



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

**UEAPME's response to the second stage consultation of
the European Social Partners on
“the reconciliation of professional, private and family life”.**

General Comments

As already stated in its response to the first phase consultation¹, UEAPME considers the issue of reconciliation between professional, private and family life as very important. Work-life balance is in particular to achieve the Lisbon targets, such as the increase of the employment rate for women, making work arrangements more flexible, contributing to the well being of individuals and the economy as a whole, by raising productivity levels, and last but not least, addressing the demographic change.

A well developed EU legal framework already exists directly or indirectly addressing this topic. Therefore we do not see the necessity for any further European legislation nor any change in the currently existing legislation. What is important is that there is enough flexibility in the way they are conceived and implemented at all levels. As the real balance between work, private and family life needs to be found at company level, these arrangements need to fit the requirements of the individual and the company.

The European level, can usefully provide a forum for the exchange of good practises between the Member States and the various stakeholders. Different countries in the EU vary on the success level of applying work-life balance measures, including flexible forms of work, in particular part-time work or telework. The exchange of good practises could be a good source of inspiration for the countries which are less successful with their policies.

In the past, the inter-professional European Social Partners have been particularly active in this domain. On the basis of a consultation of the European Commission on reconciling working and family life, which is a key element of equal opportunities policy but also for employment and a more effective functioning labour market, the European Social Partners have negotiated and concluded their first European framework agreement ever on parental leave. Afterwards, in the same spirit, they have also negotiated two framework agreements on flexible forms of contractual arrangements, namely part time work and fixed term contracts. In the last years they have concluded and implemented the first autonomous European framework agreement on telework. More recently they have also agreed on a significant framework of actions (FoA) on gender equality which highlights in particular the topic of work life balance as a priority and in which they call on the national social partners to work on this specific issue. The second follow-up report of the framework

¹http://www.ueapme.com/docs/pos_papers/2006/061120_response_consultation_prof_priv_family_life.pdf

of actions is currently being prepared and should be adopted by the end of the year by the Social Dialogue Committee.

On the specific proposals of the Commission

i. Childcare and care facilities for other dependants

Childcare facilities are the first effective and immediate way of ensuring a good reconciliation between work and family life. UEAPME considers it as essential to have not only affordable and quality childcare facilities but also such facilities where the opening hours are adapted to the needs of the parents. Social partners can help providing and arranging childcare facilities, but it is first and foremost the role of public authorities to provide these services. This demand is clearly reflected in the Lisbon targets "to provide childcare by 2010 to at least 90% of all children between 3 years old and the mandatory school age and at least 33% of all children under 3 years of age."

Furthermore a more global approach should be taken, which includes a better coordination between public transport schedules, opening hours of child care facilities and working hours of the employees. Support measures, for the use of child care facilities should not only be available for employees but also (small) business owners. Moreover, financial incentives for enterprises offering child care facilities to their employees could also help to better reconcile work and family.

Concerning care facilities for dependents, this should form part of a wider debate which Europe needs to carry out. A global approach is needed in relation to the availability of social structures adapted for an ageing society.

ii. Exchange of good practices

UEAPME supports the exchange of good practises at European level. The European Social Partners contribute to this exchange of good practices between the national social partners with its annual follow up reports to their Framework of actions on gender equality. They disseminate its content and the follow up report at various topic related conferences such as for example the Portuguese Presidency conference on Reconciling Professional Personal and Family Life.

The European Commission could facilitate further exchange of good practises and the dissemination of them through the high level group on demographic change, or organise a seminar on this topic, maybe together with the European Foundation for working and living conditions. The creation of European awards for companies which distinguished themselves by applying especially inventive and effective work-life-balance measures would also contribute to the exchange of good practices and change mentalities in society.

iii. Encouraging men to take up reconciliation measures

The acceptance of men to take up reconciliation measures is not only dependent on the company culture but most and foremost influenced by society and this strongly varies across the Member States. Information and awareness raising campaigns need to lay the ground work for increasing the willingness for men to play their role and these must start already from an early age. Stereotypes can only be eradicated if actions are already taken at school age.

iv. New ways of working

Different forms of flexible contractual arrangements (such as part time work and telework) and the use of new technologies can contribute to a better reconciliation. SMEs not only respect the existing legal obligations but additionally are very active in relevant corporate social responsibility activities as a necessary part of their daily business. These ‘silent work-life-balance’ activities are often not sufficiently recognised, advertised and reported on. They include for example

- offering the possibility of flexible working hours or telework
- ensuring the contact between work and family
- providing different forms of practical assistance
- offering guidance and counseling
- creating a family friendly atmosphere and improved “work climate”

v. Equal pay

The gender pay gap has been widely debated and appears as a complex phenomenon which needs to be further investigated. This issue is another of the four priorities of the European Social Partners’ Framework of actions on gender equality. The first follow up report reported the second highest number of initiatives at national level on this issue, with different approaches depending on the national situation. This question should be addressed at national, sectoral or company level also as a follow up of the Framework of Actions.

vi. Updating the regulatory framework

UEAPME welcomes the Commission emphasis that “any legislative changes 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 and negatively impact on job creation.” However, this should not remain lip service.

In this specific case, European craft, small and medium sized enterprises generally disagree with the European Commission on the need for updating the existing legislation in this area at European level. If changes are necessary, these concern mainly the national, regional and local level and therefore must be left to the Member States to decide.

a. New types of leave

(i) Paternity leave

UEAPME is sceptical towards the proposal of creating the right for Paternity leave at European level. Maternity leave has been introduced for health and safety reasons, namely for the protection of the mother in the period where working could be dangerous for her. This situation does not apply for the case of the father and therefore there is no need for a similar right for the father.

(ii) Leave to care for dependent family members

UEAPME is not in favour of a right to leave for the care of dependent family members. Firstly this situation is often not limited in time different to maternity. Furthermore, practical solutions are often found at company level, but need to consider the current situation of the enterprise. More globally speaking, there is the need for comprehensive policy approach towards elderly care. As one aspect of the

demographic change involves the increase of the lifespan, a thorough reflection and adaptation of the social infrastructures is needed with more emphasis on the provision of public and private services for this age group. Personal care has been identified as one of the main sources of employment for the future.

(iii) Adoption leave

Already more than ten years ago social partners discussed and agreed on the adoption issue as part of their agreement on parental leave. As a result, the case of an adoption is fully included within the parental leave directive as clause 2(1) of the Framework Agreement on Parental Leave stipulates that “workers shall have the right to parental leave on the grounds of the birth **or adoption** of a child...”

Furthermore, clause 3c indicates that Member States shall “adjust conditions of access and detailed rules for applying parental leave to the special circumstances of adoption.” Therefore UEAPME is of the opinion that the creation of a specific adoption leave additional to parental leave is not necessary.

b. Maternity protection

(i) Duration of leave

Currently UEAPME does not see the necessity nor the added value of extending the duration of maternity leave as maternity leave can be directly followed by parental leave if wanted. The decision needs to be taken at national level, giving a high level of flexibility on the division of maternity leave (ie. Before, or after the birth or a splitting)

(ii) Level of payment

According to Art. 137 (5) this is a decision which needs to be taken at Member State level and furthermore European Social Partners have no competences on this issue.

(iii) Protection of women returning from maternity leave

In principle we do not object to the integration of an article corresponding to Art. 2 para.7 of Dir. 76/207 in the Dir. 92/85. However, the added value is not evident.

c. Parental leave

UEAPME regrets that the European Commission places a disproportional amount of emphasis on parental leave compared to other measures of reconciling professional, private and family life, in particular more practical measures. While agreeing that parental leave can in the short term contribute to balancing work and private life this is only a temporary solution. Furthermore, excessive parental leave in particular without keeping contact to the employer can limit the possibilities of integrating back into the labour market, which can become a real trap for many women.

i. Incentives for fathers to take parental leave

European craft and SMEs generally support incentives for fathers to take up parental leave. However, the individual right of parental leave is already included in the parental leave directive. The increased uptake of this right by fathers can only be achieved through a mentality change of fathers and society and therefore needs to be done at Member State level through information and awareness raising campaigns.

ii. Employment rights and prohibition of discrimination

UEAPME does not see the necessity to regulate at European level the relation between employment rights and parental leave as there are different national traditions across the EU. Furthermore, it must also be left up to the Member States to decide how the period of parental leave is calculated in relation to social security purposes.

iii. Duration of parental leave

UEAPME recognises the fact that the duration of parental leave varies across the Member States. However, this is a direct reflection of the cultural attitudes in the different Member States, whether or not staying at home or returning to work after the birth of a child is promoted. It also relates to the organisation and financing of the national social protection systems. The minimum of 3 months at European level is still adequate in our opinion.

iv. Flexibility in relation to the taking of leave

As the needs vary across the different Member States which is also linked to the availability of childcare facilities etc., the level of flexibility in relation to the taking of leave needs to be decided at national level by Member States in cooperation with social partners, as already stated in the current parental leave directive. Therefore no change concerning this aspect is necessary.

v. Age of the child in respect of which parental leave can be taken

Currently, the parental leave foresees the maximum age of 8 years after the birth or adoption of a child to take parental leave. In reality most countries use a limit of 3-5 years (with certain exceptions under certain conditions such as during part time leave). Therefore it seems clear that there is less of a demand for parental leave the older the child gets, especially because the necessity for surveillance of a child diminishes with time and the availability of childcare facilities and official structures increases with the age of the child (kindergarten, pre-school, school).

Furthermore, 8 years is very generous, as the employer has to expect the whole time that an employee might take parental leave which makes staff planning very difficult. This can create real difficulties for micro-companies employing a limited number of workers.

vi. Payment

Again the differences between the Member states concerning the level and form of payment can be explained by the organisation and financing of the national social protection systems and should not be considered as problematic.

Finally, UEAPME is disappointed about the European Commissions call on the social partners “to become more involved in the ways and means of reconciling work, family and private life.” The Commission therefore seems to ignore the results of the first follow up report of the framework of actions on gender equality which clearly show that social partners are particularly active on this issue. Furthermore, especially in SMEs the issue of work life balance is dealt with on a daily basis and is solved through pragmatic behaviour and tailor-made measures adapted to the needs of the employee and the company.

Concerning European Social Partners activities

One of the priorities identified by the European Social Partners in their Framework of Action on Gender equality, which was signed in 2005, specifically addresses the issue of reconciliation and work-life-balance. The first follow up report showed that national social partners have been particularly active on this topic with many different ways of tackling this. The European Social Partners are currently preparing their second follow up report which should provide more information on whether this trend has continued or not.

UEAPME does not see the necessity to engage in negotiations on the revision of the parental leave directive.

However, as stated in their joint letter, UEAPME and the other cross-sectoral European Social Partners “commit themselves to set up a joint working group within the context of the European social dialogue to carry out an evaluation process of all elements of their framework agreement, in cooperation with their national member organisations. The European social partners intend to use this opportunity to evaluate parental leave arrangements in connection with other arrangements supporting parents and work life balance, such as flexible work arrangements and childcare, as well as other forms of leave, to assess if joint actions need to be taken.”²

Conclusion

- The issue of reconciliation between professional, private and family life is very important to European craft, small and medium sized enterprises
- Reconciliation measures must address the needs of both employees and companies
- Solutions must be found at various levels, in particular at enterprise level
- Public authorities have an important role to play to create the right framework conditions where enterprise and their workers can reconcile private, working and family life in particular with the provision of care facilities
- Most of the mentioned legislative proposals concern national competences and must be dealt with at Member State level
- A change of European legislation is therefore not necessary
- The exchange of good practises at European level can bring some added value
- UEAPME with the other interprofessional Social Partners will make an assessment of the implementation of the parental leave agreement and other measures for reconciling work and family life.

Brussels, 17/07/07

² Joint letter of ETUC, BusinessEurope, UEAPME and CEEP to Commissioner Spidla concerning the Reconciliation of professional, private and family life 11/07/07