

**Communication from the European Commission to the European Parliament, the Council,
the European Economic and Social Committee and the Committee of the Regions: An
initiative to support work-life balance for working parents and carers (COM(2017) 252
final)**

**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 and the related
Annex (COM(2017) 253 final and COM(2017) 253 final - Annex 1)**

FINAL DOCUMENT APPROVED BY THE COMMITTEE

The Committee on Public and Private Sector Employment of Italy's Chamber of Deputies,

Having examined, pursuant to Rule of Procedure 127, the Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions titled "An initiative to support work-life balance for working parents and carers" (COM(2017) 252 final), and having also examined 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 and the related Annex (COM(2017) 253 final and COM(2017) 253 final - Annex 1);

Noting that the two documents, presented by the European Commission on 26 April 2017, form part of a set of preliminary steps for the establishment of the European Pillar of Social Rights, which was endorsed on 18 July 2017 by the Committees on Public and Private Sector

Employment and on Social Affairs with the publication of a final document (Doc. XVIII, no. 75) that expressed a favourable opinion and included a number of remarks;

Recalling that the proposal for a proclamation endorsing the European Pillar of Social Rights asserts the principle that parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to care services, specifies that women and men should have equal access to special leaves of absence in order to fulfil their caring responsibilities and are encouraged to use them in a balanced way;

Having examined the staff working document of the Commission summarising the impact assessment that accompanied the proposal for a Directive of the European Parliament and of the Council on the work-life balance for parents and carers and repealing Council Directive 2010/18/EU (SWD(2017) 203 final);

Having the Resolution adopted by the European Parliament on 13 September 2016 on creating labour market conducive to a better work-life balance (2016/2017 (INI));

Having regard to the Council Recommendation of 11 July 2017 on the 2017 National Reform Programme of Italy containing the opinion of the Council of the European Union on the 2017 Stability Programme of Italy;

Considering the report that the Government submitted pursuant to article 6.4 of Law 234 of 24 December 2012;

Having regard to the resolution adopted at the 13 June 2017 session of the Standing Committee on Budgetary, General and Institutional Affairs of the legislative assembly of the Region of Emilia-Romagna, forwarded to the Chamber of Deputies in accordance with article 24.3 and article 25 of Law 234 of 24 December 2012, in which the Communication and proposal for a Directive in question are scrutinised from a subsidiarity perspective and observations are made concerning the measures they contain;

Noting that the measures proposed by the European Commission are essentially aimed at counteracting the under-representation of women in the labour market, with particular regard to the inequitable distribution of the care and work responsibilities of parents with children and of households that include persons in need of assistance;

Noting that notwithstanding the appreciable increase in recent years in the rate of female employment in EU countries, the gender gap in employment levels remained unchanged in 2016 at 11.6 percentage points;

Cognisant of the analyses indicating that the gender employment gap widens considerably once households have children or family members in need of care, and that, in 2015, the average employment rate of women with children under 6 years of age was 8.8 percentage points lower than that of women without children in that age bracket;

Considering that the incidence of part-time work in EU Member States is significantly higher among women (more than 30%) than men (around 8%);

Noting that the employment gender gap and the persistent wage gap, which still stands at more than 16 percent, do not correspond to the professional qualifications of workers, given that in recent years more women than men have graduated from third-level education;

Sharing the Commission's view that reducing the gender gap enables all citizens to express their full potential and is likely to have favourable ramifications on gross domestic product and employment;

Observing that the Commission's Communication delineates a set of legislative and non-legislative actions and, especially, envisages the adoption of a Directive to modernise the existing rules on family leave and flexible working, including for the purposes of a more equitable division of care responsibilities in households;

Considering that this legislative initiative is complemented by non-legislative proposals to enhance protection from dismissal and prejudicial treatment, improve the quality and availability of education and care for young children as well as of long-term care services, and eliminate economic disincentives that limit the employment opportunities of women and men who provide parental or other family care;

Appreciative that the European Commission's approach to gender equality and the work-life balance is aligned to that which the Committee on Public and Private Sector Employment has adopted in the current parliament;

Mindful, in relation to the previous point, of the fact-finding inquiry concluded in July 2016 into the gender impact of social security legislation and into the existing disparities in the pension rights of men and women;

Recalling that the Committee on Public and Private Sector Employment sought to orient Parliament towards legislating to improve the burden-sharing of men and women in family duties by creating the conditions conducive to a good life-work balance;

Recalling, in connection with the foregoing, the provisions for the enhancement and extension of paternity leave that were added to the 2017 Budget Law during its reading in the Chamber of Deputies, as well as the provisions of Law 81 of 2017 that lay down rules on flexible working arrangements and define what they entail, one of the aims of which is to reconcile the demands of family life with those of the workplace;

In view of the slow pace of assimilation of the protective measures enacted in Italy, where they have yet to come into widespread use, and considering that these measures would benefit from being part of a wider European common framework where they might bring about change, especially at a cultural level, in the behaviour of employers and workers;

Taking into account the data supplied by the Government in response to a Question (no. 5-11159) by MP Di Salvo relating to the uptake in 2014, 2015 and 2016, of compulsory and optional paternal leave by male workers;

Noting that the proposal for a Directive establishes a set of new or higher minimum standards for paternity, parental and carer leave;

Noting that under Italian law the length of compulsory leave for working fathers in salaried positions, which must be used within five months of the birth of the child, is set at two days for 2017 and four days for 2018, rising to five days if the extra day is taken in substitution of the corresponding day of compulsory maternal leave;

Considering that articles 4 and 5 of the proposal for a Directive prescribe a period of leave of at least 10 working days for men upon the birth of a child and entitle each working parent to four months of non-transferable parental leave, remunerated at least at the rate of sickness allowance, usable until the child is 12 years old;

Believing that providing an adequate number of compulsory days of leave marks a decisive and welcome step in the direction of changing the roles and pattern of behaviour of couples, since experience has shown that optional leave leads to only a modest number of days being used, and therefore leads to no significant change in the distribution of parental responsibilities;

Considering that in some respects Italian legislation is more advanced than the measures contained in the proposal for a Directive, the transposition of which, as noted in the report submitted by the Government pursuant to article 6.4 of Law 234 of 24 December 2012, would require only minor changes to be made to the current law relating to the duration of paternity leave and the use of flexible work;

Noting in particular that appropriate measures would be needed to broaden the terms of the paternal leave rules currently in force under Italian law, and that prescribing paternity leave at full pay would guarantee compliance with the minimum standard set by the Directive;

Mindful that the present final document needs to be forwarded without delay to the European Commission as part of the political dialogue, as well as to the European Parliament and the Council,

Expresses a

A FAVOURABLE OPINION

With the following remarks:

a) With reference to the measures to be taken at a European level:

1) Within the framework of the measures set out in the Communication of the European Commission, support needs to be given to training, study and communication initiatives that foster and consolidate a cultural approach that embraces the principle that care and family responsibilities should be shared equitably by partners, stops penalising women employees who take maternity leave, and recognises the equal role of fathers as parents and as providers of care in the family;

(2) We also recommend in this regard conducting a study, which might also involve the participation of the European Institute for Gender Equality (EIGE), to investigate the factors

impeding the participation of women in the world of work. The study should also look into how women workers are recognised in terms of pay and professional roles, also with a view to adducing the most effective international policies and best practices in this area and promulgating legislative measures relating to leave and the use of flexible working arrangements;

3) In line with the recommendations contained in the Resolution of the European Parliament of 13 September 2016 on fostering labour market conditions conducive to a good work-life balance, it may be advisable to set targets for the provision of care to children, the elderly, the disabled and other persons who are not self-sufficient, and to put in place monitoring tools to measure the quality, accessibility and financial feasibility of the targets;

4) With a view to, among other things, the preparation of post-2020 budgets, the non-legislative initiatives proposed in the Communication of the European Commission should envision the activation of the European Social Fund and the European Regional Development Fund to finance the delivery or extension of educational and child-care services, including outside regular school hours, as well as services for the care of the elderly and others in need of assistance;

(5) Consideration should be given to making paternity leave, as defined in article 4 of the proposal for a Directive, compulsory;

b) To facilitate the subsequent examination of the proposal for Directive, the Government needs to ensure that the analysis of the financial impact included in the report that it submitted

to the Chamber of Deputies in accordance with article 6.4 of Law 234 of 24 December 2012 is accompanied by an assessment of the cost of the proposal to the public purse;

c) With reference to national policies:

1) At a general level, we recommend the adoption of policies that encourage the participation of women in the world of work and enhance the work-life balance, as well as the promotion of actions, including tax measures, to make work more advantageous for the second earner in the household. Such policies would conform not only with the those advocated in the National Reform Programme (which is set out in Section III of the 2017 Economic and Financial Document), but also with the Council Recommendation on Italy's 2017 National Reform Programme, which forms the basis of the Council's opinion on Italy's 2017 Stability Programme;

2) Irrespective of the progress in the consideration of the European Commission's Directive, measures are needed now to make compulsory paternity leave a permanent institution and to extend its duration beyond what is currently envisaged in article 1, para 354 of Law 232 of 11 December 2016, which refers to a period ending in 2018;

3) With reference to its economic and financial plans and in concert with the relevant local authorities, the Government should consider the benefits of increasing the financial resources dedicated to ensuring that education and training services relating the care of children, the elderly and people in need of assistance are strengthened and more evenly distributed across the country, and should likewise consider that the investment of these resources benefits economic

performance, also in terms of social security contributions, and contributes substantially to bolstering female employment, seeing as more women than men generally work in the provision of these services;

4) The Government is invited to consider the adoption on a permanent basis of the provision for the allocation of vouchers that can be used for the purchase of babysitting services in substitution for parental leave, or else make permanent provisions for the allocation of resources to defray the costs of public or accredited private providers of services for children, since the resources envisaged in article 1, paras 356 and 357 of Law 232 of 11 December 2016 are due to expire in 2018. It is likewise invited to assess whether the above benefit needs to be better coordinated with the voucher system for the payment of fees for public and private pre-school nurseries, and whether some form of financial support should be provided for the home care of children under the age of three who suffer from serious chronic illnesses under the meaning of article 1, para 355 of the same law;

5) For the sake of determining the content of further regulatory actions, it will be necessary to ensure the proper monitoring of the implementation of:

- the rules on flexible work referred to in Chapter II of Law 81 of 22 May 2017, verifying in particular the extent to which flexibility improves the work-life balance and the working conditions of women;

- Directive 3 of 2017 of the President of the Council of Ministers setting out guidelines for the implementation of paras 1 and 2 of article 14 of Law 124 of 7 August 2015, and guidelines for employment practices that are conducive to the work-life balance.

The purpose of the monitoring is to measure the full extent of the planned measures, including their positive impact on women working in the public administration;

6) Particular consideration should be given to measures that would encourage and support employers who adopt work practices that enhance the work-life balance;

7. We call on the Government to consider adopting measures to increase the welfare benefits associated with the birth and care of a child or the care of members of the family who are disabled or not self-sufficient, and to look into the possibility of introducing incentives to increase the recognised value of the social security and pension contributions of working mothers who remain at work during the early years of their children, in accordance with the findings of the Public and Private Sector Employment Committee's fact-finding inquiry into the gender impact of social security legislation and the pension disparities between men and women.