

SECOND-STAGE CONSULTATION
“CHALLENGES OF WORK-LIFE BALANCE FACED BY
WORKING PARENTS AND CAREGIVERS”

CEC European Managers’ contribution – September 2016

1. Introductory remark

As already stated in the first-phase consultation text, to which CEC participated last January, the issue of work-life balance is of particularly importance and interest for CEC European Managers. Because of the complexity of the tasks they perform, and due to their specific nature of their work (which can be also not measured in terms of working-hours but rather in terms of goals achieved), managers do enjoy more autonomy in the definition of their working time. This feature (when applicable), although very much valued by managers in general, can also become somewhat problematic when it comes to its possible consequences in terms of negative spillovers in private life. This is even more the case if we look at it from the perspective of working female managers, who need a supportive working environment (which includes both specific working arrangements and the necessary infrastructure to provide all the requested side-services) to make sure they can be successful both in their professional and private dimensions.

Again, we would also like to stress our appreciation for the approach based on the economic and business effects of an enhanced equality between men and women, deriving from the assumption that promoting effective ways to allow for a genuine distribution of tasks between men and women is an incentive to a greater participation of women to the labour force. CEC European Managers has strongly defended this principle, which was at the basis of the European project it completed in 2014: the project investigated the European state of female participation in the managerial workforce and what measures could effectively be adopted to increase it.

2. What are your views on the possible legislative avenues for EU action and the related parameters set out in section 5?

- 1. Maternity leave** – in the light of the 2015 decision of the Commission to withdraw the proposal for a revision of the directive that would extend the minimum duration of the leave, we believe that no further action in this direction should be adopted for the moment.

The different measures suggested to protect from dismissal in the period of the leave and immediately after it are acceptable ones, especially when they would simply represent the “transposition” into legislation of principles already stated by the jurisprudence. However, we believe that the most effective measures are those making it easier for women to quickly return to the professional life. These measures should of course be of “positive” nature, focusing on enhancing the possibility to effectively recur to a series of facilities (ranging from affordable childcare to breastfeeding and other services directly connected with the primary needs associated with child-raising), and must see the workplace and the overall working environment as the primary area for intervention. As correctly pointed out in the analytical document accompanying the consultation, there is a risk that excessively long leaves have negative effects on career prospects and employment opportunities for women, thus further increasing the adverse “gender segregation” effect.

- 2. Paternity leave** – the provision of a minimum period of compulsory paternity leave would surely represent a decisive way to enhance a fairer distribution of tasks in child-caring and rearing activities, provided that this leave period is paid at the same level as maternity leave (which, in our opinion, should be equal to 100% of usual remuneration) and have no consequences in terms of career advancements. On the other hand though, the conferment of this period of leave (distinct from the parental one) is intended to cover the period immediately around the birth, and should be kept relatively short (as it is the case for most European countries with such provisions). We also believe that the economic justification for the adoption of such measures is not sufficiently strong (or at least not directly), especially when it refers to the positive correlation between paternity leave and take-up of parental leave. The decision to grant paternity leave rather responds to other goals of cultural and/or social nature, such as for instance responding to the gender stereotypes; of course, they nevertheless remain valid and legitimate.

- 3. Parental leave** – to provide the right (or the obligation) for either parent to take a period of leave to stay closer to his/her child is a measure that clearly and effectively goes in the direction of pointing out that childcare is an activity that must be equally shared between parents. For this reason, the provision of the non-transferability clause is particularly effective, and the general system of the directive should be reinforced by establishing a form of financial compensation that applies in equal terms to both men and women. We also favor the adoption of an approach based on flexibility for the terms that characterize the different aspects of the leave (full-time or part time, possibility to take it in batches, etc..) that can be taken, the only “fixed” principle being the implementation of a system that fosters the equal take-up of responsibilities for either parents. An increased flexibility, of course, should also apply to the ordinary working activities that are performed outside the leave, and should encourage the take-up of solutions like an easier access to tele-work, a wider recourse to “reduced full-time” or job-sharing possibilities. The level of decision should be kept as close to the concerned working parent as possible, and the definition of these aspects should be left to the free appreciation of the employers and the employee.

However, we insist once again on the greater effectiveness of providing well-functioning and affordable childcare facilities as a tool to simplify the tasks connected with the care of children and enhance their “sharing” between men and women. Enhancing the possibility to recur to such structures, in fact, would also have very positive effects in terms of overall employment, if we consider the additional jobs that would be created to provide for these services.

- 4. Carers’ leave** – more than for the case of childcare, care for the elderly and/or for the ill requires specific competences (often of health type) that not all individuals are required to have. And the repercussions on the private life of the necessary activities that the fulfillment of this kind of tasks implies can be rather life-disruptive for those who provide care. For this reason, and irrespective of the moral considerations associated with the individual choice to provide personally care to one’s own relatives, we believe that in this specific case the most significant contribution in terms of support to the carers comes from the provision of effective, reliable, professional and affordable external care facilities and infrastructures. It is in fact particularly difficult to set specific, minimum criteria like duration of the leave, frequency of use or age brackets for those in need of care, given the huge variety of possible cases and the rapidly changing evolution of the family structures of our societies. And since the provision of some sort of financial compensation for the duration of the leave is key to ensuring its effective take-up, as the documents provided by you mention several times, the costs of providing such financial compensation would be difficult to assess but (rather) likely significantly high.