

POSITION PAPER

on the Proposal for a Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU

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The German Federation of Chemical Employers' Associations (BAVC) is the head organisation for collective bargaining and social policy in the chemical and pharmaceutical industry, as well as large parts of the rubber and plastics processing industries in Germany. It represents the interests of its ten regional member associations, with 1,900 companies and 550,000 employees, vis-à-vis trade unions, politics and the public.

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In April 2017 the European Commission published a proposal for a directive on work-life balance as part of its social investment package. It is intended to redefine parental leave in particular. Mothers and fathers are to be given a legal entitlement to a minimum of four months' parental leave, paid at least at sick pay level. This period needs to be taken by the time the child reaches 12 years of age. That is four years longer than the current legal situation in Germany. Irrespective of that, fathers are to be given ten working days leave after the birth of a child. The European Parliament and Council still have to vote on this proposed directive.

The BAVC has been campaigning for a long time for a better work-life balance and wishes to express its opinions on the proposed directive as follows:

- Raising the age of the child for parental leave will result in a considerable lack of planning reliability in companies regarding the possible periods of absence of employees.
- Regarding the regulation of paternity leave, EU Member States already offer fathers the option to exercise their family commitments, as in Germany, for example, with a regulation on extended parental leave.
- The proposed directive is not the appropriate approach to improving work-life balance. Solutions at the level of Member States, social partners and companies offer a better fit and are more constructive.

Comments on the individual points:

Raising the age of the child for parental leave results in a lack of planning reliability

In Germany each parent is already entitled to parental leave to care for and raise a child until the child has completed its third year. A quota of up to 24 months can be taken between the third birthday of the child and the child's eighth birthday. Parental leave can be divided into three periods by each parent entitled to parental leave. Parental leave can be further divided with the agreement of the employer. Both parents can even take parental leave together. The previous ruling, whereby parental leave can be taken up to the child's eighth year, is fully sufficient since it gives parents the possibility of responding to challenges such as the child's first day at school. Raising the maximum age of the child would result in significantly lower planning reliability for companies in organisation and disposition regarding possible limited non-availability of employees. Therefore, in the view of employers in the chemical industry, the Commission's proposal should be rejected. The reasoning of the European Commission that the lack of appropriate regulations on leave and care leave prevents people - mostly women - from remaining in gainful employment or taking up employment again ignores the fact that parents and carers already have a legal entitlement to generous regulations on leave in the form of maternity leave, parental leave and carers' leave. In Germany they are already legally entitled to part-time work during parental leave, with the prospect of returning to full-time work. Therefore such demands at the EU level are unnecessary.

Furthermore, the Commission's proposal to recompense parental leave with payment or appropriate remuneration, at least at sick pay level, would lead to a higher tax burden in Germany. In Germany parental benefit (*Elterngeld*) is 67% of earned income and hence is lower than the sick pay level demanded by the Commission of 70% of wages. The level of benefit paid must be left to the EU Member States.

EU Member States already allow fathers to assume their family commitments

The introduction of 10 days' paternity leave proposed by the European Commission would cause extensive problems with its implementation in Germany. It is true that in some EU Member States, such as Germany, Austria or the Czech Republic, there are no specific legal regulations on paternity leave. However, this does not mean that fathers do not have sufficient opportunities to assume their responsibilities for their families. On the contrary: In Germany, fathers and mothers alike are entitled to parental leave and to receive parental benefit. Additional months of parental benefit are paid if fathers participate. This also includes the right for parents to determine the time and length themselves. For example, fathers can take several days' parental leave directly after the birth of a child. Instead of a new legal entitlement it would be better to ensure that fathers are encouraged to assume their family commitments within the framework of existing regulations on parental leave. In Germany this has been promoted with *Elterngeld Plus* (parental benefit plus), introduced in 2015. The Commission's proposal should be rejected on this count also.

Instead of new legislation at the EU level: break up traditional role models and allow for child care to match needs

Work-life balance is an important issue for employers in the chemical industry. In order to further improve it in the future, the chemical and pharmaceutical industries in particular have to do away with traditional role models in order to change attitudes to career choices. For this reason, Girls' and Boys' Day has been offered in recent years in Germany. Schoolchildren from Year 6 onwards are given a glimpse of careers which typically tend to be chosen by the other sex. Improved study guidance and professional orientation (especially for STEM fields) is essential for a balanced choice of career which is adapted to the needs of the labour market. At the same time the framework conditions for faster re-entry of women after a gap in employment due to family commitments should be improved by offering affordable child care adapted to parents' needs, especially for children at primary school and during the holidays.