

## **ONGOING & RECENT ACTIVITIES OF DG EMPLOYMENT**

### 1. Calendar of main events for 2008:

- **25 November – Employment in Europe 2008 Conference**

This will be the third in a new series of 'Employment in Europe' conferences following the first conference organised in November 2006. Similarly as in previous years, the aim of the conference is to present and discuss the key findings of the Employment in Europe 2008 Report, which will be released in November. The Employment in Europe Report is the main tool of the DG EMPL for the analysis of employment performance and labour market developments in the European Union and the Candidate Countries and has been produced annually since 1989.

The main topics to be addressed in the discussion panels of the conference will be the mobility of workers within the EU in the context of the recent enlargement; labour migration from third countries; the concept of job quality in the EU; and the relationship between fields of study and jobs. These topics will be presented by the authors of the report and there will be opportunity for an open discussion with the participants.

Contact person: *COKIC Bjanka (EMPL)*

- **25 November - Legal Seminar on the implementation of EU law on equal opportunities and anti-discrimination**

How to address discrimination across all grounds and share experience between different grounds of discrimination?

In cooperation with the European Networks of Legal Experts in the non-discrimination and gender equality fields, the European Commission is organising a legal seminar. The seminar is intended to contribute to bringing participants up to date on issues concerning the implementation of the non-discrimination and gender equality Directives.

The seminar will examine the application of a number of concepts for tackling discrimination on the grounds covered by Article 13 and the extent to which experience in applying these concepts to one discrimination ground is transferable to other grounds. The seminar builds, inter alia, on the conferences held in 2007 on Positive Action and on Multiple Discrimination.

## 2. Recent Developments:

- **"Reconciliation" package**

*3 October 2008*

Package on work-life balance, which consists of a policy document (communication) explaining the background and context, two legislative proposals to revise existing directives and a report on progress made by EU countries towards the so-called Barcelona targets for childcare protection. The legislative protection aims to:

- 1/ strengthen women's entitlement to maternity leave
- 2/ ensure equal treatment of the self employed and their spouses

### 1/ strengthen women's entitlement to maternity leave

Concerning the proposal to strengthen women's entitlement to maternity leave the Commission proposes some few amendments to Maternity Leave Directive from 1992. Under current system the maternity leave is 14 weeks, and the obligatory period is 2 weeks to be taken before or after birth. The level of payment is established at the level of sickness pay level.

The Commission's proposal is to extend the period of maternity leave to 18 weeks (note: also ILO recommendations says about 18 week's period). The obligation period of maternity is now 6 weeks, to be given after the birth (so not any more before birth). The payment will be 100% of full monthly salary received prior to the maternity leave. However, this is not mandatory since this payment may be subject to a ceiling, to be determined by the MS, provided that it is not set below the rate of sick pay. MS may determine if the level of the payment during maternity leave corresponds to the one of the last monthly salary before maternity leave or to an average to be calculated over a certain period. The woman is protected from dismissal during maternity leave unless other reasons to dismiss. In this case employer has to submit written reasoning. To these provisions the proposal will insert the ECJ case law stating that employer cannot make any preparatory steps to dismiss a woman during maternity leave.

What results in practice – in fact only Germany and Malta have shorter period of maternity leave than 18 weeks. Many MS have already gone beyond the sickness level payment for maternity leave.

*Contact person: Petra SCHOTT*

## 2/ ensure equal treatment of the self employed and their spouses

*For self employed women:*

- Maternity leave equivalent to maternity leave of employees
- Maternity leave should be an option and not an obligation (they can decide to join system or not)
- MS have to provide abilities to join the system by self-employed women

*For assisting spouses:*

- MS must allow assisting spouses to join the same system of social protection as for self-employed workers
- Assisting spouses should have an option, not obligation to join the scheme

Contact person: *Fernando PEREIRA*

- **Social Dialogue Committee**

*12 November 2008*

### 1/ Discussion on the next social dialogue working programme:

- 2 years transitional work programme, with few changes to the current text, such as: reference to financial crisis, program autonomous but with reference to the Commission initiatives, foster the role of European social dialogue in MS,
- Why? - until new Lisbon reformed Agenda

### 2/ Report from ongoing negotiations:

- Parental leave

ETUC came with proposals to introduce new, concrete issues in the scope of the current Directive (among these points: increase of leave length, special adoption leave, paternity leave, some income guarantee during parental leave, etc) BUSINESSEUROPE mainly addressed the need to **update certain references in the recitals**, with minimum amendments on the content.

Social partners started to work on the current text of the agreement and produced a first draft of a revised text. Negotiations will from now on be based on this revised text, which includes the very first amendments on which both sides could agree:

- delete obsolete references and update the text with relevant EU legislative instruments (add references to the Lisbon strategy, Lisbon treaty, the Charter of Fundamental rights, Commission consultation on reconciliation, the Road Map for Equality etc)
- add new recitals to reflect the current situation and introduce language related to social partners' achievements in this area
- introduce a reference to "new family structures" in the body of the text (and restructure the wording of clause 1 – scope of the agreement)

Generally, both parts agree that **the preamble and the recitals** should be updated. ETUC would like the revised text to reflect a stronger message: that parental leave is an incentive for workers to remain in the market, not an incentive to leave it, as it is sometimes perceived.

**On the content**, BUSINESSEUROPE showed willingness to increase the length of leave, although with the condition that the right to leave remains a transferable one. Social partners agreed to further discuss the wording of this particular point and how to make a connection between increased length – fathers' take up of leave - transferability of the right to leave. ETUC is very open to discuss the wording, but insists on the necessity of having a non-transferable right to leave.

BUSINESSEUROPE wants to introduce new language on the right to request flexible working hours. While they are open to discuss this, ETUC thinks this is not a form of parental leave, but a separate issue, and should not lead to arrangements that have nothing to do with parental leave.

BUSINESSEUROPE continues to oppose negotiation on the following points: special adoption leave, leave for children with disabilities, payment issues.

The respective drafting groups will work on the basis of the amended draft. Next meeting (restricted joint drafting group) is scheduled for 26/11

- *Inclusive labour market*

### 3. Forthcoming initiatives:

- **New Communication on Sectoral Social Dialogue** – *September 2009*

Consultation based on a Questionnaire, deadline December, 05, 2008.

Possible identified problems:

- perimeter of the sectors
- synergies between sectors, between social partners and the Commission, between sectors and cross-industry level, cooperation within sectors)
- Functioning of the committees (consultation article 138, promotion of social dialogue, adoption of rules of procedures and work programmes, composition of delegations, chairmanship and secretariat)
- implementation and follow up of outcomes (classification of texts, negotiation process)

### 4. Reports in 2008:

- Industrial Relations Report (conference on 4-5 March 2009)
- Employment in Europe (conference on 25 November)