

EU Social Policy Through a Family Diversity Lens

Attila Bóhm
Policy and Advocacy Officer



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EU social policy & family diversity

Family policy remain within the scope of national competence, but the EU is passing legal and policy frameworks which impact families and family policies, with the pillar of social rights as main starting point for setting agenda, monitoring and evaluation.

Current framework:

- **EU Work-life Balance Directive** (transposition into national law is required from MS)
- **Care Strategy & Child Guarantee** (recommendations for MS)

Future initiatives:

- **Proposal on Parenthood Recognition Regulation** (to be adopted by the Council)

EU Work-life Balance Directive

The [EU Work-life Balance Directive \(Directive \(EU\) 2019/1158\)](#) was adopted on 24th January 2019. It's the **first legislative initiative** that follows the launch of the **European Pillar of Social Rights**.

It facilitates the reconciliation of work and family life for workers who are **parents**, or **carers**.

It covers aspects of:

- **Time** by providing minimum standards on family leaves and flexible working arrangements
- **Resources** through the adequate payment for certain leaves
- And paves the way for future action on access to **Services (ECEC and LTC)**

➤ **2nd August 2022 was the deadline of transposition for Member States**

Key elements of the Directive

The Directive provides for individual rights related to the following:

- **Paternity leave:** individual right to 10 working days for fathers or equivalent second parents, irrespective of worker's qualification, length of service and marital status
- **Parental leave:** 4 months for each parent as an individual right, 2 months non-transferable, flexibility in take up
- **Carers' leave:** 5 working days a year, unpaid
- **Flexible working arrangements** for workers with children
- Promoting **equality** between women and men

Diversity elements of the Directive

- Recital (37) Notwithstanding the requirement to assess whether the conditions of access to and the detailed arrangements for parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations, Member States are encouraged to assess whether conditions for access to, and the detailed arrangements for, exercising the right to **paternity leave, carers' leave and flexible working arrangements should be adapted to particular needs**, such as of those of **single parents, adoptive parents, parents with a disability, parents of children with a disability or a long-term illness, or parents in particular circumstances**, such as those related to **multiple births and premature births**.

Diversity elements of the Directive

- Recital 19: In order to encourage a more equal sharing of caring responsibilities between women and men, and to allow for the early creation of a bond between fathers and children, **a right to paternity leave for fathers or, where and insofar as recognised by national law, for equivalent second parents, should be introduced.**
- Article 4 (1): Member States shall take the necessary measures to ensure that fathers or, where and insofar as recognised by national law, **equivalent second parents**, have the right to paternity leave of 10 working days that is to be taken on the occasion of the birth of the worker's child.
- Article 4 (3) The right to paternity leave shall be granted **irrespective of the worker's marital or family status**, as defined by national law.
- Research shows that the situation for equivalent second parents, such as co-mothers in a lesbian relationship, is mixed, since of the 25 countries with paternity leave, 15 grant this right to an equivalent second parent while the other 10 do not.



European Child Guarantee

In 2019 Commission President Ursula von der Leyen announced in her Political Guidelines the creation of a [European Child Guarantee](#) with a view to ensuring that **every child in Europe at risk of poverty or social exclusion has access to the most basic of rights** like healthcare and education. The Council adopted the proposed **Recommendation** on 14 June 2021.

The objective of the European Child Guarantee is to **prevent and combat social exclusion** by guaranteeing effective access of children in need to a set of key services:

- free early childhood education and care
- free education (including school-based activities and at least one healthy meal each school day)
- free healthcare
- healthy nutrition, and
- adequate housing

In order to implement the Recommendation, the Member States have nominated their **Child Guarantee Coordinators** and have prepared **national action plans**, covering the period until 2030.

Diversity elements of Child Guarantee

- Article 5: **Member States are recommended** to identify children in need and within this group take into account, wherever appropriate in **designing their national integrated measures**, specific disadvantages experienced, in particular, by: (...) **children in precarious family situations**.
- ‘children in precarious family situations’ means **children exposed to various risk factors that could lead to poverty or to social exclusion**. This includes: living in a single-earner household; living with a parent with disabilities; living in a household where there are mental health problems or long-term illness; living in a household where there is substance abuse, or domestic violence; children of a Union citizen who has moved to another Member State while the children themselves remained in their Member State of origin; children having a teenage mother or being a teenage mother; and children having an imprisoned parent;
- Article 10. b. **Adequate housing**: assess and revise, if necessary, national, regional and local housing policies and take action to ensure that the interests of families with children in need are duly taken into account, including addressing energy poverty and preventing the risk of homelessness; such assessment and revision should also include **social housing or housing assistance policies and housing benefits and further improve accessibility for children with disabilities**;

EU Care Strategy

- The [EU Care Strategy](#) launched on the 7th September 2022 is aiming to create a sustainable and fair care system. It presents a vision of **care from birth to old age** and a **life cycle approach**, covering both care receivers and care givers.
- The package contains:
 - **A Communication** highlights the strategy, the policy narrative, the monitoring process - with a focus on EU-level actions.
 - A **Council recommendation on early childhood education and care** calls for reforms to ensure all children have a legal entitlement to access quality services adapted to their needs while supporting parents in their parenting journey and career choices.
 - A **Council recommendation on Long Term Care** focuses on actions at national level with recommendations to reform social protection and care systems.

Diversity elements of Care Strategy

- Recital 27: One way to ensure adequate provision of **accessible and affordable high-quality ECEC** is by establishing a legal entitlement to ECEC, by which public authorities guarantee a place **for all children whose parents demand it, regardless of their employment, socio-economic or family status**. In most Member States, such legal entitlement already exists but the starting age for the entitlement varies significantly. Ideally, there should not be a gap between the end of adequately paid family leave and a legal entitlement to a place in ECEC.
- Article 7 (a) Member States should: have targeted measures in place to enable and increase participation in **ECEC of children from disadvantaged backgrounds**, including children at risk of poverty or social exclusion or with a **migrant background**, and children with insufficient knowledge of the language of schooling, as well as **children with disabilities**, with specific needs or with **special educational needs**;

Parenthood Recognition proposal

- In December 2022 the European Commission adopted a [proposal](#) for a Regulation aimed at harmonising at EU level the rules of private international law relating to parenthood.
- Parenthood established in a Member State of the EU should be recognised in all the other Member States, without any special procedure.
- Currently discussed in Council (unanimity required) and European Parliament (advisory role)
- The proposal takes the **best interests of the child** as a primary consideration and **covers all children**:
 - whose parenthood has been established in a Member State;
 - who are in a cross-border situation;
 - irrespective of how the child was conceived or born;
 - irrespective of the type of family of the child;
 - irrespective of the nationality of the children and of the nationality of their parents.

Objectives of Commission proposal

The proposal has three objectives:

- to **strengthen the protection of the fundamental rights** and other rights of children in cross-border situations,
- to **provide legal certainty and predictability** about the rules that Member States must apply when establishing the parenthood of a child in a cross-border situation or when recognising the parenthood of a child as already established in another Member State;
- to **reduce the legal costs and burden for families** and the administrative and judicial systems of the Member States in connection with legal proceedings initiated by families to have the parenthood of their children recognised in another Member State.

The Commission is also proposing the creation of a voluntary **European Certificate of Parenthood** that can be requested in the Member State that established parenthood to prove their parenthood in another Member State.

Conclusion

- EU does not have competency to legislate in family policies and law.
- MS have their own rules on family diversity taking it into account to different degrees.
- There is a shift in Europe towards making family policies inclusive of all types of families (with disabilities, single, blended, same-sex, transnational) but the EU is still careful to legislate in this field.
- COFACE continues to ensure this pluralistic family perspective is taken into account in EU social and employment policy and will keep monitoring their implementation closely.

Thank you!

Questions?



Get in touch with us!

COFACE Families Europe

Tel: +32 2 511 41 79

Email: secretariat@coface-eu.org

Website: www.coface-eu.org

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For further information:

abohm@coface-eu.org