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EU MOVES FORWARD ON NEW WORK-LIFE BALANCE MEASURES, FLEX WORKING

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An EU directive that aims to improve work-life balance and increase men's uptake of family leave was provisionally approved on 24 Jan 2019 by the European Parliament and Council of Ministers. The provisions include 10 days' paternity leave, four months' parental leave, carers' leave and extended rights to request flexible working patterns.

First published in April 2017, the proposed directive replaced European Commission plans to increase maternity leave and will replace the EU directive on parental leave. The directive now awaits a final vote by the Council of Ministers and the European Parliament, and member states would have three years to implement the directive into national laws. Member states with more generous provisions could not reduce their arrangements.

Highlights of the proposals include:

- *Paternity leave.* Fathers or second parents could take at least 10 working days of paternity leave around the time of a child's birth, remunerated at the same level as sick pay. Member states could decide if paternity leave could be taken prior to or after the birth, if the leave could be taken flexibly, and could set a six-month service requirement for paid paternity leave (but not for unpaid paternity leave). Current EU law does not provide for any paternity leave.
- *Parental leave.* Each parent could take at least four months' parental leave before the child reaches a certain age, of which at least two months couldn't be transferred to the other parent. Parents would be paid for at least two months of the nontransferable leave at a level to be decided by each member state. Member states could stipulate the amount of notice period that workers must give and if workers could take parental leave flexibly, and could restrict eligibility to workers with a minimum service period not exceeding one year. National law also could specify any arrangements for accessing leave by adoptive parents, disabled parents, and parents of children with a disability, and could define the circumstances in which employers could postpone an employee's parental leave "by a reasonable period time on the grounds that it would seriously disrupt the good functioning of the establishment." Current EU law allows each parent to take four months' unpaid leave, of which one month is nontransferable between parents and is unpaid.
- *Carers' leave.* All workers who provide "personal care or support to a relative or a person living in the same household in need of significant care or support due to a serious medical reason" as defined by member states could take five working days of leave each year. Current EU law does not provide for carers' leave.

- *Flexible working arrangements.* Parents with children at least eight years old or employees with caring responsibilities could request reduced working hours, flexible working hours or flexibility with regard to their work location. Member states could apply a “reasonable limitation” to flexible working arrangements and could require that workers have a minimum service period not exceeding six months to be eligible. Workers who work flexibly for a limited duration would be able to return to their original working pattern at the end of the agreed period of time. Current EU law allows workers to request flexible working arrangements when they return from parental leave, and all workers can request part-time hours.

RELATED RESOURCES

- [Press release](#) (European Commission, 24 Jan 2019)
- [Press release](#) (EU Council of Ministers, 24 Jan 2019)
- [Proposed directive](#) (European Commission, 26 Apr 2017)
- [Directive on parental leave](#) (EurLex, 8 Mar 2010)

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