



# WORK-FAMILY RECONCILIATION AND GENDER EQUALITY

Regional overview and guidelines



# WORK-FAMILY RECONCILIATION AND GENDER EQUALITY

## REGIONAL OVERVIEW AND GUIDELINES

## CONTENTS

1. About the project
2. EU legislation and relevance of European social dialogue (Maja David)
3. Reconciliation of work family life and gender equality (dr. Sonja Robnik)
4. Example of good practice
5. Conclusions of analyses report
6. Recommendations and measures that could support creating work – family and gender equality friendly workplace in the Western Balkan
7. Useful links

## 1. ABOUT THE PROJECT

The financial and economic crisis has swept the world. The challenges of modern society and the society of the future as economically efficient, socially equitable and cohesive, require new forms of value-added and new business models that are compatible with economic competitiveness and equally take into account the social dimension and sustainable development.

The promotion of reconciliation of work-family life and legislation in this field has become a necessity for a range of reasons. Measures traditionally originate from gender equality concerns. They also support the economy as they facilitate the participation of individuals in paid work, can have a positive effect on fertility rates, and can also boost pension systems. For all of these reasons reconciliation has become an increasingly important topic.

As the Western Balkan labour markets have been assessed as rather not inclusive in practice, and is gender participation gap relatively large (due to the tradition and cultural habits in these countries, low education and skills, low availability and high cost of child care services and care for older family members, labour market discrimination against female, etc.), the project promotes new, innovative measures to be included in the collective agreements to facilitate the reconciliation of work–family life in this region. Namely, such measures encourage equal opportunities and increase opportunities in access to quality jobs. Moreover, with the project we intended to break the stereotypes of »typically male« and »typically female« occupations, and consequently encourage employment opportunities for both genders.

The European Commission awarded the Association of Employers of Slovenia the project Changing the Traditional Mindset through Collective Agreements in the Western Balkans – The Role of Social Partners in Enabling Work/Family Reconciliation and Gender Equality, which started on 15 December and lasted for 2 years until 14 December 2017.

Co-Applicants on this project, besides Association of Employers of Slovenia (as a leading applicant), are also:

- Employers' organisations:
  - HUP – Croatian Employers' Association
  - BCM – Business Confederation of Macedonia
  - UPCG – Montenegrin Employers' Federation
  - UPS – Serbian Association of Employers
  - BiznesAlbania – Albanian Employers' Association
- Trade unions:
  - ZSSS – The Association of Free Trade Unions of Slovenia
  - SSM – Federation of Trade Unions of Macedonia
  - UFTUM – Union of Free Trade Unions of Montenegro
  - CATUS – Confederation of Autonomous Trade unions of Serbia
  - KSSH – Confederation of Trade Unions of Albania
- Associates:



- European cross-industry social partner: BUSINESSEUROPE
  - Trade union: NHS – Independent Trade unions of Croatia
- With the support of:
- UEARS – Union of Employers' Associations of Republika Srpska

The overall project objective is to raise awareness and strengthen knowledge of social partners and other target groups (employers and employees in the private sector, school girls, the interested public) on the importance of measures to reconcile work and family life, as well as on the complexity of gender equality in order to slowly change the traditional mindset and break the stereotypes in the Western Balkans, namely through social dialogue/collective agreements and thus contribute to economic success.

In addition to an overview of the EU legislation, European social dialogue and the importance of balanced paid and unpaid work, this publication comprises summaries and conclusions of the status analysis referring to work-family reconciliation and gender equality in the aforementioned partner countries, and recommendations and measures for employers aimed at promoting this issue. The publication thus provides support to employers in regulating this issue in the working environment.

## **2. EU LEGISLATION AND RELEVANCE OF EUROPEAN SOCIAL DIALOGUE**

**Maja David**

### **A) EU legislation<sup>1</sup>**

The European Union is a unique transnational political and economic structure. As a result, EU law represents a special international legal system operating in parallel to Member States' law.<sup>2</sup> The European Union has its own legal system, fundamental rules and principles enshrined in founding treaties. These are:

- Treaty on the European Union - Maastricht Treaty (1992)
- Treaty establishing the European Economic Community (1957)
- European Atomic Energy Community Treaty (1957)
- Treaty establishing the European Coal and Steel Community (1951)

The EU treaties lay down the objectives of the European Union, the rules applying to the EU institutions, the method of decision-making and the relationship between the EU and the Member States. The EU treaties<sup>3</sup> were amended several times due to reforms of EU institutions and the introduction of new fields of competence, and accession by new EU countries. According to the EU treaties, EU institutions adopt legislation, which is then implemented by the Member States.

Legislative acts are adopted using one of the legislative procedures (ordinary or special) stated in the EU treaties. Non-legislative acts are not adopted using these procedures, but rather may be adopted by EU institutions according to special rules. The EU may only adopt regulations in the areas for which it is granted powers by the EU treaties. The EU acquis comprises primary and secondary law.<sup>4</sup> EU law observes the principle of primacy, meaning that rules adopted at the EU level prevail over the rules laid down in Member States' legislation. The EU thus adopts legislative acts that have to be complied with and applied by the Member States.

### **Types of EU legal acts**

EU treaties serve as the basis for transposing EU legislation and are considered the so-called primary legislation. The regulations adopted on the basis of the principles and objectives stated in the EU treaties are referred to as secondary legislation, which includes:

---

<sup>1</sup> [https://ec.europa.eu/info/law/law-making-process/types-eu-law\\_en](https://ec.europa.eu/info/law/law-making-process/types-eu-law_en)

<sup>2</sup> <https://www.dz-rs.si/wps/portal/Home/>

<sup>3</sup> The main treaties are: (source: [https://europa.eu/european-union/law/treaties\\_en](https://europa.eu/european-union/law/treaties_en)):

- Treaty of Lisbon
- Treaty of Nice
- Treaty of Amsterdam
- Treaty on European Union - Maastricht Treaty
- Single European Act
- Merger Treaty - Brussels Treaty
- Treaties of Rome : EEC and EURATOM treaties
- Treaty establishing the European Coal and Steel Community

<sup>4</sup> [https://ec.europa.eu/info/law/law-making-process/types-eu-law\\_en](https://ec.europa.eu/info/law/law-making-process/types-eu-law_en)

- Regulations: legal acts that immediately after entry into force, are directly and uniformly applied in all EU countries and need not be transposed into national law. They are completely binding in all EU countries.
- Directives: they require Member States to achieve a certain result, but countries themselves can decide how to achieve it. To achieve the objectives stated in a directive, EU countries have to adopt actions to transpose the directives into national law. National authorities have to notify these actions to the European Commission. Transposition into national law has to be done before the deadline specified in the respective directive (usually in 2 years). If a country fails to transpose a directive into its national law, the Commission may launch infringement proceedings.
- Decisions are binding legal acts used for one or several EU countries, enterprises or individuals. The relevant party has to be notified, the decision enters into force after notification. Decisions need not be transposed into national law.
- Recommendations: they are used by institutions to express their opinion and propose certain actions without imposing legal obligations on the addressees. Recommendations are not binding.
- Opinions: they are used by EU institutions to make their viewpoint known without imposing legal obligations on the addressees. Opinions are not binding.

### **The procedure for the adoption of legislative acts**

Legislative acts are adopted using one of the legislative procedures (ordinary or special) stated in the EU treaties. These procedures do not apply to non-legislative acts as these can be adopted by EU institutions according to special rules.

Most EU laws are adopted using the ordinary legislative procedure, in which the European Parliament (directly elected) and the Council of the EU (representatives of the 28 EU countries) have equal say. The Commission submits a legislative proposal to the Parliament and Council, who must agree on the text in order for it to become EU law. Via a series of readings of a proposed law, the Parliament and Council review and amend the text. If the two institutions agree on the amendments, the proposed law is adopted. If the Parliament and Council can't agree on the amendments, a second reading takes place. If no agreement is reached at the second reading, the proposal is put before a 'conciliation committee' made up of equal numbers of Parliament and Council representatives. Commission representatives also attend the meetings. Once the committee reaches an agreement, the text is sent to the Parliament and Council for a third reading so it can finally be adopted as law. If the Conciliation Committee does not approve the joint text, the proposed act has not been adopted.

Special legislative procedures are followed only in certain cases. Typically, the EU Council is the sole legislator and the EU Parliament is only required to give its consent to a legislative proposal or be consulted on it. More rarely, the Parliament alone (after consulting the Council) can adopt legal acts.

Once an EU law is passed, it can be necessary to update it to reflect developments in a particular sector or to ensure that it is implemented properly. The Council or Parliament can authorise the Commission to adopt two types of non-legislative acts:

- implementing acts, which introduce measures to ensure laws are implemented in the same way throughout the EU countries;
- delegated acts, which amend or supplement existing laws, notably in order to add new non-essential rules.

## **B) Social dialogue at the European level**

In the field of social policies and industrial relations, EU institutions have a relatively limited legislative power resulting from significant differences between the Member States' relevant regulatory framework, diverse traditions and, in some instances, the prominent role of social partners in the regulation of the subject matter. The Treaty on the Functioning of the European Union (hereinafter: TFEU) with the Amsterdam reform recognises social dialogue as a fundamental component of the European social model<sup>5</sup>. The social partners are thus able to contribute actively to designing European social policy. Under Article 151 TFEU, the promotion of dialogue between social partners is recognised as a common objective of the EU and the Member States. The aim of social dialogue is to improve European governance through the involvement of the social partners in decision-making and in the implementation process.<sup>6</sup> At the European level, social partners can also participate during the ordinary legislative procedure through consultations to present and defend their interests.

### **a) Bipartite social dialogue**

According to Article 154 TFEU, the Commission must consult the social partners before taking any action in the field of social policy. In the initial phase, the social partners<sup>7</sup> have the opportunity to say that they wish to coordinate the contents themselves, or defer the harmonisation to the Commission. If they want to work on their own, they start to negotiate about the contents with the aim of concluding a binding agreement. In this case, a task force is set up, chaired by a neutral person.

The creation of the negotiation team is followed by the coordination process within individual interest groups. Before continuing the negotiations, BUSINESSEUROPE, for example, has to align its interests with UEAPME and CEEP, and prior to that it has to receive the mandate for it from the national employer associations, and form its viewpoints in coordination with the representatives within the employer group.

---

<sup>5</sup> More about the European Social Model at:

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2006-0238&language=SL&mode=XML>

<sup>6</sup> [http://www.europarl.europa.eu/atyourservice/sl/displayFtu.html?ftuId=FTU\\_5.10.7.html](http://www.europarl.europa.eu/atyourservice/sl/displayFtu.html?ftuId=FTU_5.10.7.html)

<sup>7</sup> In accordance with Article 155 of the Treaty establishing the European Community

Negotiations take place at plenary sessions, whereby they have to be concluded<sup>8</sup> within nine months, unless agreed with the Commission that the nine-month deadline for adopting the decision has been extended.

Negotiation results may have different forms:

- the form of a framework agreement,<sup>9</sup>
- framework action plan,<sup>10</sup> or
- some other legally non-binding text.<sup>11</sup>

In these negotiations, the European social partners agree upon the form of the document they will adopt. The forms might differ depending on how they will be transposed to the national level and whether they will be legally or just »morally« binding.

The »moral« strength of the agreement is the result of the concurrence of wills of social partners.

### **Framework agreement**

Framework agreements are the result of negotiations between European social partners, which have far-reaching and legally binding effects. The framework nature is the consequence of the subsidiarity of the European acquis, which only defines the direction, the starting points and the results to be achieved with the implementation of the agreement contents at the national level.

The agreements reached at the European level come in two legal forms:

- the first possibility is that the social partners request the Council to implement their agreement in the form of a directive. In this case the Council does not have the option or right to change the contents of the agreement but can only provide an appropriate form for it, i.e. a directive. An example of such a transposition of an agreement into a directive is Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC. In this way, the agreement becomes part of the European acquis and as such is legally binding for member countries. If Member Countries do not implement such an agreement in the form of a directive, the Commission might initiate an enforcement action against the state.
- The second possibility or form, in which the agreement between social partners could manifest itself, is the conclusion of an »autonomous« framework agreement, according to which the social partners take on the responsibility for transposing the agreed contents to the national level, the level of individual activities, and the level of individual companies. The monitoring of the transposition process differs from the case where the agreement is included in the European acquis in the form of a directive. The Commission cannot undertake any formal sanctions against a violating country. The same limitation concerning

---

<sup>8</sup> Which means reaching an agreement

<sup>9</sup> Framework agreement

<sup>10</sup> Framework of actions

<sup>11</sup> Joint analyses, declarations, recommendations, reports, case studies

legal sanctions also applies to the European Court of Justice and institutions at the national level. Notwithstanding the foregoing, the national social partners implement such agreements and periodically, in accordance with the time frame stipulated in the agreement, report on the implementation of the contents in the autonomous agreement.

### **Framework of actions**

The framework set of measures is not a legally binding document, its strength, however, derives from the concurrence of views of the social partners about the agreed contents. Such a framework set of measures usually includes common goals and guidelines that are qualitatively and quantitatively defined with specific criteria. The guidelines and goals need to be promoted and transposed to the national level by the members of the European social partners, who are the signatories of such documents. The European social partners monitor the activities connected to the implementation of measures in the individual member country on an annual basis and assess with regard to the differentiated priorities whether the measures are achieving the goals and are going in the right direction. Irrespective of the legal impact, they highlight the importance of specific topics and in this way encourage discussions between the social partners and regulatory bodies on how to achieve those measures set out from the framework.

### **Other texts**

Instead of framework agreements or framework sets of measures, social partners may also adopt other documents: joint analyses, declarations, recommendations, reports, case studies and similar. These are all non-binding documents that may, however, include important common viewpoints and advice for social partners or for those adopting relevant decisions from the area of industrial relations and social policies.

### **b) Tripartite social dialogue<sup>12</sup>**

From the very start of the European integration process, it was considered important to involve economic and social stakeholders in drawing up Community legislation. The Consultative Committee for Coal and Steel and the European Economic and Social Committee functioned to this end / bear witness to this. Since the 1960s a number of advisory committees have existed, the role of which is to support the Commission in formulating specific policies. In general, these committees such as the Committee on Social Security for Migrant Workers are made up of representatives of national employers' organisations and trade unions, as well as representatives of the Member States. From 1970, the key tripartite social dialogue forum at the European level was the Standing Committee on Employment, composed of 20 representatives of the social partners, equally divided between trade unions and employers' organisations. Reformed in 1999, the Committee was fully integrated into the coordinated European employment strategy. On the basis of a joint contribution from the social partners, the Council launched a Tripartite Social Summit for Growth and Employment in March 2003 (Council Decision 2003/174/EC), which has replaced the Committee on Employment. Facilitating ongoing consultation between the Council, the

---

<sup>12</sup> [http://www.europarl.europa.eu/atyourservice/sl/displayFtu.html?ftuid=FTU\\_5.10.7.html](http://www.europarl.europa.eu/atyourservice/sl/displayFtu.html?ftuid=FTU_5.10.7.html)

Commission and the social partners on economic, social and employment questions, it meets at least once a year and one of its meetings must be held before the Spring European Council.

Formalising a process that had been developing since 1997, the Summit now officially consists of the current EU Council presidency and the two subsequent presidencies, the Commission and the social partners. The three Council presidencies are normally represented by the heads of state or government and the ministers in charge of employment and social affairs; equally, the Commission has two representatives, who are usually its President and the Commissioner responsible for employment and social affairs. The social partners' members are divided into two delegations of equal size, comprising 10 workers' representatives and 10 employers' representatives, with special attention being paid to the need to ensure a balanced participation between men and women. Each group consists of delegates of European cross-industry organisations either representing general interests or the more specific interests of supervisory and managerial staff and small and medium-sized businesses at the European level. Following the ratification of the Lisbon Treaty, the role of the Tripartite Social Summit for Growth and Employment is now acknowledged under Article 152 TFEU.

### **c) European social dialogue today<sup>13</sup>**

Since the economic and financial crisis started, social dialogue has increasingly suffered when crisis measures were implemented, being weakened by its decentralisation, a decline in bargaining coverage and state intervention in the area of wage policy. Against this background, and in view of the finding that the Member States in which social partnership is strongest have been the most successful in overcoming the crisis, the Commission undertook in November 2014 to re-launch and strengthen the dialogue with social partners, especially in the new economic governance set-up, as a prerequisite for the functioning of Europe's social market economy. In June 2016, the social partners of the EU, the Council Presidency and the Commission signed a joint statement on a 'new start for social dialogue', approving the joint commitment to improve the framework conditions, success and quality of social dialogue on all levels. With this statement, they committed to involving social partners more in the European Semester and in EU policy and law-making in general. The statement underlines the fundamental role of European social dialogue as a significant component of EU employment and social policy-making.

Following a public consultation on the European Pillar of Social Rights in 2016, the Commission published the European Pillar of Social Rights<sup>14</sup> in April 2017, which, inter alia, recognises the social partners' right to be involved in the design and implementation of employment and social policies, and supports their stronger involvement in policy and law-making, while taking into account the diversity of national systems.

---

<sup>13</sup> [http://www.europarl.europa.eu/atyourservice/sl/displayFtu.html?ftuid=FTU\\_5.10.7.html](http://www.europarl.europa.eu/atyourservice/sl/displayFtu.html?ftuid=FTU_5.10.7.html)

<sup>14</sup> [https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights\\_en](https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en)

### C) The main EU legislation and EU social dialogue in the field of work-family reconciliation and gender equality<sup>15</sup>

With the aim of promoting and strengthening work-family reconciliation and gender equality, the EU puts an emphasis on these issues at the level of legislative regulation, as well as European social dialogue. Below is a brief presentation of the legislative regulation referring to work-family reconciliation and gender equality:

#### The main EU legislation

##### ➤ The Pregnant Workers Directive 92/85/EEC<sup>16</sup>

- The purpose of this directive is to implement measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or who are breast feeding.
- Sets minimum standards that all member states have at least 14 weeks of maternity leave before and/or after delivery (with at least two weeks before and/or after delivery), and remuneration during this period at a rate of at least equivalent to sick pay.
- Prohibits dismissal from the beginning of the pregnancy until the end of maternity leave, except in some cases not related to their condition which are permitted under national legislation and/or practice.
- Indicates that pregnant workers are entitled to, in accordance with national legislation and/or practice, time off, without loss of pay, in order to attend ante-natal examinations, if such examinations have to take place during working hours.

##### ➤ The Parental Leave Directive 2010/18/EU<sup>17</sup>

- Is based on a framework agreement on parental leave concluded by the European Social Partners (BUSINESSEUROPE, UEAPME, CEEP and ETUC). It revises an older directive on parental leave.
- Lays down the minimum requirements on parental leave as an important means of reconciling professional and family responsibilities and promoting equal opportunities and treatment between men and women.
- Entitles men and women workers to an individual right to parental leave for at least a period of four months (at least one of the four months shall be provided on a non-transferable basis), on the grounds of the birth or adoption of a child to take care of that child until a given age up to eight years to be defined by Member States and/or social partners.
- Protects workers from discrimination on the ground of applying for or taking parental leave.

---

<sup>15</sup> <https://www.buinesseurope.eu/>

<sup>16</sup> Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

<sup>17</sup> COUNCIL DIRECTIVE 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC



- Provides that workers shall have the right to return to the same job or, if that is not possible, to an equivalent or similar job consistent with their employment contract or employment relationship, at the end of parental leave.
  - Provides that workers, when returning from parental leave, may request changes to their working hours and/or patterns for a period of time. Employers shall consider and respond to such requests, taking into account both employers' and workers' needs.
- The Recast Directive 2006/54/EC<sup>18</sup>
- Provides for the principle of equal treatment between women and men which means that there should be no discrimination whatsoever, direct or indirect, on grounds of sex.
  - Provides that the definition of discrimination includes "any less favourable treatment of a woman related to pregnancy or maternity leave".
- There is no EU Directive on paternity leave.
- Other relevant Directives:
- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services,
  - Directive 2010/41/EU of the European parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC,
  - Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP,
  - Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time working concluded by UNICE, CEEP and the ETUC.

### **European social dialogue in the field of work-family reconciliation and gender equality**

- Autonomous framework agreement on telework – signed on 16 July 2002 by the European social partners (ETUC, UNICE/UEAPME and CEEP). It aims at ensuring greater security for teleworkers employed in the EU. It sets general framework concerning the employment conditions of teleworkers and grants teleworkers the same overall level of protection as workers who carry out their activities at the employer's premises.
- Autonomous framework of actions on gender equality – adopted by European social partners in 2005. European social partners have estimated in this framework four priorities that are important on which national social partners should act towards greater gender equality at work. This four priorities are:

---

<sup>18</sup> DIRECTIVE 2006/54/EC of the European parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

- addressing gender roles,
  - promoting women in decision-making,
  - supporting work-life balance,
  - tackling the gender pay gap.
- Other Autonomous framework agreements:
- Framework agreement on harassment and violence at work (2007)
  - Framework agreement on work-related stress (2004)

### 3. (UN)PAID WORK: WHY BALANCE IS NECESSARY AND HOW TO ACHIEVE IT?

Sonja Robnik, PhD

Three terms are key to work-family reconciliation: responsibility, gender equality, and cultural changes. **Responsibility** is multifaceted: it involves both society's responsibility to create a culture where parenthood entails the active integration of mothers and fathers and where both genders can contribute to care for the home; the responsibility of the state, its institutions and local communities to invest in social infrastructure to relieve the employees' burden of care work<sup>19</sup>; the employers' and trade unions' responsibility to go further in terms of support in principle and adopt concrete measures to facilitate the balancing of all spheres of the employee's life; and the individual requirement to accept one's share of responsibility for home and family. **Gender equality** in this field means actual equal possibilities for women and men to fully tap their educational and work potential on the one hand and equally focus on family obligations on the other. **Cultural changes** should strive for two goals: providing full support for men in deviating from the traditional masculine norms and for women in breaking away from the traditional expectations of society and their role of carers and housekeepers.

#### **Paid: unpaid work and why equal sharing of responsibilities is important**

Even in those societies that are most developed, with a high level of gender equality, the situation is not yet satisfactory: in these societies, women are nearly equally present on the labour market as men, but the balanced division of family and housekeeping responsibilities has yet to be achieved.

The overrepresentation of women in unpaid work and the overrepresentation of men in paid work does not bring full satisfaction to either, with society losing important potential. Let us have a look at some arguments supporting the above statement:

- **Women's double burden** arising from paid and unpaid work is not fulfilling – research has shown that the active involvement of men in house chores is strongly associated with women's satisfaction with a relationship, general wellbeing and happiness (e.g. J. Scott et al. 2012);
- On the other hand, **men wish to be more included in family life** and perceive themselves as more than mere income providers, but would like to be fully present fathers (e.g. A. Kanjuo Mrčela et al. 2016). Due to social norms or working schedule, they are often prevented from this;
- **The GDP per capita losses** attributable to gender gaps in the labour market have been estimated as up to 10% in Europe<sup>20</sup>. That the increased participation of men in unpaid work is crucial for ironing out disproportions and increasing women's engagement in the labour market is a logical consequence of the fact that the day has only 24 hours and

---

<sup>19</sup> Caring responsibilities are not considered to include care for children, the elderly and other family members in need of assistance. In this context, the notion of family is very wide, as people often care not only for their parents, but for a wider circle of relatives who do not have their own support network (for instance child-less aunt and uncle).

<sup>20</sup> European Parliament resolution on creating labour market conditions favourable for work-life balance (2016/2017(INI))

that every family life brings numerous housekeeping and caring tasks. This is addressed in more detail below.

### **Why is it important for women to be on the labour market**

At least two sets of arguments speak in favour of the full presence of women on the labour market:

- **Human rights:** gender equality is an important principle of democracy in most European countries. If half the population is prevented from realising its full potential on the labour market and the other half in the private sphere, we cannot speak of actual equality of women and men. Due to parenthood, women pay a higher price on the labour market: their career opportunities are fewer, often involving involuntary part-time work, because there is simply no other choice. Among other things, this leads to a greater risk of poverty and social exclusion – not only during part-time work, but also at a woman's advanced age, since the pension received will be significantly lower than in the event of full participation in the labour market and career development that is not exposed to settling for lower-paying positions;
- **Economic arguments:** in most European countries, women on average have higher education than men and their educational and work potential remain untapped. The presence of women on the labour market is a significant factor in economic growth due to the fact that, on the one hand, economic independence of the population results in reduced welfare costs for the state and, on the other hand, success in the global race is reserved for those organisations that are capable of finding the best human resources. If they seek them among only half the population, they limit their possibility of finding the very best for their needs. The fact is that employees' working life is under the influence of their private (especially family) life and employers with an open ear for the needs of their staff gain the most valuable elements of success, development and growth: motivation, employee satisfaction and loyalty to the organisation.

### **Why is it important for men to be active in the private sphere?**

In addition to a number of positive psychological factors relating to an active fatherhood, it should be noted that 21<sup>st</sup> century men are different from their predecessors. They are typically more dedicated to fatherhood than their fathers and grand-fathers, or wish to be. With this, we are referring to active fatherhood, not merely as passive observers of family life. Traditional roles in society (women as home and family carers and men as breadwinners) have been changing. Both – women and men – aspire for more, for the choice: men and children deserve time together, women and their educational potential deserve an opportunity on the labour market. This is why men should be integrated into care for the home and children, with several preconditions fulfilled:

- There must be aspiration on a **personal level:** according to practice and research, men no longer wish to play the role of passive fathers missing out on family life that unfolds like a film story, but want to actively participate in raising and caring for children. Still, men are often exposed to pressures (even ridicule) from those around them if their behaviour

deviates from the traditional social norms according to which men are not the ones to console, put to sleep or change a baby, or prepare a child's meals or help him/her with school assignments;

- **Working environments** should be more supportive of fathers: it is not sufficient to introduce measures to facilitate work-family reconciliation bearing in mind mothers, but rather the measures should be designed so that fathers can apply them as well (employers should pay attention to creating an organisational culture and climate that encourage men to assume family obligations and – since their needs are involved – actively include them in planning such measures;
- **Cultural changes:** society should move beyond the stereotype that household and child care, especially in young children, is the primary task of mothers, while fathers are perceived merely as helpers (this is easier said than done, because these are usually deep-rooted models that are not questioned and are integrated into the culture to such an extent that their restrictive nature is unobserved). Where legislation enacts non-transferable parental leave for men, it indirectly relieves them of making an excuse for active fatherhood. The media play an important role in introducing and/or promoting social changes – they can greatly contribute to the normalisation of active fatherhood and the visibility of role models (active fathers occupying socially and media-exposed positions), etc. The same is true of the normalisation of the equal sharing of household work: with a little care, the media can help portray women and men in a less stereotyped manner (for instance, commercials for cleaning agents and products, household appliances, etc.) and thus significantly contribute to eliminating the gender stereotyping of chores.

### **Does the legislation suffice to achieve the desired social changes?**

The answer to this question is definitive: no! It is hard to imagine a law prescribing the number of hours per day that women or men should devote to housekeeping and child caring and even harder how such a law would be implemented in practice. Legislation is a prerequisite for creating conditions to reconcile work and family life on the one hand and enable a balanced division of family and housekeeping responsibilities between men and women on the other hand. But it is far from sufficient.

### **Who are the main players then?**

As mentioned earlier, state undoubtedly comes first – a legislative framework setting the basis for the efficient reconciliation of work and family life is a must. This framework should be founded on the principle of equality of women and men and should not allow only (or primarily) women to reconcile the two spheres of life in a specific case. The state and its institutions have numerous levers to accelerate social development where it lacks speed (e.g. by introducing non-transferable parental leave reserved for fathers, raising awareness and similar).

The second key player is the **local communities** – in most countries they are in charge of the infrastructure needed by the citizens for everyday life. It is important that parents with small

children have at their disposal quality and accessible (local and affordable) childcare customised to their actual needs (this encompasses afternoon and evening childcare if the local labour market requires evening shifts). Support should also be reflected in primary education (for instance, morning childcare and breakfast for children in the junior grades of primary school, organised school transport for children who reside remotely from their school, school meals for children, after-school child care, etc.). Local communities can make a substantial contribution to facilitate family life during the school holidays. Kindergartens provide for everyday childcare, while parents of young school-age children in particular are faced with the problem of having their child looked after during the school vacation. Grandparents are a handy solution, but not one that is available to everyone. It is worth noting that future generations will not be able to count on such help due to the prolonging of working lives. It is therefore important for the local communities to provide care for school-age children during holidays, bearing in mind especially vulnerable groups, for example children with special needs and single-parent families. Caring responsibilities are not only associated with children, but also older people. Institutional care (e.g. retirement homes, day centres) is necessary, but not sufficient. Ideally, a model of an integrated approach to care for the elderly would include numerous other services established in a local community: for instance, a person helping an older person to a clinic, pharmacy, store, etc., delivering a hot meal every day, spending an hour or two with them, helping them with everyday personal hygiene, cleaning and so on – in short, a whole range of accessible (in terms of cost and location) services enabling the elderly to live independently for as long as possible and making it easier for working children to reconcile all their responsibilities.

The third important player is the **employers and trade unions**. Both are crucial not only to implementing the legislation, but also to upgrading it with concrete measures and bringing it closer to the actual needs of employees. Numerous research studies have confirmed that satisfied employees are more motivated to work, more creative and loyal to employers – these are without doubt characteristics that employers look for. There is no question that these contents have to be incorporated in collective agreements, but the fact that they are not does not prevent individual employers from adopting measures at the level of their respective organisations. Many of these measures are completely free of charge, requiring only a little flexibility and working process planning (e.g. meetings are not convened before or after a certain hour, employees with caring responsibilities have priority in selecting when they use holiday leave, the introduction of flexible working time, home working, making up for the hours lost due to absence resulting from caring responsibilities (e.g. transporting an ill parent to the doctor), and training of executives and managers to recognise the importance of enabling work–family reconciliation to employees, etc.).

The fourth important player is the **family community** as such. Gender equality is more than an important democratic principle of society as a whole; it is also an important principle in every partnership community. Gender equality is having the choice. It also means that every family community is entitled to decide on gender-traditional way of life – however, this choice must be voluntary and unrestrictive to both woman and man. If the choice is influenced by inveterate patterns, preferably not to be questioned and taken matter-of-factly, because “this has always been the case”, then we speak of “choice” and not about making a responsible and informed decision. A woman who pushes aside her ambition and potential should be aware of what this means for her future. She must know the meaning of

economic dependence (including if the family community dissolves). A man, on the other hand, should be aware that the balance of power in a gender-traditional relationship is not equal, because the income provider typically enjoys greater power, which can easily be abused.

### **To conclude**

The characteristics of the modern labour market (long working hours, 24/7 availability, immediate response as a competitive sales advantage, etc.) are not favourable for employees with caring responsibilities. It is therefore necessary to **re-establish the balance between the professional and private life** in the long run – only employees who are satisfied and rested can be creative and contribute to the development of the organisation and society.

In a quality partnership, it goes without saying that the genders should contribute equally to the everyday functioning of the family and household. Sadly, research has shown that such communities are underrepresented and **men and fathers must become more active in unpaid work**. This is the only way to reduce the burden on women and provide them with equal opportunities and possibilities on the labour market – from integration into the market of paid work to facilitated work–family reconciliation and improved career development options.

It is to be expected that communities where partners equally care for children and household will be the driver of development, pointing out their needs to employers and society. In particular, **the need for employers to perceive men not only as workers, but also as fathers**, just as women are regarded not only as workers, but also as mothers. A change of organisational culture is one of the crucial factors for changes in practice: if employees do not receive support in the working environment, their personal drive for active fatherhood, no matter how strong, will not be (easily) achievable. Paid work is an imperative for the modern man, but compromises to the detriment of quality parenthood are not unusual because of dependency on salary. As a result, organisational cultures should strive for the normalisation of active parenthood and special attention will have to be devoted to active fatherhood – a change that no doubt requires time, but there is a first step to everything.

#### **4. GOOD PRACTICE EXAMPLES**

##### **A) Go Home On Time Day (DayWorkFamily)**

The Go Home On Time Day campaign encourages companies and their employees to go home on time, once they have worked all their hours. The aim of this campaign is to encourage reflection on the importance of the reconciliation of private and professional life, a reflection on long hours that do not bring the desired results in the form of increased productivity, and on an organisational culture centred on productive, respectful cooperation with employees, because only such an organisational culture can bring increased productivity, innovation, creativity, and consequently greater added value in business.

Source: <http://ekvilib.org/sl/dandelodruzina>

##### **B) Family Friendly Enterprise Certificate**

The issue of coordination of personal and professional life is closely linked to the issue of gender equality. We cannot deal with one without the other. As soon as we start to look for options on how to increase the percentage of women in leading positions and how to balance the gender structure in the company, we encounter a problem: due to the fact that women do most of the care at home and housekeeping, they cannot stay at work late in the same manner as their male colleagues. Implementing family-friendly policies that enable all employees to coordinate their professional and personal duties more easily can be achieved through more flexible forms of work, adjusted work schedules and by promoting and raising awareness of the importance and the added value of the work environment offered by a family-friendly company.

Naturally, the organisational culture of an individual company plays an important role here. If the organisational culture is mature enough to encourage employees to be as effective as possible at their job, it will be easier for them to leave after the end of their working day. This works in reverse as well. If the organisational culture is such that staying at the office for a long time is highly prized, if employees also check and answer work e-mail in the evening, on weekends and on holidays, an environment where personal duties are primarily seen as an obstacle and not as a normal part of the life of every employee is being created.

One of the ways companies choose to systematically approach the area of coordination of personal and professional life is the Family-Friendly Company (DPP) certifying system. The system was implemented in Slovenia about ten years ago and originates in Germany. Over a decade ago, in the framework of Equal project partnership, supported by the EU, project partners were looking for solutions on how to address the discrimination of young mothers in the labour market. Thus a German system has been introduced in Slovenia that rewards employers for implementing family-friendly policies. Following the completion of the project, the entire control over the certification was taken over by a member of the partnership – the Ekvilib Institute, which still issues certificates in cooperation with the Ministry of Labour, Family, Social Affairs and Equal Opportunities. From the beginning to this day, the number of certificate holders has increased considerably. To this day, over 250 companies and organisations, employing more than 80,000 people, have entered the



procedure. In addition to the increased recognition in Slovenia, the procedure is being implemented in Serbia and Estonia as well.

The main elements of the DPP certificate are measures, divided into eight categories, extending from work time, work organisation, communication with employees, leadership competencies and career development to family services and employee rewarding. The system is set in such a manner that each company or organisation is able to find something for itself or its employees in the wide range of available measures. This is why the system can be implemented into each organisation, regardless of industry, size or type of work processes. In addition to mandatory measures, which must be implemented by all companies, applicants can choose other measures to best suit the needs of their employees in the area of coordination of personal and professional life but that also reflect the capabilities of the company to realise those measures.

The most successful combination of measures addresses the most immediate needs of the employees, provides a long-term effect and affects the construction of a positive and inclusive organisational atmosphere. Despite the name “Family-Friendly Company”, it is important that not only measures aimed at parents are implemented in the framework of the certificate. Instead, a combination in which each and every employee can find something for himself or herself must be sought after. Measures that improve the organisational atmosphere and work place relationships and encourage informal socialising among employees positively affect all employees.

Source: <http://www.ekvilib.org/en/csr-and-sustainable-business-consultancy/certificate-family-friendly-enterprise>

**C) MAMFORCE COMPANY® Standard - Corporate family responsibility as an efficient tool for reconciliation of private and professional life**

In the circumstances of today's economy, companies are faced with an increasing number of challenges. Human capital is one of the main tools ensuring their long-term sustainability. One half of the workforce are women, who are lately better educated, but still underrepresented in the workforce, especially in leading positions. Despite their education women still do most of the care at home and housekeeping as an unpaid job. Under such circumstances, companies and countries do not use their full potential of educated workforce. Thus, the issue of reconciliation of private and professional life is closely tied to the issue of gender equality which can be tackled within organizations through appropriate measures and corporate family responsibility policies. Reconciliation can be achieved through supportive organizational culture based on mutual trust, introduction of more flexible forms of work, an effective organization of work which takes into consideration the private time of employees, family and employee services which support employee necessities.

Organizations interested in attracting and keeping the best talents, improved engagement of employees and thus improved productivity are actively working on positioning themselves as family friendly workplaces. A prerequisite is the development of an appropriate organizational culture based on mutual trust, flexibility, inclusion and support. The

introduction of the MAMFORCE© Standard, recognized sign of quality which confirms an employer's competences in implementing corporate family responsibility, is a proven way to systematically approach the field of reconciliation of private and professional life and to develop a desired organizational culture based on family responsibility and gender equality.

The companies which go through the process of MAMFORCE audit introduce a number of responsible policies and employee benefits in order to facilitate reconciliation of private and professional life and ensure equal career opportunities regardless of parenting and gender. The assessment methodology was developed in Croatia by the Working Mother Institute five years ago, based on experiences gained from the US market which has recognised the necessity for family friendly measures decades ago, but also on the know-how from the previous social and economic system in Central and Eastern Europe which was based on equality and support to family life. There are almost 20 organizations (private and state-owned companies, governmental agencies and bodies, ministries and associations) employing more than 20000 people which underwent the audit and earned either the basic or full MAMFORCE Standard. Among a growing community of pacesetters are leading telecom operators (VIPnet/Telekom Austria, Hrvatski Telekom/Deutsche Telekom), leading banks (Privredna banka Zagreb – part of Intesa Sanpaolo Group, Zagrebačka banka/UnicreditGroup), INA – oil company, Coca Cola HBC, 24 sata – media company/Styria Media Group, Lidl, Janaf, Agency for Science and Higher Education – governmental agency, Ministry of Labour and Pension System, HAKOM – Croatian Regulatory Authority for Network Industry, HEP, HBOR – Croatian Bank for Reconstruction and Development, HUP-Croatian Employers Association etc.

Working Mother Institute continues to act as the guardian of the MAMFORCE methodology and certification standards. Spona Code, its consultancy arm, with its qualified gender and organizational consultants works directly with companies to prepare them for the MAMFORCE Standard. These efforts have been recognized and supported by the European Commission's programme Rights, Equality and Citizenship (REC), which provided funding for MAMFORCE Standard implementation in state-owned companies, governmental institutions and bodies and SME's in the framework of the project "In pursuit of full Equality between men and women", led by the Ombudsperson for Gender Equality of the Republic of Croatia.

The MAMFORCE METHOD® encompasses six main areas covering the most relevant policies and measures, extending from communications with employees, work organisation, flexibility and family services to leadership and talent management. Already existing policies and measures prescribed and implemented by the organization, as well as the employees' opinion on the implementation, are of equal importance. The congruence or difference between the company management system and practical experience (employees' opinion) is the best evidence of the efficiency of organizational policies. Therefore, several sources of data are used through assessment, management system - policies and practices ensuring reconciliation of private and professional lives, organizational data - statistical indicators and company experience, and practical work experience in the company - employees' opinion providing insight into the subjective work experience. Results are benchmarked against the MAMFORCE Standard (absolute) and peer companies (relative). Benchmark analyses become the basis of a concrete action plan that is grounded in change, business and community impact.

The MAMFORCE COMPANY® Standard is awarded to organizations which, regardless of their size and public presence, meet the quality standards in their relationships with their employees, enable working parents those work conditions that facilitate a reconciliation of professional and family obligations, and provide working women equal career development opportunities. The whole process helps organizations to implement changes in two phases which lead to basic or full MAMFORCE COMPANY status. Changing the organizational culture means changing the fixed mindset and deeply rooted ways of working by virtue of a number of measures suggested for implementation in the following period. Obtaining the full standard requires a dedication to change and change itself which is recognised through one of three levels – CHANGE, GROW and LEAD.

The goal of the whole assessment procedure is to help change attitudes, identify stereotypes and introduce new types of organizational behaviour by raising organizational awareness on the importance of implementing measures for reconciliation of private and professional duties so that employees are able to develop their professional careers and, at the same time, be responsible parents, or sons and daughters to their own elderly parents. The wider community benefits are higher fertility rates which are positively correlated with the number of women in the workforce and better performing national economies due to positive effects of gender equality policies - implementation of gender mainstreaming and related policies results in boosted business performance – 62 per cent higher return on invested capital (ROIC), 53 per cent higher return on equity (ROE), 42 per cent higher return on sales (ROS)<sup>21</sup>. Although the name of the standard is primarily associated with working mothers and women in general, its effects are much wider, since the new policies and measures tackle needs of different employee groups according to their needs in different age groups and career phases.

The positive effects of MAMFORCE METHOD© have been recognized in Macedonia where the procedure is in the phase of implementation in cooperation with Swiss Contact and Preda PLUS within the Increasing Market Employability (IME) programme. In addition, the cooperation with Chamber of Commerce and Industry of Serbia is established, as well as with independent organizations in Bosnia and Herzegovina and Hungary.

MAMFORCE founder Diana Kobas Deskovic received 2016 Alumni Achievement Award from the IEDC – Bled School of Management for her leadership and outstanding contribution to community.

Source: Working Mother Institute and Spona code  
[www.mamforce.com](http://www.mamforce.com) ; [www.mamforce.hr](http://www.mamforce.hr)

---

<sup>21</sup> Catalyst (2007)

## 5. CONCLUSIONS OF ANALYSIS REPORT

In the scope of the first part of the project, a questionnaire was completed by project partners, wherein they were asked to provide a certain set of information. This comprised statistical data for respective countries, data on the legislative regulation of work–family reconciliation and gender equality, as well as data on the social dialogue present in each country. Summaries and conclusions were derived from this data. They are presented below and form a part of the analysis report.

### A) THE MAIN CONCLUSIONS ON LEGISLATION IN EACH PARTICIPATING COUNTRY

Based on the questionnaire completed by the project partners the following can be identified:

- All participating countries of project partners provide for leave before/after childbirth and varies in duration. In some countries it is called *maternity leave* (Slovenia, Croatia, Serbia, Montenegro, Albania), while in FYR of Macedonia instead of term maternity (and parental) leave the term *absence from work due to pregnancy, birth and parenthood* is used.
- All participating countries of project partners except Albania have provisions on leave after the use of maternity leave, aimed at childcare, and named *parental leave* (Croatia, Slovenia, Montenegro). In FYR of Macedonia the term for this leave is *absence from work due to pregnancy, birth and parenthood* and in Serbia such absence is named as *leave from work for child care*.
- During the use of maternity leave and in case of the use of parental leave (in Serbia: leave from work for child care, in FYR of Macedonia: absence from work due to pregnancy, birth and parenthood) by the mother or the father of the child, in participating countries is provided the right to wage compensation in accordance of each country's legislation.
- In Slovenia adoption leave (the right of adoptive parents to a leave) is not a separate category of leave, never the less adoptive parents have the right of parental leave, while in Albania, Croatia, Montenegro and Serbia in the legislation *adoption leave* is determined.
- None of the participating countries have statutory entitlement on *paternity leave*, except Slovenia.
- In most participating countries exist legislative provisions on national level that support work–family reconciliation, such as in:

- **Albania**

The legislation stipulates some measures such as teleworking or working at home and some facilities for mothers before and after childbirth until the child becomes 1 year old.

- **Croatia** (a variety of measures)

Aimed at protection of pregnant women, parents and adoptive parents such as:

- the right of pregnant mother to equal treatment; the right to use maternity, parental, and adoption leave; to work with half-time; to work part-time due to intensive child care; the right to work part-time in order to care for a child with care severe disabilities in accordance with special regulations; telework; protection from night work and overtime hours; flexible working; the right to prenatal examinations; mothers employed full time and who are breastfeeding (during the first 12 months after the child's birth) are entitled to two hours absence from work (once a day for two hours or two times / twice a day for one hour).

- **FYR of Macedonia**

Aimed at special protection of workers for pregnancy and parenthood such as:

- provision according to which the employer is obliged to enable workers easier harmonization of family and professional obligations; a worker who is breastfeeding, and working full time, shall be entitled to a paid break (one and a half hours per day) during working hours. That right is available up to one year of age of the child; protection during pregnancy and parenting related to night and overtime work; the right to work half of the full-time for a parent of a child with developmental disabilities and special educational needs if both parents are employed or if the parent is single;
- protection of women against discrimination due to pregnancy, birth and parenting.

- **Montenegro**

Aimed at protection of women due to pregnancy and childcare, as well as protection in the case of stillbirth:

- protection of women during their pregnancy and with a child younger than 3 years old from overtime and night work; definition of parental and maternity leave; compensation of salary and return to the same job position after maternity or parental leave; half-time work until child reaches 3 years old (if the child needs additional care or in the case of a child with disability); absence from work due to the adoption of a child.

- **Serbia**

- Regulates absence from work for special care of children or another person;
- employed women during pregnancy and employees who are breastfeeding a child may not work on activities that are (according to the findings of a competent medical authority) harmful to her health and the health of the child, the right to prenatal examinations;
- prohibition against dismissal during pregnancy, half time work in some cases; the Law stipulates that in the event of pregnancy, the fixed-term employment contract is to be extended until the end of the absence from work for child care;
- one of the parents of a child who needs special care due to a severe degree of mental and physical disability is entitled to (after the expiry of maternity leave and leave

from work for childcare) absence from work or half-time work until the child is five years old.

- **Slovenia**

Aimed at special protection of workers for pregnancy and parenthood such as:

- prohibits discrimination based on gender and family status, the protection of pregnant workers and all workers in connection with their parental role;
- proposal of different distribution of working time (working schedule); teleworking; the right to work part time up to a certain age of the child; the right to take at least a week of annual leave during school holidays; protection during pregnancy and parenthood from the overtime and night work; a worker who takes care of a child in need of special care in accordance with the regulations governing family benefits is entitled to at least three additional days of annual leave; a worker is entitled to one additional day of annual leave for every child under the age of 15; protection during pregnancy and parenthood with regard to night work and overtime work under certain conditions; female worker who is breastfeeding a child under the age of 18 months and works full time has **the right to breastfeeding breaks** of a minimum of one hour a day during working time.

More about measures in each country you can read in the report<sup>22</sup>.

- All participating countries have legal base on provisions that enable reconciliation of work–family life, however the project partners in each country notice some problems which don't allow or prevent the above measures to apply in practice, and are the following:

- **Albania**

- Patriarchal custom heritage still remains in families especially in rural areas.
- Discrimination in employment opportunities is still present.
- There is no strong public awareness for the rights of women and young girls, yet.

- **Croatia**

- A relatively small percentage of men are using parental leave, which affects career development and the labour market.
- It is necessary to develop tools for the promotion of fathers using paternal and parental leave, or to introduce obligatory paternal leave for fathers.

- **FYR of Macedonia**

- Despite all the legislation in Macedonia that guarantees gender equality in all areas of social life, in practice there is discriminatory behaviour by individual employers against young women in their employment because of their potential absences for

---

<sup>22</sup> More info: <http://www.zds.si/si/projekti/balance>

pregnancy or birth, and to single mothers because of their family responsibilities. Also there are registered cases in which young women conclude contracts for fixed-term employment due to their potential pregnancy, birth and parenting.

- There are some ambiguities in the legislation in this area and more precise definition of the terms motherhood, fatherhood and parenting are needed.
- A significant problem is also the need to provide protection and compensation for the existence of mothers who work in the informal sector or unemployed women during pregnancy, childbirth and motherhood.

- **Montenegro**

- Surveys have shown that it is common in practice for men to receive a higher salary than women in the same position, although the law prescribes equal payment for equal jobs.
- Also, there is a clear problem with women financing a business. Because of the culture, women in Montenegro don't have assets and equity to act as a guarantee for loans.

- **Serbia**

- Women in Serbia are still employed in low profit industries with low wages. The gap in earnings between men and women is about 7.5%. Women are over-represented in the informal economy and the use of free time, including weekends is mostly related to housework and childcare or care of the elderly or sick family members.
- From the statistics (detailed information concerning statistics can be found in the report), it is clear that there is a lot to be done in the field of employment and economic empowerment of women as well as in the field of equalizing profits. The main challenge for Serbia, as well as for the most EU members, is to overcome the traditional division between male and female occupations and to create working conditions that are more adapted to family life.

- **Slovenia**

- The data shows that the right to work part-time is mostly exercised by women.
- The share of men working part-time decreases with the number of children, but the reliability of data shown in brackets may be affected by small sample sizes (part-time employment with 1 child – 3.2 %, 2 children – 3.1 %, 3 children and more – data missing or not published due to too small sample size).
- According to the data available on the website of the Ministry of Labour, Family, Social Affairs and Equal Opportunities, 1,315 fathers exercised the right to take parental leave in 2015. The data from 2010 to 2015 shows a decrease in parental leave.

- All participating countries have adopted legal basis that prevents gender inequality.
- In participating countries of project partners there are initiatives, strategies or similar documents that are related to the topic of reconciliation of work–family life and, in this

context, relate to the question of prevention of gender inequality or ensuring gender equality.

- Some participating countries of project partners (Croatia, FYR of Macedonia, Montenegro, Serbia, Slovenia) keep data from which show the percentage of children (by age) included in child care programs. In each participating country regarding this issue project partners have noticed:
  - **Croatia**
    - Percentage of parents who take care of their children (under the age of 3) is very high, although the childcare system is developed and affordable in terms of costs, in general, and also subsidized at the local level. There is a network of public and private childcare facilities. The reason for this is partly the situation of women staying at home due to the high unemployment, and partly due to the described conditions of maternity and parental leave. The situation is different for older children, most of whom are included in the childcare system.
  - **FYR of Macedonia**
    - The data shows that in certain municipalities the existing facilities are insufficient to meet the needs of care for all children. The majority of children in kindergartens are aged from 3-5 years, which indicates that children of a lower age are still being looked after by family members (grandparents, aunts) or engage nannies for their children. The number of childcare institutions in rural areas is still very low or there is no available data.
  - **Montenegro**
    - Analysis of the situation in childcare programs (kindergartens) for the past sixteen years has recorded the number of children per childcare group in public and private kindergartens, which is necessary to build new kindergartens.
    - One of the key problems for the density rate is the lack of the physical infrastructure for childcare programmes. Also, there is the cultural problem that women want to stay with the children, especially women that are unemployed.
  - **Serbia**
    - The Secretariat for Education and Child Protection keeps the statistics on how many children are enrolled in kindergartens or preschools at the level of Belgrade. There are no statistics on the relationship between the unemployment of women and the lack of inclusion of children in pre-school education – although the fact is that kindergartens are overbooked and seriously short of teachers, who work with large groups of children, and that many kindergartens do not have an adapted operating time since more and more women work until 17.30 h.
  - **Slovenia**



- Has a well-developed network of kindergartens and nurseries. The vast majority, that is 90 % of kindergartens, are public. The number of children enrolled in kindergartens is constantly increasing and it has increased by almost half in the last decade.

Mostly childcare programme are affordable, but the price is determined by each community, since they can also subsidize payment. On the basis of the report made by The Social Protection Institute of the Republic of Slovenia in 2010, the authors conclude that there are various forms of regular day care, if the child is not enrolled in kindergarten, statistically significantly associated with the material conditions of their parents.

## **B) THE MAIN CONCLUSIONS ON SOCIAL DIALOGUE IN EACH PARTICIPATING COUNTRY**

Based on the questionnaire completed by the project partners the following can be identified:

- Most participating countries of project partners have adopted Act that defines the collective bargaining procedure, content of the collective agreement, parties and form of collective agreement, except in Albania.
- Participating countries of project partners where collective bargaining is defined by law, regulate this field as a special chapter in the Labour Law, except Slovenia where collective bargaining is defined by special law (The Collective agreements act) and Croatia, where collective bargaining is defined by Labour Law and Law on representativeness of employers' and trade unions' association.
- It is possible to conclude that the sectoral social dialogue and social dialogue on company level in participating countries is developed to a certain extent, in each country partners note the following:

- **Albania**

- Social dialogue at the national level is functioning mainly at the National Labour Council, which has been improving in the last 2-3 years. Sectoral dialogue is not formalized yet and consequently it's weak. It's only present in some sectors. The dialogue at the local or enterprise level is almost non-existent. It exists in very few companies.

- **Croatia**

- Social dialogue is well developed in large companies, though in smaller companies there are no trade unions representatives, and therefore no formal social dialogue as such.

- **FYR of Macedonia**

- It can be said that the sectoral social dialogue in some sectors - branches is not yet exercised with the necessary dynamics since there isn't a sufficient number of

registered associations of employers in certain business areas that could negotiate the signing of branch collective agreements. Nevertheless there are 15 branch collective agreements signed. However at the company level, unions have been facing some difficulties in conducting social dialogue and concluding collective agreements given that many employers are unwilling to accept the establishment of a trade union organization in their companies, thus stopping the process of social dialogue at the company level.

- **Montenegro**

- A tripartite body known as the Social Council, made up of government and trade union and employer representatives, is responsible for facilitating social dialogue in Montenegro (National Tripartite Agreement was signed with social partners). In the context of social dialog, it is necessary in Montenegro to strengthen relations with the government, especially in the decision-making process. Also, Montenegro has 21 local Social Councils but they are not functioning regularly and we need to improve their work and knowledge of the importance of the existence and work of these bodies for society. At the level of the companies, social dialog is still weak. There is strong social dialog in large companies, but bearing in mind that 99.9% of Montenegrin companies are small and medium, we see this as a problem.
- Trade union in Montenegro asses that social dialogue in Montenegro is not satisfactory, both at the sectoral and company levels (bipartite social dialogue). The biggest problem appears in determining the representativeness of trade unions at the enterprise level. Determining representativeness often depends on the will of the employer (whether to implement the process of determining representativeness or not), and representativeness is a prerequisite for the negotiation and conclusion of collective agreements.

- **Serbia**

- It is not sufficiently developed, which results in the adoption of numerous laws in urgent procedures with public debate, including the Labour Law and the Law on Pension and Disability Insurance. Collective agreements are generally concluded for the public sector while only four exist for the so-called real sector.

- **Slovenia**

- Collective bargaining in Slovenia is highly structured. There is collective bargaining between unions and employers at national, industry/sectoral, occupational and company levels. On a sectoral level in the private sector, the social dialogue is fairly well-developed, since there are currently 26 collective agreements. The share of employees covered by the collective agreements is high compared to many other European countries. On the company level, social dialogue is also fairly well developed since ERA-1 stipulates that some of the employment relationship rights and obligations can be regulated in a collective agreement on the company level. There is no register of collective agreements that are concluded in companies, but large companies in Slovenia usually regulate employment rights and obligations in collective agreements on the company level.

More about the social dialogue in each country you can read in the report<sup>23</sup>.

- Project partners evaluate that the reconciliation of work–family life and gender equality can be:
  - o encouraged through social dialogue (Albania, Croatia, Serbia, Slovenia);
  - o developed by social partners threw joint initiatives, formulate joint opinions and recommendations to policy makers (Croatia);
  - o should be addressed through joint action and coordinated action by the state, unions and employers (FYR of Macedonia);
  - o addressing every part of the national social dialog (Montenegro);
  - o it is important to address such issues within wider consultations with civil sector (Montenegro);
  - o to support this balance also with the help of the expert public in the preparation and discussion of the laws and other legal norms aiming to harmonize work and family life (Serbia);
  - o it is also necessary to insist on consistent application of adopted laws and their monitoring (Serbia);
  - o the freedom of employees and employers to associate freely and bargain collectively in order to find favourable solutions to both sides is of great importance (Serbia);
  - o an option that social partners agree on provisions in collective agreement that aim at balancing work and family life- such measures can be agreed on at sectoral and company level (Slovenia).
- Most of the project partners evaluate that the measures to facilitate the reconciliation of work–family life should be introduced in the collective bargaining on sectoral and company level, although partners in Albania recognize the importance of regulation on national level and in Montenegro they evaluate that the national level is most important, because it is most developed. Partners in Slovenia asses that collective bargaining on different levels in different sectors, occupations and on company level enables that social partners agree on reconciliation measures, which are best suited for the individual working environment and for workers’ needs.
- In most participating countries there are at least some measures included in collective agreements (sectoral/company level) that facilitate the reconciliation of work–family life such as in:

- **Albania**

Articles relevant to compensation for the family in case of marriage, accidents or death of a family member, defined facilities for mothers with many children, maternity may be obtained by both parents as necessary, facilities for mothers of children who are breastfeeding, paid or unpaid holidays for care and education of children or in the event of illness of children, etc.

---

<sup>23</sup> More info: <http://www.zds.si/si/projekti/balance>

- **Croatia**

There are good examples at the company level/house collective agreements, e.g. where a company provides the worker with additional pay during the second 6 month period of maternity leave, in order to encourage them to stay at home until the child is 1 year old.

There are also companies that practice telework, flexible work time and similar, but this is not usual practice.

- **FYR of Macedonia**

In most collective agreements (the general collective agreements for the private sector in the area of the economy, branch collective agreements and collective agreements on the employer level) of the trade unions affiliated in SSM, the right to two days paid leave for childbirth (mostly used by the fathers) is stipulated.

- **Montenegro**

Measures are regulated by Labour Law, not by collective agreements.

- **Serbia**

Measures that provide a balance between professional and family life refer to using more days for vacation by women with children, flexible working hours, and adjustment of time for education and work promotion (seminars, supplementary education in line with family responsibilities). It is important to emphasise that those measures are mostly implemented at the company level.

- **Slovenia**

There are a variety of work-life balance measures already incorporated into collective agreements. The vast majority of provisions are defined for both men and women. Such measures are:

- The right to additional paid leave in connection with certain family responsibilities or personal reasons (when the child is born, death of the family member, wedding, repairing a house or apartment, moving house or other personal occurrences);
- The right to unpaid leave for family reasons (for instance taking care of a sick child or other family member that is ill);
- Paid leave for fathers in connection with childbirth (the only measure aimed at fathers);
- Posting of a worker to work in another place (the prohibition on posting a worker who takes care of a small child or seriously disabled family member to work in another place);
- Limiting work on Sunday and Statutory Holidays (limiting the number of working days on Sundays and Statutory holidays for all workers, additionally for parents of preschool child and prohibits such work for some categories of workers);
- Family friendly working time arrangements (provision regarding working time considers a possibility of organizing work and family life),

- Adaptation to kindergarten/school (Child's time bonus – a paid extra day off when the child is entering the first grade of primary school and paid leave or flexible working time schedule when a child is getting familiar with kindergarten).
- In most participating countries exist some informal measures that are used in practise in order to encourage work – family reconciliation and gender equality, for instance in:
  - **Croatia**
    - Social partners (CEA/HUP + TUs) have undertaken joint activities towards the implementation of Framework Agreements, the first is on the topic of telework – project Batos.
    - The Mamforce certificate for companies that are mother-friendly and promote work-life balance for female workers.
  - **FYR of Macedonia**
    - By the support of Ministry of Labour and Social Policy in the year 2015 an informal pilot project on the establishment of kindergartens in state institutions and ministries as well as in several major private companies has been launched.
  - **Serbia**
    - Some companies actively work on the harmonization of professional and family life through measures that increase motivation and reduce stress to employees, through family leave and vacations, stimulating the birth of children, traditional family picnic, New Year's gift to employees' children, as well as regular evaluations of employee satisfaction in the company.
  - **Slovenia**
    - Family Friendly Enterprise Certificate as one of the tools for effective and improved human resources management within enterprises and organizations in the context of balancing the professional and private lives of employees.
    - Recognition to enterprises that have women on management positions as a women manager friendly enterprise.
- In all participating countries there is a need to better regulate working conditions in order to become family friendly.

## 6. RECOMMENDATIONS AND MEASURES THAT COULD SUPPORT CREATING WORK – FAMILY AND GENDER EQUALITY FRIENDLY WORKPLACE IN THE WESTERN BALKAN

The content (recommendations and measures) that follows includes a set of activities aimed at facilitating the reconciliation of private and professional life and gender equality designed for key stakeholders (policy makers, social partners and enterprises). They can use the recommendations and measures as a non-binding tool in implementing this issue in the working environment, taking into account the legislative framework, cultural environment, the specifics of the sector and the readiness for change in each country of the project partners.

### 1. Recommendations

**The following recommendations are intended for policy makers at national level as non-binding suggestions on how to contribute to work – family reconciliation and gender equality:**

- It is recommended to strengthen the role of the father in the sphere of unpaid work, by encouraging greater involvement of the father in active parenthood. This would be possible by establishing the right of the father to be entitled to a period of leave (a certain number of days) after the childbirth for the purpose of the childcare. **This would be an exclusive right of the father for absence from work, which is not transferable to the mother of the child. In case this right is not used, it fails.** The right would easily operate if the absence from work was fully or at least partly paid. In this way, the State would encourage men in the care (unpaid) work and facilitate the reconciliation of work and family life.
- Improving the public network of childcare institutions, which would allow access (co-funded) to childcare after the completion of parental leave and until the child starts attending school (kindergarten) and to ensure the care of school children after school, where necessary.

**The following recommendations are non-binding actions intended to support social partners in helping to create a workplace that enables work – family reconciliation and gender equality on different level of their involvement:**

- a) **Work - life balance thinking and discussion** – to raise employers awareness that workers have to balance their work/professional commitments with their family/personal responsibilities and to be positive about making changes to create a working place, taking into account all (those) aspects of employees life irrespective of gender.
- b) **Work - life balance policy** – to create and to establish a policy in the organization/company, which will enable work-family reconciliation and gender equality and will be promoted (by the management) through policies or upgrading policy with measures.

- c) **Awareness of entitlements** – to enhance the awareness of workers’ rights that are based on legislation in each project partner’s country and those implemented in the organisation/the company.
- d) **Educations of management** – education of management on benefits of creating work family life balance in the company and on how to establish a more flexible work environment.
- e) **Awareness of gender equality at workplace** – the effort of the employer/social partners to pay attention to the gender inequality occurring in practice and his/their effort to eliminate gender pay gap.

## 2. Measures

The following measures are non-binding proposals intended to support social partners in helping to create a workplace that enables work – family reconciliation and gender equality in:

### A) Collective agreement measures:

#### a) Location of the work:

Telework for the entire or part of the worker’s working time upon mutual agreement between employer and worker.

#### b) Working time:

Written consent before imposing overtime work for:

- a worker with a child under 6/7 years that is not able to provide a parental care,
- a worker with dependants (elderly/ill family member) that needs to be taken care of because of the medical reasons.

#### c) Leave/absences:

1. The right of x days of paid absence for serious illness and treatment of the immediate family member;
2. The right of x days of a paid absence from work for the birth of a child;
3. The right of an unpaid absence from work for an agreed period of time for the sick child/care of the sick family member upon agreement by worker and employer.

### B) Company level measures:

#### a) Location of the work:

An option by employer to ensure a telephone number for shift worker/all workers to remain contactable in case of family emergencies during working hours.

#### b) Working time:

1. An option of flexible working arrangements between employer and worker to balance work with family/personal responsibilities upon mutual agreement between worker and employer (e.g. flexible starting and finishing times for employees not working shift work, one day off in agreed period of time for exam. each week, once per month while still working the agreed number of hours, option of concluding working hours sooner than usual replacing it another day for family/personal reasons).
2. An option for shift workers to change shift for personal/family reasons upon mutual agreement between worker and employer, unless the current working process prevents it.
3. The right of a worker with family obligations to propose in a written a different distribution of working time to facilitate reconciliation of work and family obligations. Employer must consider and respond to such a proposal taking into account its own conditions, but it is not obliged to proceed according to the proposal in case it is contrary to the employer's productivity and the whole working schedule pattern.
4. The right of a worker who exercises the right to a part-time work due to parenthood to a different allocation of working hours then agreed in a working contract, upon mutual agreement between employer and worker.

**c) Flexible leave arrangements (Leave/absences):**

1. The right of an additional x day(s) of annual leave for a sole guardian of each child aged under 15 years;
2. The right of an additional x day(s) of annual leave for a worker with 3 children;
3. The right of an additional x day(s) of annual leave for a worker who cares for severely physically or moderately otherwise disabled child or dependant (elderly/ill family member);
4. The right of a worker with a school child to take at least one week of their annual leave during school holidays;
5. The right of a worker to accompany pregnant partner to antenatal appointments if the working process allows it.

**d) Other measures:**

1. Organisation of events considering children of working parents (joint picnics, joint hikes, joint Christmas shows for children);
2. Gifts for children for the New Year/Christmas;
3. The right of absence for a working parent on a day of entering their child in a kindergarten or school within annual leave;



4. The obligation of the employer with more than xx workers to compile an at least xx-year report on the situation of male and female workers in all occupations in relation to payment, hiring, training, dismissals, promotions etc.
5. Upon return to work, a worker and employer shall consult about the necessary integration to the work after a longer period of time (agree on training if necessary in case of maternity, parental leave, prolonged absence);
6. An employer is required to inform a worker, who is on parental leave/prolonged absence, about the main changes regarding his work place, training opportunities, job vacancies etc.

## 7. USFUL LINKS

- European Commission: <http://ec.europa.eu/>
- EU legislation: <http://eur-lex.europa.eu/>
- BusinessEurope: <https://www.buinesseurope.eu/>
- European Institute for Gender Equality (EIGE): <http://eige.europa.eu/>

With financial support by the European Union. The responsibility for the contents and opinions expressed rests solely with the authors. The European Commission is not responsible for any use that may be made of information contained.



Бизнис Конфедерација на Македонија  
Business Confederation of Macedonia



HUP  
Hrvatska udruga poslodavaca

