do not avail themselves of their right to parental leave or transfer a considerable proportion of their leave entitlement to mothers, in order to encourage the second parent to take parental leave, this Directive, while maintaining the right of each parent to at least four months of parental leave currently provided for by Directive 2010/18/EU, extends from one to four months the period of parental leave which cannot be transferred from one parent to the other.

(14) As the majority of fathers do not avail themselves of their right to parental leave or transfer a considerable proportion of their leave entitlement to mothers, in order to encourage the second parent to take parental leave, this Directive, while maintaining the right of each parent to at least four months of parental leave currently provided for by Directive 2010/18/EU, extends from one to four months the period of parental leave which cannot be transferred from one parent to the other. ***Member States should be able to specify that two months of parental leave should be taken during the first four years of the child's life. However, if not used within this timeframe, Member States should ensure that the leave is not lost and can be used up to at least 10 years of a child.***

## Amendment 13

### Proposal for a directive Recital 15

#### *Text proposed by the Commission*

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least *twelve* years old. Member States should be able to specify *the* period of notice to be given by the worker to the employer when applying for parental leave ***and to decide whether the right to parental leave may be subject to a certain*** period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement.

Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in ***particularly***

#### *Amendment*

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least *ten* years old. Member States should be able to specify ***taking into account in particular the constraints of micro companies, a reasonable*** period of notice to be given by the worker to the employer when applying for parental leave. ***In order to deter potential abuse, the Member States should be able to introduce a requirement of a minimum*** period of service ***before a worker is entitled to benefit from that right, with a maximum duration of six months.*** In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement ***in a written form.***

Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in ***special***

*disadvantaged* situations.

situations *requiring more of their presence, in particular with regard to parents having a disability and parents with children with a disability including mental health problems, serious medical condition or illness and single parents as defined by the national law and practice in Member States.*

## Amendment 14

### Proposal for a directive Recital 16

*Text proposed by the Commission*

(16) In order to facilitate the return to work following parental leave, workers and employers should ***be encouraged to maintain contact during the period of leave and may make*** arrangements for any appropriate reintegration measures, to be decided between the parties concerned, taking into account national law, collective agreements and practice

*Amendment*

(16) In order to facilitate the return to work following parental leave, workers and employers should ***have the possibility to voluntarily*** maintain contact during the period of leave. ***Contact between workers and employers should not result in any burden or distress for workers and family members and should facilitate the making of*** arrangements for any appropriate reintegration measures, to be decided between the parties concerned, taking into account national law, collective agreements and practice. ***Workers who do not wish to maintain contact should not be discriminated against in any way.***

## Amendment 15

### Proposal for a directive Recital 17

*Text proposed by the Commission*

(17) In order to provide greater opportunities to remain in the work force for ***men and women carrying*** of elderly family member and/or other relatives in need of care, workers with a ***seriously ill or dependant*** relative should have the right to

*Amendment*

(17) In order to provide greater opportunities to remain in the work force for ***workers taking care*** of elderly family member and/or other relatives in need of care, workers with a relative ***with care or support needs due to a serious medical***

take time off from work in the form of carers' leave to take care of that relative. To prevent abuse of that right, proof of the serious *illness or dependency may* be required prior to granting of the leave.

*reason* should have the right to take time off from work in the form of carers' leave to take care of that relative. To prevent abuse of that right, *medical* proof of the serious *medical reason for care or support needs should* be required prior to granting of the leave.

## Amendment 16

### Proposal for a directive Recital 17 a (new)

*Text proposed by the Commission*

*Amendment*

***(17a) The establishment of a leave for individual carers should not serve as a substitute for professional, accessible, affordable and high-quality community-based care services, which will also greatly contribute to future economic development.***

## Amendment 17

### Proposal for a directive Recital 19

*Text proposed by the Commission*

*Amendment*

(19) To increase the incentives for workers with children and caring responsibilities, men in particular, to take the periods of leave provided for in this Directive, they should have the right to an adequate allowance while on leave. The level of the allowance should be at least equivalent to *what the worker concerned would receive in case of sick leave*. Member States should take into account the importance of the continuity of the entitlements to social security, including healthcare.

(19) To increase the incentives for workers with children and caring responsibilities, men in particular, to take the periods of leave provided for in this Directive, they should have the right to an adequate allowance while on leave. The level of the allowance should be ***defined by the Member State and should be equivalent to the maternity leave pay as defined at the national level in case of paternity leave, while in the case of the parental leave and the carers' leave it should be at least equivalent to 80% of the worker's gross wage. With this, Member States would ensure that the payment or allowance is set at a level that encourages***

*parents to better share the entitlements and* should take into account the importance of the continuity of the entitlements to social security, including healthcare *and pension schemes*.

## Amendment 18

### Proposal for a directive

#### Recital 20

*Text proposed by the Commission*

(20) In accordance with Directive 2010/18/EU Member States are required to define the status of the employment contract or employment relationship for the period of parental leave. In accordance with the case-law of the Court of Justice of the European Union, the employment relationship between the worker and his employer is therefore maintained during the period of leave and, as a result, the beneficiary of such leave, remains, during that period, a worker for the purposes of Union law. When defining the status of employment contract or employment relationship during the period of the leaves covered by this Directive, *including as regards entitlements to social security*, the Member States should therefore ensure that the employment relationship is maintained.

*Amendment*

(20) In accordance with Directive 2010/18/EU Member States are required to define the status of the employment contract or employment relationship for the period of parental leave. In accordance with the case-law of the Court of Justice of the European Union, the employment relationship between the worker and his employer is therefore maintained during the period of leave and, as a result, the beneficiary of such leave, remains, during that period, a worker for the purposes of Union law. When defining the status of employment contract or employment relationship during the period of the leaves covered by this Directive, the Member States should therefore ensure that the employment relationship is maintained *without prejudice to entitlements to social security including to pension contribution to which the worker remains subject throughout the period of leave. In that perspective, Member States should ensure the leave provided for in this Directive does not affect the worker's pension entitlements during all this period.*

## Amendment 19

### Proposal for a directive

#### Recital 21

(21) In order to encourage working parents and carers to remain in the work force, those workers should be able to adapt their working schedules to their personal needs and preferences. Working parents and carers should therefore be able to request flexible working arrangements, meaning the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. In order to address the needs of workers and employers, it should be possible for Member States to limit the duration of flexible working arrangements, including a reduction in working hours. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. The ultimate decision as to whether or not to accept a worker's request for flexible working arrangements should lie with the employer, Specific circumstances underlying the need for flexible working arrangements can change. Workers should therefore not only have the right to return to their original working patterns at the end of a *given* agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

(21) In order to encourage working parents and carers to remain in the work force, those workers should be able to adapt their working schedules to their personal needs and preferences. Working parents and carers should therefore be able to request flexible working arrangements, meaning the possibility for workers to adjust their working patterns, including through the use of remote working arrangements *where appropriate*, flexible working schedules, or a reduction in working hours, for caring purposes. In order to address the needs of workers and employers, it should be possible for Member States to limit the duration of flexible working arrangements, including a reduction in working hours. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. *While* the ultimate decision as to whether or not to accept a worker's request for flexible working arrangements should lie with the employer, *it should take into account the needs of employees as well as the constraints to the working arrangements and planning for the micro enterprises, and should justify a refusal*. Specific circumstances underlying the need for flexible working arrangements can change. Workers should therefore not only have the right to return to their original working patterns at the end of a *mutually* agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

## **Amendment 20**

### **Proposal for a directive**



## Recital 22

### *Text proposed by the Commission*

(22) Leave arrangements are intended to support working parents and carers during a specific period of time, and are aimed at maintaining and promoting their continued attachment to the labour market. It is therefore appropriate to make express provision for the protection of the employment rights of workers taking leave covered by this Directive and in particular their right to return to the same or an equivalent post, and not to suffer any detriment in their terms and conditions as a result of their absence. Workers should retain their entitlement to relevant rights already acquired, or in the process of being acquired, until the end of such leave.

### *Amendment*

(22) Leave arrangements are intended to support working parents and carers during a specific period of time, and are aimed at maintaining and promoting their continued attachment to the labour market. It is therefore appropriate to make express provision for the protection of the employment rights of workers taking leave covered by this Directive and in particular their right to return to the same or an equivalent post, and not to suffer any detriment in their terms and conditions as a result of their absence. Workers should retain their entitlement to relevant rights already acquired, or in the process of being acquired, until the end of such leave.

***Equally important is the goal of leave arrangements to ensure that working parents maintain quality of family life, by taking care of their children, carrying out their responsibilities, including their primary educational role especially during early childhood, in the best possible way and by spending quality time with their children. An ineffective reconciliation of family and professional life can also have a negative impact on the physical and mental health of children and parents.***

## Amendment 21

### Proposal for a directive

## Recital 23

### *Text proposed by the Commission*

(23) Workers exercising their rights to leave or to request flexible working arrangements should be protected against discrimination or any less favourable treatment on that ground.

### *Amendment*

(23) Workers exercising their rights to leave or to request flexible working arrangements should be protected against ***any form of*** discrimination or any less favourable treatment on that ground. ***At the same time, in order to ensure balance***

*between the interests of employers and workers, Member States should ensure that employers are protected against any abuse of such rights.*

## **Amendment 22**

### **Proposal for a directive Recital 24**

*Text proposed by the Commission*

(24) Workers exercising their rights to take leave or to request flexible working arrangements provided for in this Directive should enjoy protection from dismissal and any preparations for a possible dismissal on the grounds that they applied for, or have taken such leave or have exercised the right to request such flexible working arrangements. Where workers consider that they have been dismissed on those grounds, they should be able to ask the employer to provide duly substantiated grounds for the dismissal.

*Amendment*

(24) Workers exercising their rights to take leave or to request flexible working arrangements provided for in this Directive should enjoy protection from dismissal and any preparations for a possible dismissal on the grounds that they applied for, or have taken such leave or have exercised the right to request such flexible working arrangements. Where workers consider that they have been dismissed on those grounds, they should be able to ask the employer to provide duly substantiated grounds for the dismissal *in writing*.

## **Amendment 23**

### **Proposal for a directive Recital 26**

*Text proposed by the Commission*

(26) Member States should provide for effective, proportionate and dissuasive penalties in the event of breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The effective implementation of the principle of equal treatment requires adequate judicial protection of workers against adverse treatment or adverse consequences resulting from a complaint or proceeding relating to the rights under this Directive. Victims may be deterred from exercising

*Amendment*

(26) Member States should provide for effective, proportionate and dissuasive penalties in the event of breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The effective implementation of the principle of equal treatment requires adequate judicial protection of workers against adverse treatment or adverse consequences resulting from a complaint or proceeding relating to the rights under this Directive. Victims may be deterred from exercising

their rights on account of the risk of retaliation and therefore should be protected from any adverse treatment where they exercise their rights provided for by this Directive. Such protection is particularly relevant as regards workers' representatives in the exercise of their function.

their rights on account of the risk of retaliation and therefore should be protected from any adverse treatment where they exercise their rights provided for by this Directive. Such protection is particularly relevant as regards workers' representatives in the exercise of their function. ***Labour and social inspections should monitor the appropriate implementation of this Directive with the adequate means to avoid discrimination and ensure equal access of workers to their social and labour rights.***

## Amendment 24

### Proposal for a directive

#### Recital 27

##### *Text proposed by the Commission*

(27) With a view to further improving the level of protection of rights provided for in this Directive, national equality bodies should also be competent in the areas covered in this Directive.

##### *Amendment*

(27) With a view to further improving the level of protection of rights provided for in this Directive, national equality ***and child rights*** bodies should also be competent in the areas covered in this Directive.

## Amendment 25

### Proposal for a directive

#### Recital 28

##### *Text proposed by the Commission*

(28) This Directive lays down minimum requirements, thus ***giving*** the Member States ***the option of introducing or maintaining*** more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing Union legislation in this field nor can it constitute valid grounds for reducing

##### *Amendment*

(28) This Directive lays down minimum requirements, thus ***allowing*** the Member States ***to introduce or maintain*** more favourable provisions. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing Union legislation, ***national legislation and collective agreements*** in this field nor can it constitute valid grounds

the general level of protection afforded to workers in the field covered by this Directive.

for reducing the general level of protection afforded to workers in the field covered by this Directive.

## Amendment 26

### Proposal for a directive Recital 28 a (new)

*Text proposed by the Commission*

*Amendment*

***(28 a) Member states should consider extending the measures contained in this Directive to the workers who are self-employed.***

## Amendment 27

### Proposal for a directive Recital 30

*Text proposed by the Commission*

*Amendment*

(30) This Directive should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings. Member States are therefore invited to assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises and for administrative burden.

(30) ***In implementing*** this Directive ***Member States*** should avoid imposing ***unjustified*** administrative, financial and legal constraints in a way which would hold back the creation and development of ***micro***, small and medium-sized undertakings. Member States are therefore invited to ***regularly*** assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises and for administrative burden, ***particularly concerning the impact of arrangements for parental leave and patterns of flexible work on the work organisation, and to publish the results of such assessments.***

## Amendment 28

### Proposal for a directive

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## Recital 32 a (new)

*Text proposed by the Commission*

*Amendment*

***(32 a) To achieve better work-life balance and gender equality in the area of reconciliation of family and professional life and to fully achieve the intended goal of this Directive, the Commission should also consider to assess the review of the Council Directive 92/85/EEC that dates from 1992, taking into account the new rights and provisions agreed in the present Directive.***

## Amendment 29

### Proposal for a directive Article 2 – paragraph 1

*Text proposed by the Commission*

*Amendment*

This Directive applies to all workers, ***men and women***, who have an employment contract or employment relationship.

This Directive applies to all workers who have an employment contract or employment relationship ***as defined by law, collective agreement and/or practices in force in each Member State, in accordance with the criteria for determining the status of a worker as established by the case law of the Court of Justice of the European Union.***

## Amendment 30

### Proposal for a directive Article 3 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) "paternity leave" means leave from work for fathers to be taken ***on*** the occasion of the birth of a child;

(a) "paternity leave" means ***paid*** leave from work for fathers ***or an equivalent second parent as defined in national law on the grounds of the birth or adoption of a child***, to be taken ***around*** the occasion of the birth ***or adoption*** of a child ***within***

*duration limits of the maternity leave;*

### **Amendment 31**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) “parental leave” means leave from work on the grounds of the birth or adoption of a child to take care of that child;

*Amendment*

(b) “parental leave” means ***paid*** leave from work on the grounds of the birth or adoption of a child to take care of that child;

### **Amendment 32**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) "carer" means a worker providing personal care or support ***in case of a serious illness or dependency of*** a relative;

*Amendment*

(c) "carer" means a worker providing personal care or support ***to a relative in need of care or support due to a serious medical reason or disability as defined by the United Nations Convention on the Rights of Persons with Disabilities;***

### **Amendment 33**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(c a) "carers' leave" means paid leave from work for carers in order to provide personal care or support to a relative in need of care or support due to a serious medical reason or disability;***

## Amendment 34

### Proposal for a directive

#### Article 3 – paragraph 1 – point d

*Text proposed by the Commission*

(d) "relative" means a worker's son, daughter, mother, father, spouse or partner in civil partnership, where such partnerships are envisaged by national law;

*Amendment*

(d) "relative" means ***at least*** a worker's son, daughter, mother, father, ***sibling, step children, foster children, grandchildren, grandparents, legal guardian or ward,*** spouse or partner in civil partnership, where such partnerships are envisaged by national law;

## Amendment 35

### Proposal for a directive

#### Article 3 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) “designated third party” means a worker to whom a parent transfers their right to leaves covered in this Directive.***

## Amendment 36

### Proposal for a directive

#### Article 3 – paragraph 1 – point e

*Text proposed by the Commission*

(e) "***dependency***" means a ***situation*** in which a person is, temporarily or permanently, in need of care due to disability or a serious medical ***condition other than serious illness***;

*Amendment*

(e) "***care and support needs***" means a ***state*** in which a person is, temporarily or permanently, in need of care due to a disability or a serious medical ***reason and requires personal assistance or support***;

## Amendment 37

### Proposal for a directive

#### Article 3 – paragraph 1 – point f

*Text proposed by the Commission*

(f) “flexible working arrangements” means the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours.

*Amendment*

(f) “flexible working arrangements” means the possibility for workers to adjust their working patterns ***on a voluntary basis*** including through the use of remote working arrangements ***where feasible***, flexible working schedules, or a reduction in working hours.

**Amendment 38**

**Proposal for a directive  
Article 4 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. Member States shall take the necessary measures to ensure that fathers ***or the equivalent second parents as defined in national law*** have the right to take paternity leave of at least ten working days ***around*** the occasion of the birth ***or adoption*** of a child, ***within duration limits of the maternity leave***.

**Amendment 39**

**Proposal for a directive  
Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Member States shall assess the need for the conditions of access and detailed arrangements for the application of paternity leave to be adapted to the needs of fathers in special situations requiring more of their presence, to be defined by Member States. Such special situations may include: fathers having a disability, fathers with children with disabilities including mental health problems, serious medical conditions or***



*illnesses, and single fathers as defined by the national law and practice in Member States.*

## Amendment 40

### Proposal for a directive Article 5 – paragraph 1

*Text proposed by the Commission*

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least four months to be taken before the child reaches a given age which shall be at least *twelve*.

*Amendment*

1. Member States shall take the necessary measures to ensure that workers have an individual right to ***paid and non-transferable*** parental leave of at least four months to be taken before the child reaches a given age which shall be at least *ten*. ***Member States shall assess the possibility to extend the right to parental leave for workers in special situations requiring more of their presence, to be defined by Member States.. Such special situations may include: parents having a disability, parents with children with a disability including mental health problems, serious medical condition or illness and single parents as defined by the national law and practice in Member States.***

## Amendment 41

### Proposal for a directive Article 5 – paragraph 2

*Text proposed by the Commission*

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least four months of parental leave cannot be transferred.

*Amendment*

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least four months of parental leave cannot be transferred. ***Where Member States provide for more than four months' parental leave, a limited amount of that leave might be transferable not only to the other parent, but also to a designated third party who effectively***

*takes care of the child.*

## Amendment 42

### Proposal for a directive Article 5 – paragraph 4

*Text proposed by the Commission*

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed **one year**. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC<sup>21</sup>, with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

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<sup>21</sup> Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

*Amendment*

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed **six months**. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC<sup>21</sup>, with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

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<sup>21</sup> Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

## Amendment 43

### Proposal for a directive Article 5 – paragraph 5

*Text proposed by the Commission*

5. Member States may define the circumstances in which an employer, following consultation in accordance with national law, collective agreements and/or practice, may be allowed to postpone the granting of parental leave by a reasonable period of time on the grounds that it would seriously disrupt the good functioning of the establishment. Employers shall justify any postponement of parental leave in

*Amendment*

5. Member States may define the circumstances in which an employer, following consultation in accordance with national law, collective agreements and/or practice, may be allowed to postpone **no more than twice and for a maximum period of six months** the granting of parental leave by a reasonable period of time on the grounds that it would seriously disrupt the good functioning of the establishment. Employers shall justify any

writing.

postponement of parental leave in writing.  
***In addition, Member States shall take into account in particular the constraints of micro companies.***

#### Amendment 44

##### Proposal for a directive Article 5 – paragraph 6

*Text proposed by the Commission*

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

*Amendment*

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

#### Amendment 45

##### Proposal for a directive Article 5 – paragraph 7

*Text proposed by the Commission*

7. Member States shall assess the need for the conditions of access and detailed arrangements for the application of parental leave to be adapted to the needs of ***adoptive parents, parents having a disability and parents with children with a disability or long-term illness.***

*Amendment*

7. Member States shall assess the need for the conditions of access and detailed arrangements for the application of parental leave to be adapted to the needs of parents ***in special situations to be defined by Member States. Such special situations may include: parents having a disability, parents with children with a disability including mental health problems, serious medical condition or illness and single parents as defined by the national law and practice in Member States.***

## **Amendment 46**

### **Proposal for a directive Article 6 – paragraph 1**

*Text proposed by the Commission*

Member States shall take the necessary measures to ensure that workers have the right to carers' leave of at least five working days per year, per worker. Such right may be subject to appropriate substantiation of the **medical condition** of the worker's relative.

*Amendment*

Member States shall take the necessary measures to ensure that workers have the right to carers' leave of at least five working days per year, per worker. Such right **may** be subject to appropriate **medical needs** of the worker's relative.

## **Amendment 47**

### **Proposal for a directive Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 6a**

***The information on the medical condition or situation of loss of autonomy should be kept confidential and be shared only with a restricted number of involved services to safeguard the right to data protection of both the worker and the person in need of care.***

## **Amendment 48**

### **Proposal for a directive Article 8 – paragraph 1**

*Text proposed by the Commission*

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that workers

*Amendment*

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that workers

exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment or an adequate allowance at least equivalent to *what the worker concerned would receive in case of sick* leave.

exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment or an adequate allowance *as follows*:

*(a) for paternity leave as referred to in Article 4(1), a payment or allowance equivalent to maternity leave pay as defined at the national level whilst ensuring the principle of equal pay for women and men;*

*(b) for parental leave as referred to in Article 5(1), a payment or allowance of at least equivalent to 80 % of the worker's gross wage;*

*(c) for carers' leave as referred to in Article 6, a payment or allowance of at least equivalent to 80 % of the worker's gross wage.*

## **Amendment 49**

### **Proposal for a directive Article 9 – paragraph 1**

#### *Text proposed by the Commission*

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least *twelve*, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

#### *Amendment*

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least *ten*, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

## **Amendment 50**

### **Proposal for a directive Article 9 – paragraph 2**

*Text proposed by the Commission*

2. Employers shall consider and respond to requests for flexible working arrangements referred to in paragraph 1, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request.

*Amendment*

2. Employers shall consider and respond ***in writing*** to requests for flexible working arrangements referred to in paragraph 1, taking into account the needs of both employers and workers, ***in particular in micro businesses***. Employers shall justify any refusal of such a request ***while providing options for alternative arrangements***.

**Amendment 51**

**Proposal for a directive  
Article 9 – paragraph 3**

*Text proposed by the Commission*

3. When flexible working arrangements referred to in paragraph 1 are limited in duration, the worker shall have the right to return to the original working pattern at the end of the agreed period. The worker shall also have the right to request to return to the original working pattern whenever a change of circumstances so justifies. Employers shall be obliged to consider and respond to such requests, taking into account the needs of both employers and workers.

*Amendment*

3. When flexible working arrangements referred to in paragraph 1 are limited in duration, the worker shall have the right to return to the original working pattern at the end of the agreed period. The worker shall also have the right to request to return to the original working pattern whenever a change of circumstances so justifies. Employers shall be obliged to consider and respond ***in writing*** to such requests, taking into account the needs of both employers and workers.

**Amendment 52**

**Proposal for a directive  
Article 9 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Member States shall assess the need for arrangements to ensure the application of flexible working time is adapted to the specific needs of parents in special situations requiring more of their presence, in particular with regard to***

*parents having a disability and parents having with children with a disability including mental health problems, serious medical condition or illness and single parents as defined by the national law and practice in Member States. .*

## Amendment 53

### Proposal for a directive Article 10 – paragraph 3

*Text proposed by the Commission*

3. .Member States shall define the status of the employment contract or employment relationship for the period of leave referred to in Article 4, 5 or 6, ***including as regards entitlements to social security***, while ensuring that the employment relationship is maintained during that period.

*Amendment*

3. Member States shall define the status of the employment contract or employment relationship for the period of leave referred to in Article 4, 5 or 6 while ensuring that the employment relationship is maintained during that period ***but also without prejudice to entitlements to social security including to pension contribution to which the worker remains subject throughout the period of leave.***

## Amendment 54

### Proposal for a directive Article 11 – paragraph 1

*Text proposed by the Commission*

Member States shall take the necessary measures to prohibit less favourable treatment of workers on the ground that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or on the ground that they have exercised their right to flexible working arrangements referred to in Article 9.

*Amendment*

Member States shall take the necessary measures to prohibit ***any form of discrimination and*** less favourable treatment of workers on the ground that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or on the ground that they have exercised their right to flexible working arrangements referred to in Article 9.

## Amendment 55

### Proposal for a directive

## Article 13 – paragraph 1

### *Text proposed by the Commission*

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

### *Amendment*

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

## Amendment 56

### Proposal for a directive

#### Article 16

### *Text proposed by the Commission*

#### Article 16

##### *Level of protection*

Member States may introduce or maintain *provisions that are* more favourable to workers than those *laid down* in this Directive. They shall however ensure that at least four months of parental leave remain non-transferable in accordance with Article 5(2).

### *Amendment*

#### Article 16

##### *Non regression*

1. Member States *and/or the social partners* may introduce *or shall* maintain more favourable *provisions for* workers than those *set out* in this Directive. They shall however ensure that at least four months of parental leave remain non-transferable in accordance with Article 5(2).
2. *This Directive shall be without prejudice to any more specific provisions in Union law, and in particular Union law provisions concerning equal treatment or opportunities for men and women.*
3. *The implementation of this Directive shall not constitute valid grounds for reducing the rights conferred to and the general level of protection afforded to workers.*



## Amendment 57

### Proposal for a directive Article 17 – paragraph 1

*Text proposed by the Commission*

Member States shall ensure that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force relating to the subject matter as set out in Article 1 of this Directive, are brought by all appropriate means to the attention of the persons concerned throughout their territory.

*Amendment*

Member States shall ensure that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force relating to the subject matter as set out in Article 1 of this Directive, are brought by all appropriate means to the attention of the persons concerned throughout their territory, ***also through the Single Digital Gateway.***

## Amendment 58

### Proposal for a directive Article 18 – paragraph 1

*Text proposed by the Commission*

1. At the latest, by ***five*** years after the entry into force of this Directive, Member States shall communicate to the Commission all relevant information concerning the application of this Directive necessary for the Commission to draw up a report to the European Parliament and the Council on the application of this Directive.

*Amendment*

1. At the latest, by ***three*** years after the entry into force of this Directive, Member States shall communicate to the Commission all relevant information concerning the application of this Directive necessary for the Commission to draw up a report ***and assess the implementation of this Directive's objectives, including that of gender equality and additionally its impact on the development of micro, small and medium-sized enterprises,*** to the European Parliament and the Council on the application of this Directive.

## Amendment 59

### Proposal for a directive Article 18 – paragraph 2

*Text proposed by the Commission*

2. On the basis of the information

*Amendment*

2. On the basis of the information

provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, accompanied, if appropriate, by a legislative proposal.

provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, ***including data, disaggregated by sex, on the take-up of different types of leave contained in this Directive and its impact on micro, small and medium-sized undertakings,*** accompanied, if appropriate, by a legislative proposal ***and to assess the possibility to extend in the future the rights contained in this Directive to self-employed workers..***

## **Amendment 60**

### **Proposal for a directive Article 18 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The Commission shall also assess soon after the date of entry into force of this Directive its compliance with the principle of equal treatment of different levels of income replacement for different types of leave and introduce immediately the necessary legislative measures if such discrimination is identified.***

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Work-life balance for parents and carers		
<b>References</b>	COM(2017)0253 – C8-0137/2017 – 2017/0085(COD)		
<b>Committee responsible</b> Date announced in plenary	EMPL 15.5.2017		
<b>Opinion by</b> Date announced in plenary	FEMM 15.5.2017		
<b>Associated committees - date announced in plenary</b>	14.9.2017		
<b>Rapporteur</b> Date appointed	Agnieszka Kozłowska-Rajewicz 20.10.2017		
<b>Discussed in committee</b>	19.2.2018	27.3.2018	15.5.2018
<b>Date adopted</b>	28.5.2018		
<b>Result of final vote</b>	+: –: 0:	19 8 4	
<b>Members present for the final vote</b>	Daniela Aiuto, Beatriz Becerra Basterrechea, Heinz K. Becker, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Anna Hedh, Mary Honeyball, Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Florent Marcellesi, Angelika Mlinar, Angelika Niebler, Maria Noichl, Margot Parker, Marijana Petir, Pina Picierno, João Pimenta Lopes, Terry Reintke, Liliana Rodrigues, Michaela Šojdrová, Ernest Urtaşun, Jadwiga Wiśniewska, Anna Záborská, Maria Gabriela Zoaň		
<b>Substitutes present for the final vote</b>	Eleonora Forenza, Julie Girling, Kostadinka Kuneva, Clare Moody, Branislav Škripek, Mylène Troszczynski, Julie Ward		

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

19	+
ALDE	Beatriz Becerra Basterrechea, Angelika Mlinar
EFDD	Daniela Aiuto
PPE	Heinz K. Becker, Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Michaela Šojdrová
S&D	Vilija Blinkevičiūtė, Anna Hedh, Mary Honeyball, Clare Moody, Maria Noichl, Pina Picierno, Liliana Rodrigues, Julie Ward, Maria Gabriela Zoană
VERTS/ALE	Florent Marcellesi, Terry Reintke, Ernest Urtasun

8	-
ECR	Branislav Škripek, Jadwiga Wiśniewska
EFDD	Margot Parker
ENF	Mylène Troszczynski
GUE/NGL	João Pimenta Lopes
PPE	Anna Maria Corazza Bildt, Julie Girling, Angelika Niebler

4	0
GUE/NGL	Eleonora Forenza, Kostadinka Kuneva
PPE	Marijana Petir, Anna Záborská

Key to symbols:

+ : in favour

- : against

0 : abstention