

**Directive on work-life balance  
Proposal for amendments from**

[The International Federation for Spina Bifida and Hydrocephalus](https://www.ifglobal.org/en/), [Mental Health Europe](https://mhe-sme.org/), [European Network on Independent Living](http://enil.eu/),   
[European Disability Forum](http://www.edf-feph.org/)

**Amendment 1**

**Recital 4**

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| *Text proposed by the Commission* | *Amendment* |
| 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 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. | 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 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 States 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 2**

**(new) Recital 8a**

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| *Text proposed by the Commission* | *Amendment* |
|  | ***The availability of quality, accessible, and affordable childcare infrastructures has proven to be a crucial aspect to work-life balance policies that facilitates the return of women to work and their increased participation in the labour market. However, the majority of EU 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 next Multiannual Financial Framework is pivotal for unlocking the situation.***  ***Moreover, funding for community –based services for persons with disabilities or age related support needs is key for ensuring that women are not forced out of the labour market or unable to remain or re-enter paid employment, in line with the Council Conclusions of 7 December 2017 on Enhancing Community-Based Support and Care for Independent Living.*** |

*Justification*

*Services for children and people in need of care or support should be provided in the community in order to avoid the segregation and exclusion from society. Providing services in the community (i.e. childcare services, care for the elderly, mental health services, etc.) will also support the balance between work and life of parents and carers. The use of this terminology is also in line with the United Nations Conventions of the Rights of Persons with Disabilities, which was ratified by the European Union and all its Member States.*

**Amendment 3**

**Recital 15**

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| *Text proposed by the Commission* | *Amendment* |
| […]  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 disadvantaged*** situations. | […]  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 needs of parents in ***specific*** situations, ***in particular with regard to children with disabilities, mental health problems, serious medical conditions or illness****,* ***in accordance with their national law and practice****.* |

*Justification*

*This specification will adequately reflect the needs for care and support, thus allowing for effective work-life balance measures, which will in turn have a positive impact on the satisfaction and productivity of employees.*

**Amendment 4**

**Recital 16**

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| *Text proposed by the Commission* | *Amendment* |
| (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. | (16) ***If needed,*** in order to facilitate the return to work following parental leave, workers and employers should be encouraged to maintain ***a reasonable level of*** contact during the period of leave***. Contact between workers and employers should not result in any burden or distress particularly for workers and family members and should facilitate the making of*** arrangements for appropriate reintegration measures, to be decided between the parties concerned, taking into account national law, collective agreements and practice. |

*Justification*

*Maintaining positive and healthy expectations on return can have the benefit of keeping the employee feeling they are still part of the team and have not been abandoned. However, contact must not create any burden and distress for workers and their families or dependents, including creating unwanted expectations, pressure, work or work-related activities for workers while on leave or result in adverse treatment, discrimination or other consequences.*

**Amendment 5**

**Recital 17**

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| *Text proposed by the Commission* | *Amendment* |
| (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 dependent*** relative 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, ***proof of the serious illness or dependency may be required prior to granting of the leave***. | (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 relative ***in need of care or support due to*** ***a*** ***serious*** ***medical reason*** ***or chronic illness, disability or mental health problem*** 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, ***proof of the need of care or support may be required by the employer***. |

*Justification*

*There are other reasons to provide care and support beyond medical. Disability and mental health problems are equally as important as medical reasons. This recognition will adequately reflect the needs for care and support, thus allowing for effective work-life balance measures, which will in turn have a positive impact on the satisfaction and productivity of employees.*

*As the reasons to request the carers’ leave are not merely medical, this must be adequately reflected in the type of proof that could be requested for the leave. Moreover, as some leaves have might be taken on the ground of force majeure or for sudden reasons, the granting of the leave should not be conditional to presentation of a proof prior the leave. This is also already the case for other types of leaves (i.e. sick leave), where a proof of the need for the leave can be presented afterwards.*

**Amendment 6**

**Article 3 “Definitions”**

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| Text proposed by the Commission | Amendment |
|  | ***(new) “carer’s leave” means leave from work for carers in order to provide personal assistance or support to a relative with support needs due to a disability, a mental health problem or a health condition.*** |
| (c) “carer” means a worker providing personal ***care*** or support ***in case of a serious illness or dependency of a relative*** | (c) “carer” means a worker providing personal ***assistance*** or support ***to a person with support needs due to a disability, a mental health problem or a health condition****.* |

*Justification*

*The definition of carer’s leave is necessary as it is the first time it is appearing in the EU legislation; it should include all contexts where a worker should need to take the leave, including to provide personal assistance to a relative with support needs. Disability and mental health problems are equally as important as other health reasons. This recognition will adequately reflect the needs for care and support, thus allowing for effective work-life balance measures, which will in turn have a positive impact on the satisfaction and productivity of employees.*

**Amendment 7**

**Article 3 “Definitions”**

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| (d) “relative” means a worker’s son, daughter, mother father, spouse or partners in civil partnership, where such partnerships are envisaged by national law; | (d) "relative" means a worker's ***first-degree relatives (***son, daughter, mother, father***, sibling), and second-degree relatives (uncles, aunts, nephews, nieces, grandparents, grandchildren, half-siblings), as well as*** spouse or partner in civil partnership, where such partnerships are envisaged by national law**, *step- and foster children, both in the own and the spouse’s or partner’s family.*** |

*Justification*

*The definition of relative should be expanded to second-degree relatives to better reflect the realities of modern European family constructs.*

**Amendment 8**

**Article 3 “Definitions”**

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|  | ***(da) (new) “designated third party” means a worker to whom a parent transfers their entitlement to leave*** |

*Justification*

*The entitlement to leave should be expanded in certain cases to reflect the realities of modern European family constructs, incl single parent households.*

**Amendment 9**

**Article 3 “Definitions”**

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| (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 | (e) delete |
|  | ***(new) “support needs” mean personalised assistance or support which allows an individual with a disability, a mental health problem or a health condition to fully participate in society'*** |

Justification

*Deletion of the term “dependency” due to its removal from the definition of “carer”. Instead of seeing the person in need of support or care as “dependent”, they should be seen as equal citizens who need specific support measures in order to exercise their basic rights. This is in line with the United Nations Conventions of the Rights of Persons with Disabilities, which was ratified by the European Union and all its Member States.*

**Amendment 10**

**Article 4 “Paternity leave”**

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| Text proposed by the Commission | Amendment |
| 1. Member States shall take the necessary measures to ensure that fathershave the right to take paternity leave of at least ten working days on the occasion of the birth of a child. | 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 ***mandatory*** paternity leave of at least ten working days on the occasion of the birth***, stillbirth or adoption*** of a child.  **(*2a) (new) Member States shall assess the need for arrangements needed to make sure the application of paternity leave is adapted to the needs of adoptive parents, disabled parents, parents with mental health problems, parents with children with a disability or with a mental health problem.*** |

*Justification*

*Children born with disabilities sometimes need medical interventions or start habilitative procedures from birth. Additionally, the psychological aspect of dealing with the birth of a child with a disability (particularly when the disability is unexpected) may call for extended period of adjustment for new parents. Access to paternity leave and adaptations to specific needs should be recognised in cases of mental ill-health. The recognition will adequate reflects the needs of fathers and allow for effective work-life balance measures.*

**Amendment 11**

**Article 5 “Parental leave”**

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| Text proposed by the Commission | Amendment |
|  | ***3a (new). In cases of single parents, the Member States shall allow transferability of at least three months of parental leave to a designated third party appointed by the parent.*** |

*Justification*

*Single parents may need to transfer some parts of their parental leave to designated third persons when it is impossible to take full leave for financial, logistical or other reasons.*

**Amendment 12**

**Article 5 “Parental leave”**

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| *Text proposed by the Commission* | *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 adoptive parents, parents having a disability and parents with children with a disability or long-term illness. | ***7. Member States shall assess the need for arrangements needed to make sure the application of parental leave is adapted to the needs of adoptive parents, disabled parents, parents with mental health problems, parents of children with a disability, a long-term illness or mental health problems*.** |

*Justification*

*Access to parental leave and adaptations to specific needs should be recognised in cases of mental ill-health. The recognition will adequate reflects the needs of parents and allow for effective work-life balance measures.*

**Amendment 13**

**Article 6 “Carers’ leave”**

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| *Text proposed by the Commission* | *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 substantiation of the ***medical condition*** of the worker’s relative. | 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 ***support needs*** of the worker’s relative. |

*Justification*

*Relative’s “medical condition” should not be the only reason to justify carer’s leave; many people require care due to a long-term impairment that creates a barrier for participation in the society due to barriers (=social model of disability that has been embraced by the EU when it ratified the UNCRPD in 2010).*

**Amendment 14**

**Article 7 “Time off from work on grounds of force majeure”**

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| *Text proposed by the Commission* | Amendment |
| Member States shall take the necessary measures to ensure that workers have the right to time off from work on grounds of force majeure for urgent family reasons in cases of illness or accident making the immediate presence of the worker indispensable. Member States may limit the right to time off from work on grounds of force majeure to a certain amount of time per year or per case, or both | Member States shall take the necessary measures to ensure that workers have the right to time off from work on grounds of force majeure for urgent family reasons in cases of illness**, *mental health problems*** or accident making the immediate presence of the worker indispensable. Member States may limit the right to time off from work on grounds of force majeure to a certain amount of time per year or per case, or both. |

*Justification*

*The notion of force majeure should be extended to mental health problems as this might lead to urgent reasons for taking time off from work, particularly in crisis or relapse situations.*

**Amendment 15**

**Article 9 – Flexible working arrangements**

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| *Text proposed by the Commission* | *Amendment* |
|  | ***(new) (3a). Member States shall assess the need for arrangements needed to make sure the application of flexible working time is adapted to the needs of adoptive parents, disabled parents, parents with mental health problems, parents of children with a disability, a long-term illness or mental health problems*.** |

*Justification*

*For disabled parents or parents of children with disabilities, flexible working time may be an important condition to enable their participation in working life. ECJ judgment in Coleman v Attridge Law (C-303/06) specifies that denial of flexible working arrangement for parents of disabled children may amount to discrimination on the ground of disability.*