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SOCIAL AGENDA

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Inside

14-25

WORK-LIFE BALANCE, WORKING CONDITIONS AND ACCESS TO SOCIAL SECURITY



Extending the safety net





Employment, Social Affairs and Inclusion come under the remit of European Commissioner Marianne Thyssen.

The website of Commissioner Thyssen: ec.europa.eu/commission/2014-2019/thyssen_en

The home page of the Commission's Directorate-General for Employment, Social Affairs and Inclusion: ec.europa.eu/social

The website of the European Social Fund: ec.europa.eu/esf

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Welcome to



Joost Korte
Director General of the European
Commission's Employment, Social
Affairs and Inclusion
Directorate General

An unprecedented wave of employment and social policy proposals has swept through the EU decision-making process, since the European Pillar of Social Rights was proclaimed in 2017 by the European Commission, the European Parliament and the EU Council of Ministers.

It shows that, although non-binding in legal terms, the Pillar contains genuine political force. It enshrines a set of principles, fit for the 21st century, upon which EU countries have agreed. Implementing the Pillar has become a reality and the recent months have amply demonstrated this.

The European Pillar of Social Rights is also having an impact worldwide. It helped in drawing up the International Labour Organisation's Centenary Declaration that was adopted in June - the fruit of six years of research and international discussions on the issue of the future of work.

The ILO Declaration calls for a "human-centred investment agenda", consisting of three pillars: investment in people's capabilities, in the institutions of work and in decent and sustainable work.

Well placed to spearhead the implementation of the ILO Declaration, we should make the most of the momentum gained for higher social standards by the Juncker Commission.

Human-centred investment

The social partner and civil society organisations have a key role to play, both in each Member State and globally.

It is the right time to do so.

The significant rise in voters' participation at the May European Parliament elections suggests that citizens at large are ready to engage.

And so they should, as they are directly concerned by the way the latest EU social policy measures are to be implemented on the ground. Especially when it comes to work-life balance, transparent and predictable working conditions and fair cross-border mobility.



More efficient decision-making: Debate launched **16 APRIL** 2019

The European Commission adopted a Communication launching a debate on an enhanced use of qualified majority voting in social policy, rendering decision-making more timely, flexible and efficient where an EU competence already exists. The EU Treaties provide this possibility for several specific areas through "passerelle" (bridging) clauses. These clauses allow for a shift from unanimity to qualified majority voting in the EU Council of Ministers under certain circumstances. Most social policy areas, where the EU has powers to act, are already subject to qualified majority voting. This has allowed putting in place a comprehensive set of social legislation over the years, with significant further steps between 2014 and 2019. However, a very limited number of areas still require unanimity among EU Member States and special legislative procedures, in which the European Parliament does not have an equal role as the Council as co-decision maker. As a first step, the Commission proposes to consider the use of the passerelle to facilitate decision-making on non-discrimination. This would help further develop equal protection against discrimination. The use of the passerelle clause could also be considered in the near future to adopt recommendations in the area of social security and social protection of workers. This would help to quide the process of modernisation of and convergence between social protection systems (see page 6).

Social security coordination: Provisional agreement

19 MARCH 2019

The European Parliament, the EU Council of Ministers and the European Commission reached a provisional agreement revising the European rules on cross-border social security coordination, to ensure that they remain fair, clear and easier to enforce. The Commission proposal updates and safeguards the rights of citizens moving to another EU country and facilitates the cooperation between national authorities. Among its innovations, job seekers would be given more time to find work abroad and the long-term care needs of older people living abroad will also be addressed. Moreover, national authorities would have better tools to address abuse or fraud and to check the social security status of workers sent abroad.



Cross-border social security: Updating the rights of citizens moving to another EU country and facilitating cooperation between national authorities.

Economic and social priorities: Progress achieved

27 FEBRUARY 2019

In its annual assessment, the European Commission stressed the need to promote investment, pursue responsible fiscal policies and implement well-designed reforms. Overall, Member States have achieved some or more progress with the implementation of more than two-thirds of the recommendations issued since the introduction of the European Semester process of economic policy coordination in 2011. Sound progress has also been achieved with regard to reforms facilitating job creation on permanent contracts and addressing labour market segmentation. The Commission has also adopted a proposal to maintain the 2018 Council Decision on guidelines for the employment policies of the Member States. This year's proposal reconfirms the alignment of the Employment Guidelines with the 20 principles of the European Pillar of Social Rights, as their overall objectives and priorities remain valid. The Commission also launched a discussion on investment challenges and priorities in the Member States and set out first ideas as to how EU funds, in particular EU Cohesion Policy funds, can help in the forthcoming programming period 2021-2027.



Segmentation: Progress has been achieved in addressing labour market segmentation between different statuses of workers.

Training and retraining strategies: Stocktaking

27 FEBRUARY 2019

The European Commission released a report on the implementation of the Council Recommendation on "Upskilling Pathways", which is part of the New Skills Agenda for Europe put forward by the Commission in June 2016. Currently, there are 61 million adults in the EU who have at best lower secondary education. Through this Recommendation, Member States committed to offer adults with low levels of skills and qualifications new and improved opportunities to boost their basic literacy, numeracy and digital skills, and to progress towards higher qualifications. This report reviews the measures carried out by Member States, which differ in size and level of ambition. A lot of them are supported by the European Social Fund.



Upskilling: A lot of the training measures taken by EU countries are supported by the European Social Fund

European Labour Authority: Provisional agreement

14 FEBRUARY 2019

The European Commission, the European Parliament and the Council reached a provisional agreement on the Commission's proposal to establish a European Labour Authority (ELA). This new EU authority will support fair labour mobility within the EU, allowing citizens and businesses to seize the opportunities offered by the single market while supporting cooperation between national authorities, including in preventing and tackling social fraud and abuse. Commission President Jean-Claude Juncker first announced a European Labour Authority in September 2017 and a legislative proposal was presented in March 2018 (see page 8).



Welcome! Scotland First Minister Nicola Sturgeon with Polish and Romanian workers.

SOCIAL POLICY

More efficient EU decision-making

Switching to majority voting in the few areas that remain subject to the unanimity rule – the debate is on

"I want our Union to be stronger", European Commission President Jean-Claude Juncker declared in his State of the Union address of September 2017. He wanted decisions in the EU Council of Ministers (Council) to be taken more often and more easily by qualified majority, with the equal involvement of the European Parliament, rather than by unanimity with the mere consultation of Parliament (see box).

A year later, he announced a review of the clauses in the EU treaties that allow Member States to decide to move to qualified majority voting in areas that are still subject to unanimity: the "passerelle" (bridging) clauses (see box).

The European Commission adopted a series of communications, launching a debate with the other EU institutions, the Member States and stakeholders on how to improve EU decision-making.

With the challenges lying ahead, it is time to take stock of the EU decision-making process and make sure that all the available tools are fully used.

Social security

Four areas were singled out: Foreign affairs and security; taxation; energy and climate; and social policy.

To respond to rapid societal and labour market change, the EU will need timely, flexible and efficient decision-making for social



The gender exception: A specific Treaty article has made it possible to adopt two directives on gender equality by majority voting.



Life-long learning: Majority voting on social protection recommendations could help EU countries cater for massive investments in life-long learning.

policy. Qualified majority in the Council, which is already the rule for most social policy areas, could facilitate the adoption of recommendations in the area of social security and social protection of workers.

At present, a Recommendation on access to social protection for all workers and the self-employed (see page 21) has to be adopted unanimously by the Council.

As labour markets and demographics evolve, social protection systems need to be reformed at national level. Population ageing, lower birth rates and longer life expectancy are affecting EU countries' capacity to guarantee adequate social protection.

The emergence of a variety of employment relationships, exacerbated by technological changes and the emergence of digital platforms, has already created gaps in social protection coverage.

And the future world of work will require massive investments in life-long learning, training and up- and re-skilling, which national social protection systems insufficiently cater for today.



EU recommendations in this area could support the modernisation of, and convergence between, national social protection systems - while respecting the Member States' right to determine the fundamental principles of their systems and preserve their financial equilibrium.

Non-discrimination

Unanimity voting is still required in the Council when it comes to combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation.

As far as gender equality is concerned, a specific EU Treaty article, subject to qualified majority, has made it possible to adopt two directives dealing with equality of men and women in employment.

However, equal treatment based on religion or belief, disability, age and sexual orientation is not ensured to the same degree and is limited to the field of employment. A European Commission proposal for a directive addressing these concerns has been blocked in the Council since 2008.

To facilitate the development of equal protection against discrimination, with effective redress mechanisms for all, the use of the *passerelle* clause could be considered to facilitate decision-making in this area.

Significantly, a European Accessibility Act was adopted in March 2019 by qualified majority in the Council as it was based on a treaty article pertaining to the good functioning of the single market.

Third-country nationals

Three other social areas are subject to unanimity in the Council: The conditions of employment for third-country nationals legally residing in the EU, the protection against dismissals and the representation and collective defence of the interests of workers and employers. However, the Commission does not see

a clear case at present for moving to qualified majority voting in those areas.

the interests of workers and employers at this stage.

Third-country nationals already benefit from extensive EU legislation adopted by qualified majority in the areas of migration and social policies. EU law also already protects the most vulnerable workers (e.g. pregnant women) against dismissals.

Finally, worker representation and collective defence are strongly linked with national rules and social dialogue traditions, which vary considerably across Europe. The EU's power in this area is quite strictly constrained by the Treaty.

More information: https://europa.eu/!ht49FD

The last unanimity areas

In social policy, unanimity voting in the EU Council of Ministers is required in a few areas: social security and the social protection of workers (outside cross-border situations); non-discrimination based on religion or belief, disability, age and sexual orientation; conditions of employment for third-country nationals; protection against dismissal; and the representation and collective defence of the interests of workers and employers

Switching to qualified majority requires a unanimous decision of the European Council (Heads of State and governments), with no objection from national parliaments and after obtaining the European Parliament's consent - knowing that qualified majority voting in the EU Council of Ministers entails co-decision with the European Parliament.

A **one-stop shop** called ELA

A European Labour Authority will be created in the coming weeks and should be operational in 2020

"The cherry on the cake of a fair European labour market" is how European Commissioner Marianne Thyssen calls the European Labour Authority (ELA), the creation of which was due to be accepted in June, in the form of a Regulation (directly applicable EU law).

A one-stop shop for all cross-border labour mobility issues (see box), ELA will ensure that information on free movement of workers EU rules is easily available to citizens and businesses, including on the cross-border coordination of social security systems, on the posting of workers and on undeclared work.

It will also ensure that these rules are enforced in a fair, simple and effective way, by enhancing cooperation between the national authorities in the EU single market countries (which includes Norway, Iceland and Lichtenstein).

Cherished freedom

Free cross-border labour mobility within the EU single market is one of the most cherished EU fundamental freedoms. Today,

17 million Europeans live or work in an EU single market country other than that of their nationality. This figure has almost doubled since 2009. Every day, 1.4 million Europeans commute to another EU country to go and work, and there are 2.8 million posting operations going on to carry out services in another Member State on a temporary basis.

This core freedom rests upon some of the oldest pieces of EU legislation. In 2018, the EU celebrated the fiftieth anniversary of the first Regulation on freedom of movement within the "European Economic Community", as well as the sixtieth of the first Regulation on the coordination between national social security systems to accompany workers as they move from one country to another, a pre-condition for free movement.

However, the implementation of this legislation by the national authorities needs to be better coordinated. And the many bodies and agencies created over the years to deal with different aspects of free movement (that of labour, services, the unemployed, citizens at large...) need to be streamlined.





Politically sensitive

In recent years, free movement has become a politically sensitive issue. In the aftermath of the 2008 economic and financial crisis, some EU countries voiced their concerns about potential abuses of EU free movement legislation and pointed out the strain on education, housing and infrastructure produced by large and sudden influxes of people from other EU countries in some localities. Other EU countries underlined the "brain drain" effect.

While the speed of change due to globalisation, digitalisation and the emergence of new forms of work has led to the rise of fear with respect to migration at large. Evidence of such fear may be found in the result of the referendum on staying in the EU or leaving it, which took place in the United Kingdom in June 2016, and in the rise of populism in many EU countries. As well as in the debate on the issue of the posting of workers (see box page 10).

Nevertheless, in the autumn of 2017, more than 8 in 10 Europeans supported the free movement of EU citizens so that they may live, work, study and do business anywhere in the EU, according to a Eurobarometer survey - and the number of people who make use of this right keeps on increasing.

An EU agency

ELA will have the status of an EU agency. It will be headed by an Executive Director and a Management Board made up of one representative per EU country, two from the European Commission, one from the European Parliament and four EUlevel social partner representatives.

Streamlining free movement

The European Labour Authority (ELA) will integrate four existing EU bodies: The Technical Committee on the Free Movement of Workers, the Committee of Experts in Posting of Workers, the European Platform to Enhance Cooperation in Tackling Undeclared Work and the Coordination Office of the European Public Employment Services network (EURES)

It will cooperate closely with the Administrative Commission for the Coordination of Social Security Systems, the Advisory Committee of Social Security Systems and the Advisory Committee on the Free Movement of Workers, as well as with the European Foundation for the Improvement of Living and Working Conditions (Eurofound), the European Center for the Development of Vocational Training (CEDEFOP), the European Agency for Safety and Health at Work (EU-OSHA) and the European Training Foundation (ETF), as well as with Europol and Eurojust on issues relating to criminal activities in the area of labour mobility.

Although the social partner representatives will have no voting rights in the Management Board, ten social partner representatives will make up a Stakeholder Group with an advisory function, chaired by the Executive Director, with the European Commission participating.

In addition to their representative in the management board, the EU Member States will have one Liaison Officer per country, who will liaise with the national authorities back home and with their counterparts at ELA headquarters, the location of which had not yet been decided at the time of printing.

By the time ELA reaches cruising speed, 40% of its 140-strong staff should be made up of detached national experts appointed by the Member States.

Human factor

While the members of the Management Board will meet at least twice per year, the Liaison officers and the detached national experts plus the EU officials making up the rest of ELA staff, will work together in the same location and on a permanent basis.

This human factor alone represents a step change. It should break the divide, both between national authorities and between the European and national levels.

This in turn should ensure the mutual trust that will be necessary for ELA, especially to carry out its two most sensitive missions: Assisting the participating countries in setting up joint inspections, that will strictly observe the rules of the country where the inspection is taking place; and mediating between national authorities in case an interpretation conflict arises between them on cross-border issues.

More information: https://europa.eu/!Gq83dx

Posted and transport workers too

advisory ELA Stakeholder Group.

Legally speaking, the workers who are employed by a company established in one EU country and who are posted temporarily in another Member State to carry out a service, come under the freedom of movement of services, not of labour.

After the enlargement of the EU in 2004, the posting of workers EU Directive, adopted in 1996, gave rise to fairness and implementation problems.

An enforcement directive was adopted in 2014 and, in 2016, the European Commission proposed to amend the 1996 directive itself, to ensure that posted workers enjoyed the same pay for the same work in the same place as local workers.

The revised posting of workers directive was adopted by the EU Council of Ministers and the European Parliament in June 2018. To further enhance its implementation, posting of workers will come under the scope of the European Labour Authority (ELA).

ELA will also cover another area where enforcing EU labour mobility rules has proven to be challenging: Cross-border road transport.



A **human-centred**global future

The International Labour Organisation celebrated its 100th anniversary with a future of work agenda, stemming from six years of pioneering research

The oldest organisation of the United Nations, the International Labour Organisation (ILO) celebrated its centenary in June 2019 (see box).

It did so in a forward-looking way. At the time of printing, the ILO was due to adopt an ambitious Centenary Declaration, the fruit of six years of research on the future of work.

This Declaration is based on a report that was adopted in January 2019 by the Global Commission on the Future of Work established by the ILO.

The Global Commission was co-chaired by Cyril Ramaphosa, the President of South Africa, and Stefan Löfven, the Prime Minister of Sweden who had organised the EU social summit in Göteborg in November 2017 – the summit at which the European Pillar of Social Rights was proclaimed by EU leaders and institutions.

A brighter future

world's workers lies.

Significantly, the ILO Global Commission's report very much converges with the European Pillar of Social Rights and the EU policy initiatives that stem from it (see page 14 onwards).

including the rural economy where the future of many of the

Entitled "Work for a brighter future", it focuses on reinvigorating the social contract that gives working people a just share, respect for their rights and protection against risk, in return for their continuing contribution to the economy.

The report puts forward a concept called the "human-centred investment agenda", consisting of three pillars: Investment in people's capabilities, in the institutions of work and in decent and sustainable work.

Lifelong learning

Investment in people's capabilities, first of all. This goes beyond the concept of "human capital" and reaches out to the broader dimensions of development. It includes the issue of enjoying rights, and of an enabling environment.

The idea is to create a universal entitlement to lifelong learning, which would enable people to acquire skills and to reskill and upskill. It also means stepping up investments in the institutions, policies and strategies that will support people through school-to-work and future labour market transitions throughout the work life, through pro-active policies and reinforced public employment services.

Gender equality is a crucial aspect of this first pillar, which recommends to strengthen women's voice, invest in public care services and share unpaid care work.

In a most timely way, the June International Labour Conference, which was due to adopt the Centenary Declaration based on the report, was also to adopt a new ground-breaking ILO Convention on violence and harassment in the world of work.

Providing universal social protection from birth to old age is another way of investing in people's capabilities. The "Work for a brighter future" report calls for a social protection floor that provides everyone with a basic level of protection, complemented by mandatory contributory social insurance schemes.

Universal Labour Guarantee

The second pillar aims to increase investment in the institutions of work: From regulations to collective agreements and labour inspection systems. A crucial issue, knowing that in many countries, 80-90% of the workforce is involved in the informal economy.

It calls for establishing a Universal Labour Guarantee: All workers, regardless of their contractual arrangements or employment status, should enjoy fundamental workers' rights, an adequate living wage, maximum limits on working hours and protection of health and safety at work. Safety and health at work would thus be recognised as a fundamental right.

This pillar also proposes to expand "time sovereignty": Technology can be used to help workers acquire greater autonomy over their working time and achieve a better balance between work and personal life while meeting enterprises' needs.

Human in command

Harnessing technology can also pave the way for achieving the ILO goal of decent work. This entails workers and managers negotiating the actual design of work. It also means adopting a "human-in-command" approach to artificial intelligence, so that the final decisions affecting work are taken by human beings!

In this respect, the report calls for an international governance system for digital labour platforms, so that they and their clients respect certain minimum rights and protections. Technological advances also require the regulation of data use and algorithmic accountability in the world of work.

Collective representation of workers and employers through social dialogue is considered as a public good, to be actively promoted through public policies. Social partner organisations should reach those who are engaged in the platform economy, through innovative organising techniques and the use of technology.



Decent and sustainable work

And the third and final pillar has to do with investing in decent and sustainable work. In line with the United Nations 2030 Agenda for Sustainable Development, it calls for incentives to promote investments in key areas.

This includes the green and the care economy but also the rural economy, where the future of many of the world's workers lies, and high quality physical and digital infrastructures to close the divides that persist in this area and support high-value services.

This investment also entails reshaping business incentive structures for longer-term investment approaches, and exploring supplementary indicators of human development and well-being.

This would include fair fiscal policies, revised corporate accounting standards, enhanced stakeholder representation and changes in reporting practices.

New ways of measuring country progress also need to be developed to account for the distributional dimensions of growth, the value of unpaid work performed in the service of household and communities and the externalities of economic activity, such as environmental impact.

An inclusive agenda

On the operational side, countries should establish national strategies on the future of work, to implement the three pillars of the human-centred investment agenda.

The "Work for a brighter future" report also calls for more systemic and substantive working relations between the ILO, the World Trade Organisation, the International Monetary Fund and the World Bank.

It ends up with a call to scale up the activities of the ILO "to include those who have historically remained excluded from social justice and decent work, notably those working in the informal economy": 2 billion people, more than 60 per cent of the world's employed population!

More information: https://www.ilo.org/global/topics/ future-of-work/WCMS_448448/lang--en/index.htm

Peace through social justice

Created in 1919 as part the Versailles Treaty which put an end to World War I, the International Labour Organisation (ILO) brings together governments, workers' and employers' representatives of 186 of the 193 Member States of the United Nations, plus the Cook Islands.

for all, in particular by setting and supervising international labour standards.

ILO Conventions are international agreements that become legally binding once they are ratified by a country, while recommendations are non-binding instruments that provide

They establish worldwide minimum levels of protection relating to specific labour issues, such as child labour, forced and many others.

Work-life balance, working conditions and access to social security for all: These new EU measures all stem from the European Pillar of Social Rights

Proclaimed by EU leaders in November 2017, the European Pillar of Social Rights enshrines twenty principles.

Work-life balance

The principles of gender equality and work-life balance (see page 15; are reaffirmed in principles 2 and 9 of the Pillar.

Equality of treatment and opportunities between women and men must be ensured and fostered in all areas, states principle 2, including regarding participation in the labour market, terms and conditions of employment and career progression. Women and men have the right to equal pay for work of equal value.

While principle 9 states that parents 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 absences in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way.

Working conditions

Principle 5 of the European Pillar of Social Rights provides that regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working

conditions and access to social protection and training, and that the transition towards open-ended forms of employment shall be fostered (page 18).

It indicates that, in accordance with legislation and collective agreements, the necessary flexibility for employers to adapt swiftly to changes in the economic context shall be ensured.

Innovative forms of work that ensure quality working conditions shall be fostered, entrepreneurship and self-employment shall be encouraged and occupational mobility shall be facilitated.

Employment relationships that lead to precarious working conditions shall be prevented, including by prohibiting abuse of atypical contracts, and any prohationary period shall be of reasonable duration.

Workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including any probationary period, provides Principle 7.

Prior to any dismissal, they are entitled to be informed of the reasons and given a reasonable period of notice and they have the right to access effective and impartial dispute resolution and, in case of unjustified dismissal, a right to redress, including adequate compensation.

Access to social security

Finally, principle 12 of the Pillar states that regardless of the type and duration of their employment relationship, workers and, under comparable conditions, the self-employed, have the right to adequate social protection (page 21).

More information: https://europa.eu/!kC44GU



A work-life balance Directive addresses gender equality head on

A brand new EU right to paternity leave of at least ten days, paid at no less than the level of sick pay, for fathers but also to equivalent second parents where recognised by national law (a first in EU law) around the time of birth.

Two of the four months of minimum parental leave per parent, already catered for by EU legislation (see box), non-transferable between parents and paid at an "adequate" level of payment or allowance to be decided by each EU country.

Five days per year of carer's leave for workers providing personal care to a relative or a person living in the same household and with a serious medical condition or age-related impairment.

A reinforced right to request flexible working arrangements, taking into account the specific needs of parents of children with a disability and long-term illness, as well as those of single parents...

This is what the new Directive on work-life balance, which was due to be adopted by the EU at the time of printing, offers in practice to parents and carers in all Member States.

Emblematic

Symbolically, the Directive was proposed by the European Commission on 25 April 2017, the very day the Commission adopted the European Pillar of Social Rights (see Social Agenda n°48).

Two of the twenty rights and principles enshrined in the Pillar have to do with work-life balance. The new Directive is therefore emblematic of the new "fit for the 21st century" approach to EU employment and social policy embodied by the Pillar.

This means that the Directive's implementation will benefit from the driving role played by the Pillar, not just in shaping employment and social policy but also in monitoring how it is put into practice, in particular through the annual European Semester process of economic policy coordination and through the use of EU funding.

Focus on men

The work-life balance Directive is a step change compared to previous EU legislation in this area, in particular the maternity leave Directive of 1992 that focused on women only, from a health and safety at work angle.



Taking on a gender equality and life-cycle approach, the new Directive explicitly addresses women's under-representation in the labour market.

It should also enable many more men to take up their rights to paternal and parental leave than is the case at present (see box), knowing that a man who takes paternity leave stands a better chance of taking parental or care leave later.

The Directive tackles head-on the reasons why most men do not take up these rights: The lack of adequate pay, as men are still the prime wage earners in a majority of households; and the lack of flexibility in the way parental leave may be taken (e.g. parttime, piecemeal...).

Indeed, it reinforces the already existing right to request flexible working arrangements, extending it to all working parents of children up to at least 8 years old, and to all carers.

Accompanying measures

As work-life balance is a far-ranging social but also economic, fiscal and cultural issue, a set of non-legislative measures is annexed to the work-life balance Directive so that it is not implemented in isolation.

These measures range from removing economic disincentives for second earners that prevent women from accessing the labour market or working full-time, to reinforcing the protection against discrimination and dismissal for parents (including pregnant women and workers coming back from a leave). It also involves making better use of EU funds to improve long-term and childcare services.

Commissioner Thyssen

"What we see in the labour market is that the employment rate of women is far below that of men", European Commissioner Marianne Thyssen explained in an interview with *Social Agenda* (see *Social Agenda* n°54 for the full version of the interview).

Mind the gap

The overall employment rate of women was 11.6 percentage points (pps) lower than that of men in the EU, in 2015.

The gender employment gap widens substantially after having children. On average in 2015, the employment rate of women with one child under 6 was 8.8 pps.

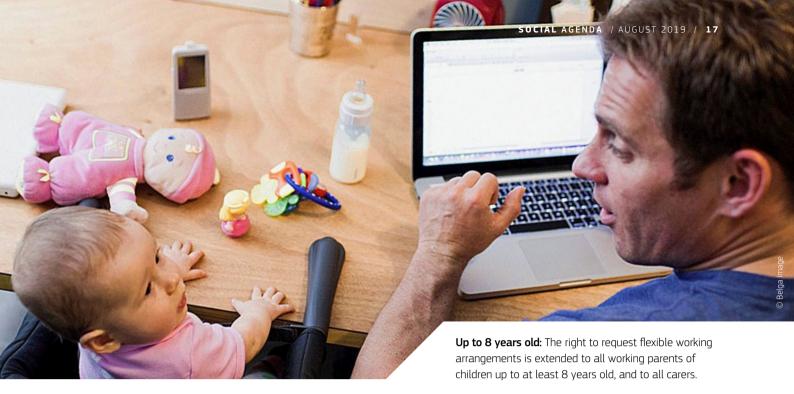
31.5% of working women work part time, as opposed to 8.2% of men.

Just over 50% of women work full time, versus 71.2% of men.

Caring responsibilities for elderly or dependent relatives are reasons of inactivity for almost 20% of inactive women, as opposed to less than 2% of men.

Yet women have become increasingly more active in the labour market in recent decades. While the employment rate of women in 2001 was 54.3%, it had increased to 62.5% by 2017, in line with the EU objective of achieving a rate of 75% by 2020.

Economic loss due to the gender employment gap amounts to around €370 billion per year.



"You don't see it at the start of a career. When they come out of school or of an education system, women even have better results than men and they are in the majority. Then they start working. They build a family and from the moment they have children, you see their career path becoming more horizontal or going down a little bit. There are interruptions, short leaves, long leaves and then sometimes they leave the labour market altogether.

Yet we need all the talents we can and we have shortages of skills! We have so many talented ladies, young and older ones, in whom society has invested and who want to be active on the labour market. But because they are most of the time in charge of care-taking tasks, they can't develop their full potential on the labour market.

On the other side, we know that there are more men than before who want to carry out care-taking tasks. The children are also their children. And we see that there is an imbalance. We analysed the problem and we were informed that the cause of the lower participation on the labour market for women is caretaking tasks".

Equal opportunities

"What we want to do is give really equal opportunities to men and women, both for care and on the labour market. If the opportunities are really equal, then it's up to the households to see how they make these choices.

It's important for society to benefit from all the talents that are available, to have men and women sharing tasks. Women want to be more successful with their potential on the labour market or in their career and men want to be more successful in their quest to be more available for care-taking tasks. So it's a win-win situation!".

More information: https://europa.eu/!tf43Vq

A new approach

In addition to the new work-life balance Directive, several pieces of EU legislation have already been contributing to better work-life balance for quite some time.

In particular, the 1992 maternity leave Directive, which sets the minimum period for maternity leave at 14 weeks, with two weeks' compulsory leave before and/or after confinement and an adequate allowance, subject to pational legislation.

In 2010, a Directive on parental leave replaced a former directive of 1996, following the adoption of a revised framework agreement concluded by the European social partners on 18 June 2009. The EU then turned this agreement into binding legislation.

Other important initiatives in this respect are a 1997 directive on part-time work, a 2010 Directive on selfemployment and a 2006 Directive on equal pay.

Attempts to review the maternity leave and parental leave Directives have failed, prompting the European Commission to take on a wider, work-life balance and gender equality approach.

SPECIAL FEATURE

New rights for many more workers

A new EU directive on working conditions reinforces transparency and predictability of rights and extends them to all situations

Due to be fully adopted by the EU at the time of printing, the Directive on predictable and transparent working conditions replaces the 1991 written statement one. Workers starting a new job will receive earlier and more complete information on the essential aspects of their work, in writing.

But it goes much further than that. It creates new minimum standards to ensure that all workers, including those on atypical contracts, benefit from more predictability and clarity. A "floor of rights" approach, in keeping with the European Pillar of Social Rights, which the European Commission adopted and EU leaders proclaimed in 2017.

The new law comes as a response to the rise of new forms of employment since 1991, in the context of EU labour markets

becoming more and more flexible. It balances the need for flexibility with that of ensuring basic protection for all workers.

In setting new rights, it aims at the same time to limit the burden on employers. It also encourages the active involvement of social partners in shaping working conditions.

Non-standard employment

The new Directive will provide new rights to approximately 200 million workers, i.e. most of the entire EU workforce except the genuinely self-employed.

It extends the right to written information about working conditions to 2 to 3 million additional workers compared to the old one, which will be repealed.

Protecting vulnerable groups

An estimated 4 to 6 million individuals across the EU can be classified as casual workers, often with low levels of job and income security, poor social protection, little access to training and, in some cases, quite repetitive work

Moreover, about 7 million or almost 28% of all parttime workers in the EU in 2016 would have wanted to work more

Domestic workers, of whom there are some 3 million in the EU, also typically have very low job security, especially if they lack an employment contract.

Further vulnerable groups include crowd/platform workers, temporary workers, voucher-based workers, and those workers who are falsely categorised as self-employed.





In particular, it caters for people in non-standard work, who do not have permanent contracts or full-time schedules (see box).

While people working less than 8 hours per week could be excluded from the scope of the previous directive, the new rules bring down this threshold to only 3 hours. And workers on zero hour contracts cannot be excluded from the scope of the new directive, due to the specific vulnerability brought about by such contracts.

Enforcement provisions

The Directive on transparent and predictable working conditions puts a particular emphasis on enforcement provisions, so that rules in the text become rights in the workplaces.

Breaking new legal ground, it is the first piece of labour law to include a whole chapter on enforcement and redress, inspired by EU anti-discrimination legislation (see box).

When transposing this Directive into their national law, the Member States will define what an employment relationship is. In doing so, they will have to take into consideration the EU Court of Justice case law that shapes the concept of what a worker actually is. This is key to ensuring that the Directive provides effective protection.

According to the Court, an essential feature of being a worker is that, for a certain period of time, a person performs services for and under the direction of another person, in return for which he or she receives remuneration.

New information rights

The work contract or statement will have to contain additional information on probation (if any), on training, and on the social security institution of the worker.

Temporary agency workers will also be informed about the enterprises where they will be sent to work.

More precise information on working time will be given to workers with variable work schedules.

Stronger enforcement

Under the new transparent and predictable working conditions Directive, EU countries will have two options when it comes to addressing missing written up information: Either they grant the worker a contract with more protective measures than the ones agreed with the employer; or workers can make an appeal at a specialised authority that will deal with the issue, to ensure timely and adequate redress.

In addition, the new Directive introduces provisions based on existing EU legislation, in particular in the area of anti-discrimination. They have to do with compliance, the right to redress, prevention of adverse treatment, reversing the burden of proof on dismissal and effective and dissuasive penalties.



From the start

The old Directive set a two-month deadline to provide information, following the start of the employment relationship. The new one stipulates that essential information should be provided between the first day of work and the seventh calendar day that follows, while supplementary information must be given within one month.

The new Directive also specifies that the written information may be provided by a paper or electronic document. Member States may supply templates and accessible information, to reduce the burden on the employers.

New material rights

Whereas the written statement Directive contained no material rights as such, the working conditions one contains seven of them.

It limits the length of probationary periods to six months, unless a longer period is "objectively" justified. It enshrines the right to work for other employers, banning exclusivity clauses and restraining incompatibility ones.

Workers with variable working schedules determined by the employer (on-demand work) should know in advance when they can be requested to work. Outside the agreed working time, they retain the full right to refuse calls and they are protected against unfair treatment.

An employee should be compensated when an employer cancels the work assignment after a specific deadline.

Workers have the right to cost-free mandatory training.

Member States will have to ensure that abusive practices regarding the use of on-demand or similar contracts are forbidden.

Finally, the Transparent and Predictable Working Conditions Directive gives the possibility to employees to request a more stable form of employment and to receive a justified written reply.

More information: https://europa.eu/!fp84NX

Millions to feel the difference

Up to around 31 million workers will be entitled to more information than currently provided - for example, on probation, working schedule or social security protection - thanks to the broad definition of "worker" that the new Directive calls for. Thanks also to the fact that there will be fewer possibilities for excluding categories of workers from its scope than there were with the previous directive.

Up to approximately 16 million workers every year will be able to start a new job, with full transparency of working conditions.

Between 4 and 7 million workers will have the possibility to look for additional work, due to the enhanced predictability (reference hours and minimum advance notice)

Some 14 million workers could use the right to receive a written reply to a request for more stable employment.

Some 3-6 million workers will be protected agains excessive probation periods.

Without exclusivity clauses, up to 364 000 workers may seek additional work.



Social protection for all

EU countries have committed to ensure that all working people have effective access to social protection systems, regardless of their status

At the time of printing, the Council was due to definitely adopt a Recommendation to help EU countries close gaps in access to social protection faced by non-standard workers and the selfemployed, and address the challenges stemming in particular from the fast-paced, digitalised world of work.

The aim is to encourage Member States to extend and improve social protection for working people who have no, or insufficient, access to benefits in case of unemployment, sickness, accidents at work, maternity and old-age. And to make sure that they all get the support they need during career transitions.

Such reforms are necessary to strengthen trust in the welfare state and adapt it to the new world of work.

Non-standard workers

In several Member States, non-standard workers (temporary employment, part-time and on-call work, temporary agency work and other multiparty employment relationships) and the self-employed are not entitled to participate in social protection schemes.

In other countries, they may be granted access to these schemes without de facto being able to build and take up entitlements to benefits. In particular, eligibility conditions and thresholds in some social security schemes may constitute an unduly high obstacle for some groups of non-standard workers and for the self-employed.

In addition, rights are not always preserved and transferred when people move between different labour market statuses: For instance going from employment to self-employment, combining salaried employment and self-employment, starting or closing down a business.

Key principles

The Recommendation spells out a set of key principles upon which all Member States agree, to ensure that all working people have access to all branches of social protection.

By adopting this initiative, EU countries commit themselves to allow all workers and the self-employed to join social security schemes.



Even if workers and the self-employed do formally have access to social protection, they sometimes face undue obstacles to build up and take up adequate social benefits (long waiting period, contribution periods, etc.).

Closing gaps for atypical work

In Slovakia, some atypical work arrangements are defined as "working on agreement", i.e. work carried out outside an employment relationship.

Until 2013, individuals performing "work on agreement" and those providing the work, were not obliged to pay social security contributions except accident and wage quarantee insurance.

As a result, workers on agreement were not entitled to receive income replacement payments in case of situations such as temporary incapacity, maternity, disability, retirement, occupational disease or unemployment.

Since 2013, individuals working on agreement with a regular income are obliged to pay contributions for sickness, pension and unemployment insurance.

A specific system was introduced for particular groups o people (e.g. students and pensioners).

Best practice examples from EU countries: https://europa.eu/!Pf87XF

Member States will review these rules to ensure they do not face such obstacles anymore and are effectively protected. This entails in particular facilitating the preservation, accumulation or transfer of social security benefits between schemes, from one job to the next.

Crucially, the Recommendation specifies what it means by adequate social protection: It should be sufficient and timely to uphold the standard of living and provide appropriate income replacement, while always preventing individuals from falling into poverty.

The self-employed and the workers should contribute according to their contributory capacity. And the Member States should make social security systems and rights more transparent and accessible for citizens at large so that they may exercise their rights.

A call for action

The Recommendation also ensures that action is taken on the basis of these principles.

Within twelve months, EU countries are due to establish an implementation monitoring framework. This will entail developing common quantitative and qualitative implementation indicators.

And within eighteen months, the Member States will submit plans informing the Commission on the corresponding measures to be taken at the national level.

There will also be opportunities for the EU countries to engage in mutual learning and, with the Commission's help, exchange good practices in the particularly sensitive area of social protection (see boxes).



Ground-breaking

The Recommendation should create policy momentum. It is also very interesting from a legal perspective as it encompasses very different forms of work that are addressed separately in the EU Treaty.

On the one hand, it is about supporting the Member States in the field of social security and social protection of workers. On the other hand, it is also about addressing access to social protection for people in self-employment.

Although of a non-legislative nature, the Recommendation had to be unanimously approved by the EU Council of Ministers (see page 6, an article on unanimity and qualified majority voting on social issues). It even had to be approved by the national parliaments of two Member States: Germany and the Czech Republic.

New forms of work

The Recommendation is also breaking new ground in policy terms, as it tackles social protection for new forms of atypical work, such as digital platform work.

Indeed, digitalisation is accelerating the development of the number of people who are not working under a full-time and open-ended contract. Today, they account for 40% of the EU workforce.

The gaps in access to social protection threaten social cohesion and widen divides between generations—the young being most affected by new and non-standard forms of work. They also shrink the fiscal base for social protection, potentially creating a race-to-the-bottom and over-reliance on work that is exempted from social contributions.

Ultimately, therefore, the Recommendation is about the Member States' social protection systems' very sustainability.

More information: https://europa.eu/!Uy77Bm

Whatever the work form

In Denmark, an increasing number of workers earn income from a combination of standard employment, self-employment and non-standard work.

In 2017, the Danish Parliament adopted a new law, based on recommendations made by the social partners. It integrated non-standard workers and the self-employed into the general unemployment insurance scheme.

As of 1 October 2018, the qualifying criteria for accessing unemployment benefits are based on income, rather than on hours worked. All work-related income earned within the past three years (including from employment, non-standard work and self-employment) is therefore

Before that, the criteria for accessing unemployment benefits were different for employees and the self-employed. When it came to calculating their eligibility for benefits, workers could not accumulate professional activity from both employment and self-employment during the same period.

Therefore, they were unable to aggregate all their activities and income in order to assert their entitlement to unemployment benefits.

TESTIMONIALS

Work-life balance in Lithuania and Malta

Citizens from different EU countries explain what work-life balance means for them just as a groundbreaking EU directive on this issue is going through the decision-making process (see page 15)



Free of charge? Single parents who work shifts or non-standard hours, have low incomes or have nobody on whom they can rely, often struggle to balance their care commitments with work.

Parents of young children and people who care for elderly or disabled friends and relatives often struggle to balance their care commitments with work.

This is particularly the case for single parents who work shifts or non-standard hours, have low incomes or have nobody to whom they can entrust their care responsibilities in their absence.

'I am a single mother raising a two-year-old daughter,' says Jurgita, from Lithuania, quoted in a European Commission publication on work-life balance best practices. 'I did not want to live on social benefits and needed to start working. However, I faced the problem of providing care for my daughter. I was not able to pay for a babysitter because I was on minimum income.'

'I am therefore grateful for the opportunity provided to send my daughter free of charge to the childcare facilities. Now I can go to work knowing that my daughter is well taken care of by the teachers.'

Challenging roles and misconceptions

Jurgis is a Lithuanian-Colombian "edutainer": "I am a creative campaigner, an artistic activist and a purposeful performer, and I like to mix education with entertainment, so you can call me an 'edutainer' as well", Jurgis explains in a European Commission video.

"Work-life balance is something you maintain and we learnt that with my wife in 2007, when our child was born. It's the kind of thing that will really make you grow as a human being, as a team member and as a partner as well"

"With my wife, we take it one day at a time but also what has helped us a lot is to challenge gender roles and preconceptions and accepting that paradigms like who wears the pants and washes dishes, no longer apply".

"I think there is a lot of people who don't take advantage of the opportunities concerning parental leave. So when I am with my kids and see the bigger picture, we are not here to work, we are here to live".



Skills training

Jurgita benefited from the 'Working for the welfare of the family' project aimed to make it easier for women in the town of Pagégiai to combine their family and work responsibilities.

The project did this by introducing various support measures: Unemployed participants received skills training, focusing on foreign language skills, computer literacy and self-confidence.

Also as part of this project, over 100 participants – mostly single parents – received individual legal consultations on workers' rights. In addition, around 45 beneficiaries participated in consultations on job seeking and CV writing.

Moreover, daily social care was offered to around 40 elderly and disabled relatives of participants. And 60 parents took part in self-help groups, where they could share experiences and discuss problems.

Childcare facilities

Perhaps most significantly, nine childcare facilities were set up in the municipality, seven of which were in rural locations. Prior to the project, just one pre-school institution was available in Pagėgiai, with only 60 places.

This support directly helped parents to reconcile childcare and work by offering all-day care to children aged six and under and after-school care for children aged 7 to 10. It made childcare economically viable for working parents and available in locations close to their workplaces.

This was not only convenient – especially because the centres set their opening hours to fit with working hours – but also helped parents feel safe in the knowledge that they would be nearby if their children needed them. Some 230 children attended the nine centres during the project.

Work-life balance testimonials:

https://europa.eu/!tf43Vq

Work-life balance best practices:

https://europa.eu/!Ff76TC

A matter of communication

Andrew, from Malta, is a father of two. He is also goalkeeper for the Maltese national football team and for the Hibernians Football Club. In addition, he is reading a degree in psychology at the University of Malta.

"My partner and I have to communicate well, as she also runs her own business", Andrew explains in a European Commission video. "It gets quite hectic at times but ultimately we are aware that our family comes first, even during the busiest of weeks".

"Most days, our children will be at school between 8.15 a.m and 1.15 pm, which gives us both time to be in the places we need to be. On some days I drop off the kids and or other days. Sabrina would".

"We communicate and organise things. On a typical day, we will have lunch together, then if possible have a little rest and then get back out. Both of our careers are important and with a good work-life balance, we are both successful in our chosen careers".

"I would say that work-life balance is a big issue in Malta, as family responsibilities lie disproportionately on women. I believe that men and women should benefit equally from parental leave".

OTHER VOICES

Work-life balance Part 2



Liz Gosme, COFACE Families Europe Director: Co-responsibility must be a cornerstone of contemporary family policy.

Work-life balance is possibly the biggest challenge for families of the 21st century, and hence in many countries of the EU it is included as one of the objectives of national family policy: Ensuring that people do not have to choose between work or family, but can reconcile both through a mix of access to resources, services and time.

Using our pluralistic and family diversity lens (COFACE Families Europe represents all types of families, without discrimination), our intention has always been to support families to choose how to reconcile work and family life, allowing more men to care and more women to work (and secure economic independence therefore).

In this time of deep transformations such as the ageing population, an economic system under pressure, youth unemployment and skills mismatch, waste of potential of women on the labour market, digitalisation of our lives....the sharing of family care responsibilities ("co-responsibility") must be a cornerstone of contemporary family policy.

With the EU work-life balance directive, Europe has shown the courage to rethink its labour market through the lens of contemporary society, promoting a renewed pact based on human rights, social inclusion, diversity, health and gender equality.

Every step towards a European labour market where working parents and carers are valued, recognised, treated equally, adequately paid, supported by their employers will benefit the well-being of all family members.

Families need time to care for children and family members with support needs, deal with challenges, empower children in the digital world, for active citizenship, and more.

Closing the gender care gap is a key priority for our network and precondition to close the gender pay and pension gap. This will and must lead to more gender equality in family care, like emperor penguins do naturally (have you seen the film?).

People must be allowed to keep their jobs without having to choose between work and family. Poverty must be prevented through adequate payment of family leaves. And health and well-being must be ensured, with a potential change of work place culture through flexible work arrangements, not just for families with care responsibilities, but for society as a whole.

In fact the Directive already triggered reforms before an agreement was struck in January 2019 (see for example the recent changes in Belgian, Czech, Dutch and Spanish laws on family leaves).

The transposition process is an opportunity to review national policies, to develop national laws on work-life balance in all EU countries taking the full life-cycle as a starting point and ensuring coordination between family leaves and care services, recognising the diversity of families and their needs, boosting investment and development of services for families (such as early childhood education and care, and long-term care), ensuring adequate payment of family leaves and take-up of leaves by men, rethinking working arrangements with the support of the social partners, and agreeing on key indicators for cross-country comparisons and monitoring progress.

While we will support national dynamics in the transposition phase, COFACE is on standby for "Work-life balance: Part 2" under the new European Commission, now expecting a future package of measures to drive further implementation of the European Pillar of Social Rights, building an economy that works better for society.

Liz Gosme, Director,

Confederation of Family Organisations in the European Union (COFACE Families Europe), mother of two rebel girls and fan of emperor penguins!

INTERVIEW

At the interface of policy making

Raquel Lucas is head of the Coordination unit of the Employment, Social Affairs and Inclusion department (DG EMPL) of the European Commission since April 2018.

Since the European Pillar of Social Rights was adopted in 2017, many social policy proposals have been going through the EU decision-making process. This must have been a fantastic challenge for you?

I had seen those files from another angle, as they made their way through the Commission, in my previous capacity as a member of the Cabinet of European Commission Vice-President Valdis Dombrovskis. But negotiating them within the inter-institutional process was another story altogether! A lot had already been achieved since the beginning of the Commission's mandate in 2014: The European Pillar of Social Rights, youth employment, posting of workers etc. But I had to deal with 13 legislative files when I arrived in DG EMPL! I was thrilled to come at such a critical moment. In June 2018, we managed to secure three crucial political agreements in only one session of the EU Council of Ministers!

You are an economist by training and the Pillar enshrines a very comprehensive view of employment and social affairs, as two sides of the same coin together with economics...

Initially, the Pillar was only a Commission Recommendation but we managed to have it proclaimed also by the EU Council of Ministers and the European Parliament in November 2017. It is indeed flexible and comprehensive enough to accommodate a whole range of issues, including those related to the future of work. Moreover, the Pillar is now at the core of the European Semester process of economic policy coordination.



Raquel Lucas, Coordination head, DG EMPL: Member States should present their own views on what remains to be done at EU level.

Of the proposals adopted since 2017, which one is the most emblematic of the European Pillar of Social Rights?

A good example is the Directive on transparent and predictable working conditions (see page 18): It provides brand new rights and therefore conveys the upwards convergence philosophy of the Pillar. Also our initiative on access to social protection for all (p.21): It is a Recommendation on a very sensitive issue that requires unanimity in the EU Council of Ministers. In a different category, the European Labour Authority, which is about creating a new structure to support Member States, citizens and companies (p.8). There is also our proposal to review the Regulation on the cross-border coordination of social security, which will have to be adopted by the next European Parliament: It seeks not only to up-date the Regulation but also to introduce new chapters that would make it much more comprehensive. This proposal was adopted by the Commission as part of a package, together with the revision of the posting of workers Directive.

Looking ahead, how do you see the EU employment and social policy field evolving in the coming years?

The next Commission will certainly come up with new concepts but I really hope that the Member States will mobilise their national social partners and civil society and take ownership of the European Pillar of Social Rights. They should present their own views on what remains to be done at EU level in the field of employment and social affairs. Some EU countries are more advanced than others in this area and they can learn from each other. Certainly a great challenge would be to cope with the future of work implications, for our society and work patterns.



2014-2019: Social matters at the heart of Europe

A changing world of work, fair labour mobility, investing in people and skills, social dialogue, EU funds, better data for better policy, a strong social dimension in EU policy-making and social priorities under the Juncker Commission: In sixty very colourful pages full of testimonies of EU citizens, photos, diagrams, pictograms and tables, this publication shows how, between 2014 and 2019, the European Commission put employment, social affairs, skills and labour mobility at the heart of Europe.

"When I started this mandate in the European Commission in 2014, we had an exceptional opportunity and obligation to make a fresh start", European Commissioner for Employment, Social Affairs, Skills, Labour Mobility and statistic areas, Marianne Thyssen, explains in the preface.

"President Juncker launched an agenda for jobs, growth and fairness that put the social dimension where it belongs: At the heart of Europe. We have to continue building on the results of this Juncker Commission to support a dynamic and long-term vision for a sustainable, fair and social Europe".

Volume I catalogue nº: KE-02-19-238-EN-N

Link to the publication: https://europa.eu/!cJ76Bj

Work-life balance for all

Twenty best practice examples of EU-funded projects that have promoted work-life balance in the EU countries are presented in this brochure, which includes testimonials from project representatives and beneficiaries. A key theme of many of the examples is gender and the representation of women in the labour market – an issue that goes hand-in-hand with the question of how Member States and businesses promote and facilitate balance between professional and family life for all workers.

Catalogue n°: KE-04-19-351-EN-N

Link to the publication: https://europa.eu/!Ff76TC

Good practices 2015-2018

Examples of 23 projects supported by the European Commission's programme for Employment and Social Innovation (EaSI) between 2015 and 2018. This report also highlights the support provided through EaSI to 19 major EU-level Non-Governmental Organisations active in the promotion of social inclusion, poverty reduction and access to finance.

Catalogue n°: KE-BP-19-001-EN-N

Link to the publication: https://europa.eu/!Uu86cb

Empowering parents

Improving parenting skill and the parent-child relationship through parenting interventions: Parent or family-based education programmes that aim to impact children's emotional, cognitive, behavioural and health-related outcomes. This publication shows how parenting interventions can be used to promote lifelong health and resilience in children. It also provides guidance on the types of parenting interventions available.

Catalogue n°: KE-02-19-122-EN-N

Link to the publication: https://europa.eu/!FQ66kh

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