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AMENDMENTS

25 - 165

Draft opinion

Joëlle Bergeron

Work-life balance for parents and carers

Proposal for a directive

(COM(2017)0253 – C8-0137/2017 – 2017/0085(COD))

AM_Com_LegOpinion

Amendment 25

Daniel Buda

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Equality between men and women is a fundamental principle of the Union. According to Article 3 of the Treaty on European Union the promotion of equality between women and men is one of the Union's aims. Similarly, Article 23 of the Charter of Fundamental Rights of the European Union requires equality between women and men to be ensured in all areas, including employment, work and pay.

Amendment

(2) Equality between men and women is a fundamental principle of the Union. According to Article 3 of the Treaty on European Union the promotion of equality between women and men is one of the Union's aims. Similarly, Article 23 of the Charter of Fundamental Rights of the European Union requires equality between women and men to be ensured in all areas, including employment, work and pay. ***This Directive contributes to these objectives by eliminating disparities, strengthening gender equality, promoting a high level of employment and consolidating the social dimension in the Union, as well as boosting upward convergence in the Member States in terms of social benefits.***

Or. ro

Amendment 26

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Equality between men and women is a fundamental principle of the Union. According to Article 3 of the Treaty on European Union the promotion of equality between women and men is one of the Union's aims. Similarly, Article 23 of the Charter of Fundamental Rights of the European Union requires equality between women and men to be ensured in all areas,

Amendment

(2) Equality between men and women is a fundamental principle of the Union. According to Article 3 of the Treaty on European Union the promotion of equality between women and men is one of the Union's aims. Similarly, Article 23 of the Charter of Fundamental Rights of the European Union requires equality between women and men to be ensured in all areas,

including employment, work and pay.

including employment, work and pay ***and expressly prohibits any discrimination based on gender, even in pursuit of a work-life balance.***

Or. it

Amendment 27

Daniel Buda

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Article 33 of the Charter of Fundamental Rights of the European Union provides for the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child, to reconcile family and professional life.

Amendment

(3) Article 33 of the Charter of Fundamental Rights of the European Union provides for ***legal, economic and social protection***, the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child, to reconcile family and professional life.

Or. ro

Amendment 28

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Article 151 of the Treaty on the Functioning of the European Union provides that the Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter and in the Community Charter of the Fundamental Social Rights of Workers, are to have as their objective the promotion of

employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

Or. en

Amendment 29

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) People with disabilities should have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, as well as a work environment adapted to their needs.

Or. en

Amendment 30

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Equality of treatment and opportunities between women and men should be ensured and fostered in all areas, including participation in the labour market, terms and conditions of employment and career progression. Women and men have the right to equal

pay for work of equal value.

Or. en

Amendment 31

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Work-life balance policies should contribute to the achievement of gender equality by promoting the participation of women in the labour market, ***making it easier for men to share caring responsibilities on an equal basis with women, and closing*** gender gaps in earnings ***and pay***. Such policies should take into account demographic changes including the effects of an ageing population.

Amendment

(5) Work-life balance policies should contribute to the achievement of gender equality by promoting the participation of women in the labour market ***and encouraging the participation and role of men in family life (as mentioned in Article 24 of the Charter of Fundamental Rights: 'Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests') in favour of a fair sharing of responsibilities for bringing up and caring for children, thereby helping to close the*** gender gaps in earnings, ***pay and pensions***. Such policies should take into account demographic changes including the effects of an ageing population: ***promoting a better work-life balance could in fact represent an important incentive for increasing the birth-rate.***

Or. it

Amendment 32

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 6

(6) At Union level, several Directives in the fields of gender equality and working conditions already address certain issues that are relevant for work-life balance, in particular Directive 2006/54/EC of the European Parliament and of the Council¹⁶, Directive 2010/41/EU of the European Parliament and of the Council¹⁷, Council Directive 92/85/EEC¹⁸, Council Directive 97/81/EC¹⁹ **and** Council Directive 2010/18/EU²⁰.

(6) At Union level, several Directives in the fields of gender equality and working conditions already address certain issues that are relevant for work-life balance, in particular Directive 2006/54/EC of the European Parliament and of the Council¹⁶, Directive 2010/41/EU of the European Parliament and of the Council¹⁷, Council Directive 92/85/EEC¹⁸, Council Directive 97/81/EC¹⁹, Council Directive 2010/18/EU²⁰ **and Council Directive 2000/78/EC. For the purposes of proposals to achieve a better work-life balance, it is also important to refer also to more recent EU actions, in particular the 'Women's Charter' and the 'Strategic Engagement for Gender Equality 2016-2019'; the Gender Action Plan 2016-2020; and Commission Communication COM/2016/0127 launching a consultation on the gender-based fragmentation of the labour market to contribute to the construction of a European Pillar of Social Rights.**

¹⁶ 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 (OJ L 204, 26.7.2006, p. 23).

¹⁷ 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 (OJ L 180, **15.7.2010**, p. 1).

¹⁸ 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

¹⁶ 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 (OJ L 204, 26.7.2006, p. 23).

¹⁷ 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 (OJ L 180, **of 15.07.2010**, p. 1).

¹⁸ 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 (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 348, 28.11.1992, p. 1).

¹⁹ Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC - Annex: Framework agreement on part-time work (OJ L 14, 20.1.1998, p. 9).

²⁰ 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 (OJ L 68, of 18.03.2010, p. 13).

workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 348, 28.11.1992, p. 1).

¹⁹ Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC - Annex: Framework agreement on part-time work (OJ L 14, 20.1.1998, p. 9).

²⁰ 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 (OJ L 68, of 18.03.2010, p. 13).

Or. it

Amendment 33
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) According to the data for October 2017 (Commission statistics), the male employment rate in the EU was 71.9%, compared to a female employment rate of 61.4%, despite the fact that women have a higher level of education.

Or. it

Amendment 34
Daniel Buda

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) Work-life balance remains however a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women tend to work less hours in paid employment and spend more time fulfilling unpaid care responsibilities. Having an ill or dependent relative has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market entirely.

Amendment

(7) Work-life balance remains however a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women tend to work less hours in paid employment and spend more time fulfilling unpaid care responsibilities. ***This contributes substantially to the gender pay gap (as much as to 28% in certain Member States), which accumulates over the working life into a gender pension gap (averaging 40% in the Union) and results in higher risk of poverty and social exclusion.*** Having an ill or dependent relative has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market entirely.

Or. ro

Amendment 35

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Work-life balance ***remains however*** a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women tend to work less hours in paid

Amendment

(7) ***The rise of the dual-earner household has led to work intensification and greater demands for work-life balance. As a result,*** work-life balance is a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing

employment and spend more time fulfilling unpaid care responsibilities. Having an ill or dependent relative has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market entirely.

work and family obligations. When they have children, women tend to work less hours in paid employment and spend more time fulfilling unpaid care responsibilities. Having an ill or dependent relative has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market entirely.

Or. en

Amendment 36

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Work-life balance remains however a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women *tend* to work *less* hours in paid employment and spend more time fulfilling unpaid care responsibilities. Having an ill or dependent relative has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market entirely.

Amendment

(7) Work-life balance remains however a considerable challenge for many parents and workers with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women *are obliged* to work *fewer* hours in paid employment and spend more time fulfilling unpaid care responsibilities. Having an ill or dependent relative has also been shown to have a negative impact on female employment, leading some women to drop out of the labour market *partly or* entirely.

Or. it

Amendment 37

António Marinho e Pinto

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Work-life balance remains however a considerable challenge for many parents and **workers** with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women **tend** to work less hours in paid employment and spend more time fulfilling unpaid care responsibilities. ***Having an ill or dependent relative has also been shown to have a negative impact on female employment***, leading some women to drop out of the labour market entirely.

Amendment

(7) Work-life balance remains however a considerable challenge for many parents and **employees** with caring responsibilities, with a negative impact on female employment. A major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, ***elderly dependents or immediate relatives with incapacitating chronic diseases***, women ***are often obliged*** to work less hours in paid employment and spend more time fulfilling unpaid care responsibilities, leading some women to drop out of the labour market entirely.

Or. pt

Amendment 38

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) According to Eurofound data, over three million people have left full-time employment because they lack facilities for childcare or for caring for dependent family members.

Or. it

Amendment 39

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Children have the right to affordable early childhood education and care of good quality.

Or. en

Amendment 40

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed, have the right to adequate social protection.

Or. en

Amendment 41

Daniel Buda

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. Lack of paid paternity and parental leave in many Member States contributes to the low take-up of such leave by fathers. The imbalance in the design of work-life balance policies between women and men reinforces gender differences between work and care. Conversely, use of work-life balance arrangements by fathers,

(8) The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. ***There are currently no harmonised Union rules providing for paternity leave or leave to take care of ill or dependant relatives, with exception of absence for reasons of force majeure.*** Lack of paid paternity and parental leave in many Member States contributes to the low take-up of such leave by fathers. The

such as leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for paid employment.

imbalance in the design of work-life balance policies between women and men reinforces gender differences between work and care. Conversely, use of work-life balance arrangements by fathers, such as *leave, sufficient incentives to avail themselves of such* leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for paid employment.

Or. ro

Amendment 42
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. Lack of paid paternity and parental leave in many Member States contributes to the low take-up of such leave by fathers. The imbalance in the design of work-life balance policies between women and men reinforces gender differences between work and care. Conversely, use of work-life balance arrangements by fathers, such as leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for paid employment.

Amendment

(8) The current Union legal framework provides limited incentives for men to assume an equal share of caring responsibilities. Lack of paid paternity and parental leave in many Member States contributes to the low take-up of such leave by fathers. The imbalance *or inadequacy* in the design of work-life balance policies between women and men *slows down growth, leads to a departure from the objectives of social inclusion, puts women at greater risk of poverty, especially in old age, and* reinforces gender differences between work and care. Conversely, use of work-life balance arrangements by fathers, such as leave or flexible working arrangements, has been shown to have a positive impact in reducing the relative amount of unpaid family work undertaken by women and leaving them more time for paid employment *and their social, economic and professional emancipation.*

Amendment 43
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Parents and people with caring responsibilities should have the right to suitable leave, flexible working arrangements and access to care services. Women and men should have equal access to special leaves of absence in order to fulfil their caring responsibilities and should be encouraged to use them in a balanced way.

Or. en

Amendment 44
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The social partners should be consulted on the design and implementation of economic, employment and social policies according to national practices. They should be encouraged to negotiate and conclude collective agreements in matters relevant to them, while respecting their autonomy and the right to collective action.

Or. en

Amendment 45

Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) It is important to achieve a balance between professional, private and family life through a broad approach which includes legislative and non-legislative actions, including effective incentives and measures, such as tax credits for childcare and for caring for people in need.

Or. it

Amendment 46
Daniel Buda

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

(10) It is appropriate to repeal and replace Directive 2010/18/EU which currently regulates parental leave by putting into effect a framework agreement concluded between the social partners. This Directive builds, in particular, upon the rules laid down in Directive 2010/18/EU and complements them by strengthening existing rights and by introducing new rights.

(10) It is appropriate to repeal and replace Directive 2010/18/EU which currently regulates parental leave by putting into effect a framework agreement concluded between the social partners. This Directive builds, in particular, upon the rules laid down in Directive 2010/18/EU and complements them by strengthening existing rights and by introducing new rights. ***Nothing in the proposed Directive should be interpreted as diminishing previously existing rights under the Parental Leave Directive.***

Or. ro

Amendment 47
Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) It is appropriate to repeal and **replace** Directive 2010/18/EU which currently regulates parental leave by putting into effect a framework agreement concluded between the social partners. This Directive builds, in particular, upon the rules laid down in Directive 2010/18/EU and complements them by strengthening existing rights and by introducing new rights.

Amendment

(10) It is appropriate to repeal and **go beyond** Directive 2010/18/EU which currently regulates parental leave by putting into effect a framework agreement concluded between the social partners. This Directive builds, in particular, upon the rules laid down in Directive 2010/18/EU and complements them by strengthening existing rights and by introducing new rights.

Or. it

Amendment 48

Daniel Buda

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) This Directive lays down minimum requirements related to paternity, parental and carers' leave and to flexible working arrangements for parents and workers with caring responsibilities. **By** facilitating the reconciliation of work and family life for parents and carers, this Directive should contribute to the Treaty-based goals of equality between men and women with regard to labour market opportunities, equal treatment at work and the promotion of a high level of employment in the Union.

Amendment

(11) This Directive lays down minimum requirements related to paternity, parental and carers' leave and to flexible working arrangements for parents and workers with caring responsibilities, **while respecting national rules on leave and flexible working arrangements in line with the requirements of this Directive and enabling Member States and social partners to determine the specific provisions thereof. The Directive fully respects the freedom and preferences of workers and families to organise their lives and does not impose on them any obligation to avail themselves of its provisions. If a wide margin of decision-making manoeuvre is achieved at individual and national level, by facilitating the reconciliation of work and**

family life for parents and facilitating the reconciliation of work and family life for parents and carers, this Directive should contribute to the Treaty-based goals of equality between men and women with regard to labour market opportunities, equal treatment at work and the promotion of a high level of employment in the Union.

Or. ro

Amendment 49

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) This Directive lays down minimum requirements related to paternity, parental and carers' leave and to flexible working arrangements for parents and workers with caring responsibilities. By facilitating the reconciliation of work and family life for parents and carers, this Directive should contribute to the Treaty-based goals of equality between men and women with regard to labour market opportunities, equal treatment at work and the promotion of a high level of employment in the Union.

Amendment

(11) This Directive lays down minimum requirements related to paternity, parental and carers' leave and to flexible working arrangements for parents and workers with caring responsibilities. By facilitating the reconciliation of work and family life for parents and carers, this Directive should contribute to the Treaty-based goals of equality between men and women with regard to labour market opportunities, equal treatment at work and the promotion of a high level of employment in the Union, *as well as of a decent standard of living for workers and their families.*

Or. en

Amendment 50

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) This Directive lays down minimum requirements related to paternity, parental and carers' leave and to flexible working arrangements for parents and workers with caring responsibilities. By facilitating the reconciliation of work and family life for parents and carers, this Directive **should** contribute to the Treaty-based goals of equality between men and women with regard to labour market opportunities, equal treatment at work and the promotion of a high level of employment in the Union.

Amendment

(11) This Directive lays down minimum requirements related to paternity, parental and carers' leave and to flexible working arrangements for parents and workers with caring responsibilities. By facilitating the reconciliation of work and family life for **both** parents and **for** carers, this Directive **seeks to** contribute to the Treaty-based goals of equality between men and women with regard to **social inclusion**, labour market opportunities, equal treatment **as regards social rights and pay (Article 157 TFEU)** at work and the promotion of a high level of employment in the Union.

Or. it

Amendment 51

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) This Directive should apply to all workers who have employment contracts or other employment relationships. As is currently the case under Clause 2(3) of the Annex to Directive 2010/18/EU, this should include contracts relating to employment or employment relationships of part-time workers, fixed-term contract workers or persons with a contract of employment or employment relationship with a temporary agency.

Amendment

(12) This Directive should apply to all workers who have employment contracts or other employment relationships. As is currently the case under Clause 2(3) of the Annex to Directive 2010/18/EU, this should include contracts relating to employment or employment relationships of part-time workers, fixed-term **or open-ended** contract workers or persons with a contract of employment or employment relationship with a temporary agency.

Or. it

Amendment 52

Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The Directive will have to confirm the priority of establishing a good work-life balance without resorting to the introduction of precarious and atypical working conditions,

Or. it

Amendment 53
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) The Directive also aims to improve and strengthen the provisions concerning admissibility and regulatory certainty for the granting of parental leave to those with children with disabilities or serious long-term illnesses, especially in order to avoid arbitrary treatment regarding the granting of leave for the relevant age groups going beyond the provisions of current regulations, the introduction of vouchers or special contributions to meet the costs of child care services.

Or. it

Amendment 54
Daniel Buda

Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

(13) In order to encourage a more equal

(13) In order to encourage a more equal

sharing of caring responsibilities between women and men, the right to paternity leave for fathers to be taken on the occasion of the birth of a child should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law.

sharing of caring responsibilities between women and men, the right to paternity leave for fathers to be taken, *if requested*, on the occasion of the birth *or adoption* of a child should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law *irrespective of seniority or the nature of the employment contract*.

Or. ro

Amendment 55
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to paternity leave for fathers to be taken on the occasion of the birth of a child should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law.

Amendment

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to *paid and mandatory* paternity leave for fathers to be taken on the occasion of the birth *or adoption* of a child should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law.

Or. it

Amendment 56
Evelyn Regner

Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to paternity leave for *fathers* to be taken on the occasion of the birth of a child should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law.

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to paternity leave for *the second parent* to be taken on the occasion of the birth of a child should be introduced. In order to take account of differences among Member States, the right to paternity leave should be irrespective of marital or family status as defined in national law.

Or. de

Amendment 57
António Marinho e Pinto

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to paternity leave for fathers to be taken on the occasion of the birth of a child should be introduced. *In order to take* account of differences among Member States, the right to paternity leave should *be irrespective of* marital or family status as defined in national law.

Amendment

(13) In order to encourage a more equal sharing of caring responsibilities between women and men, the right to paternity leave for fathers to be taken on the occasion of the birth *or adoption* of a child should be introduced. *Taking* account of differences among Member States, the right to paternity leave should *not depend on* marital or family status as defined in national law.

Or. pt

Amendment 58
António Marinho e Pinto

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) As the majority of fathers do not avail themselves of their right to parental

Amendment

(14) As the majority of fathers do not avail themselves of their right to parental

leave or transfer a considerable proportion of their leave entitlement to mothers, in order to encourage the second parent to take parental leave, this Directive, while maintaining the right of each parent to at least four months of parental leave currently provided for by Directive 2010/18/EU, extends from one to four months the period of parental leave which cannot be transferred from one parent to the other.

leave or transfer a considerable proportion of their leave entitlement to mothers, in order to ***foster a close early relationship with the child and*** encourage the second parent to take parental leave, this Directive, while maintaining the right of each parent to at least four months of parental leave currently provided for by Directive 2010/18/EU, extends from one to four months the period of parental leave which cannot be transferred from one parent to the other.

Or. pt

Amendment 59 **Daniel Buda**

Proposal for a directive **Recital 14**

Text proposed by the Commission

(14) As the majority of fathers do not avail themselves of their right to parental leave or transfer a considerable proportion of their leave entitlement to mothers, in order to encourage the second parent to take parental leave, this Directive, while maintaining the right of each parent to at least four months of parental leave currently provided for by Directive 2010/18/EU, ***extends from one to four months*** the period of parental leave ***which*** cannot be transferred from one parent to the other.

Amendment

(14) As the majority of fathers do not avail themselves of their right to parental leave or transfer a considerable proportion of their leave entitlement to mothers, in order to encourage the second parent to take parental leave, this Directive, while maintaining the right of each parent to at least four months of parental leave currently provided for by Directive 2010/18/EU, ***continues to stipulate that*** the period of parental leave ***that*** cannot be transferred from one parent to the other ***is one month***.

Or. ro

Amendment 60 **Daniel Buda**

Proposal for a directive **Recital 15**

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least twelve years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement. Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least twelve years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide **written** justification for the postponement. Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. ***The Member State authorities shall ensure that employers do not discriminate against workers who request flexible working arrangements, parental leave or leave of absence for urgent family reasons. At the same time, in order to ensure balance between the interests of employers and workers, Member States should ensure that employers are protected against any abuse of such rights.*** Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of

parents in particularly disadvantaged situations.

Or. ro

Amendment 61

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least **twelve** years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave **and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service.** To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement. Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States

Amendment

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least **thirteen** years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification **in writing** for the postponement.

Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations (**single parents, children with disabilities, serious illnesses**).

should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

Or. it

Amendment 62

Gilles Lebreton

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least twelve years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement. Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, **workers** should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to

Amendment

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least twelve years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement. Given that ***the flexibility required of workers*** makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, ***they*** should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the

accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

Or. fr

Amendment 63
António Marinho e Pinto

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least *twelve* years old. Member States should be able to specify the period of notice to be given by the *worker* to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of *workers* with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. *In such* cases, the employer should provide justification for the postponement. Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, *workers* should be able to request to take

Amendment

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least *thirteen* years old. Member States should be able to specify the period of notice to be given by the *employee* to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of *employees* with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances, *but in these* cases, the employer should provide *written* justification for the postponement. Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave,

parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

employees should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

Or. pt

Amendment 64

Max Andersson

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is **at least** twelve years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement.

Amendment

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is **up to** twelve years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement.

Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time. Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

Or. en

Amendment 65

Evelyn Regner

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least *twelve* years old. Member States should *be able to* specify the period of notice to be given by the worker to the employer when applying for parental leave *and to decide whether the* right to parental leave *may* be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances.

Amendment

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is at least *fourteen* years old. Member States should specify the period of notice to be given by the worker to the employer when applying for parental leave. *The* right to parental leave *should not* be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances.

In such cases, the employer should provide justification for the postponement.

Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time.

Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

In such cases, the employer should provide **written** justification for the postponement.

Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time.

Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

Or. de

Amendment 66

Rosa Estaràs Ferragut

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is **at least twelve** years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide

Amendment

(15) In order to provide greater possibility for parents to use parental leave as their children grow up, the right to parental leave should be granted until the child is **eight** years old. Member States should be able to specify the period of notice to be given by the worker to the employer when applying for parental leave and to decide whether the right to parental leave may be subject to a certain period of service. In view of the growing diversity of contractual arrangements, the sum of successive fixed-term contracts with the same employer should be taken into account for the purpose of calculating the period of service. To balance the needs of workers with those of employers, Member States should also be able to decide

whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement.

Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time.

Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

whether they define if the employer may be allowed to postpone the granting of parental leave under certain circumstances. In such cases, the employer should provide justification for the postponement.

Given that flexibility makes it more likely that second parents, in particular fathers, will take up their entitlement to such leave, workers should be able to request to take parental leave on a full-time or part-time basis or in other flexible forms. It should be up to the employer whether or not to accept such a request for parental leave in other flexible forms than full-time.

Member States should also assess if the conditions and detailed arrangements of parental leave should be adapted to the specific needs of parents in particularly disadvantaged situations.

Or. es

Amendment 67

António Marinho e Pinto

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) In order to facilitate the return to work following parental leave, **workers** and employers should be encouraged to maintain contact during the period of leave **and may** make arrangements for any appropriate reintegration measures, to be decided between the parties concerned, taking into account national law, collective agreements and practice

Amendment

(16) In order to facilitate the return to work following parental leave, **employees** and employers should be encouraged to maintain contact during the period of leave, **so as to** make arrangements for any appropriate reintegration measures, to be decided between the parties concerned, taking into account national law, collective agreements and practice.

Or. pt

Amendment 68

Evelyn Regner

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) In addition to the right to carers' leave provided for in this Directive, all workers should maintain their right to take time off from work *on the grounds of force majeure* for urgent and unexpected family reasons, currently provided for by Directive 2010/18/EU, under the conditions established by the Member States.

Amendment

(18) In addition to the right to carers' leave provided for in this Directive, all workers should maintain their right to take time off from work for urgent and unexpected family reasons, currently provided for by Directive 2010/18/EU, under the conditions established by the Member States.

Or. de

Amendment 69
António Marinho e Pinto

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) To increase the incentives for *workers* with children *and caring responsibilities*, men in particular, to take the periods of leave provided for in this Directive, they should have the right to an adequate allowance while on leave. The level of the allowance should be at least equivalent to what the *worker* concerned would receive in case of sick leave. Member States should take into account the importance of the continuity of the entitlements to social security, including healthcare.

Amendment

(19) To increase the incentives for *employees* with children, *elderly dependents or immediate relatives with incapacitating chronic diseases*, men in particular, to take the periods of leave provided for in this Directive, they should have the right to an adequate allowance while on leave. The level of the allowance should be at least equivalent to what the *employee* concerned would receive in case of sick leave. Member States should take into account the importance of the continuity of the entitlements to social security, including healthcare.

Or. pt

Amendment 70

Daniel Buda

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) To increase the incentives for workers with children and caring responsibilities, men in particular, to take the periods of leave provided for in this Directive, they should have the right to an adequate allowance while on leave. The level of the allowance should be ***at least equivalent to what*** the worker concerned would receive in case of sick leave. Member States should take into account the importance of the continuity of the entitlements to social security, including healthcare.

Amendment

(19) To increase the incentives for workers with children and caring responsibilities, men in particular, to take the periods of leave provided for in this Directive, they should have the right to an adequate allowance while on leave. The level of the allowance should be ***adequate and no less than the amount*** the worker concerned would receive in case of sick leave. Member States should take into account the importance of the continuity of the entitlements to social security, including healthcare.

Or. ro

Amendment 71
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) In order to encourage working parents and carers to remain in the work force, those workers should be able to adapt their working schedules to their personal needs and preferences. Working parents and carers should therefore be able to request flexible working arrangements, meaning the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. ***In order to address the needs of workers and employers, it should be possible for Member States to limit the***

Amendment

(21) In order to encourage working parents and carers to remain in the work force, those workers should be able to adapt their working schedules to their personal needs and preferences. Working parents and carers should therefore be able to request flexible working arrangements, meaning the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. While working part-time has been shown to be useful in allowing some women to remain in the labour market after

duration of flexible working arrangements, including a reduction in working hours. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. ***The ultimate decision as to whether or not to accept a worker's request for flexible working arrangements should lie with the employer, Specific circumstances underlying the need for flexible working arrangements can change.*** Workers should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. Workers should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

Or. en

Amendment 72
Daniel Buda

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) In order to encourage working parents and carers to remain in the work force, those workers should be able to adapt their working schedules to their personal needs and preferences. Working parents and carers should therefore be able to request flexible working arrangements, meaning the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. In order to address the needs of

Amendment

(21) In order to encourage working parents and carers to remain in the work force, those workers should be able to adapt their working schedules to their personal needs and preferences, ***without, however, abusing this right.*** Working parents and carers should therefore be able to request flexible working arrangements, meaning the possibility for workers to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for caring

workers and employers, it should be possible for Member States to limit the duration of flexible working arrangements, including **a reduction in** working hours. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. The ultimate decision as to whether or not to accept a worker's request for flexible working arrangements should lie with the employer. Specific circumstances underlying the need for flexible working arrangements can change. Workers should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

purposes. In order to address the needs of workers and employers **and ensure that they are properly balanced**, it should be possible for Member States to limit the duration of flexible working arrangements, including **provisions for reduced** working hours. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. The ultimate decision as to whether or not to accept a worker's request for flexible working arrangements should lie with the employer. Specific circumstances underlying the need for flexible working arrangements can change. Workers should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

Or. ro

Amendment 73
António Marinho e Pinto

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) In order to encourage working parents and carers to remain in the work force, **those workers should be able** to adapt their working schedules to their personal needs and preferences. Working parents and carers should **therefore** be able to request flexible working arrangements, meaning the possibility for **workers** to adjust their working patterns, including through the use of remote working

Amendment

(21) In order to encourage working parents and carers to remain in the work force, **employers should give them the possibility** to adapt their working schedules to their personal needs and preferences. Working parents and carers should be able to request flexible working arrangements, meaning the possibility for **employees** to adjust their working patterns, including through the use of remote working

arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. In order to address the needs of **workers** and employers, it should be possible for Member States to limit the duration of flexible working arrangements, including a reduction in working hours. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. The ultimate decision as to whether or not to accept **a worker's** request for flexible working arrangements should lie with the employer. Specific circumstances underlying the need for flexible working arrangements can change. **Workers** should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. In order to address the needs of **employees** and employers, it should be possible for Member States to limit the duration of flexible working arrangements, including a reduction in working hours. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children **or other family responsibilities**, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. The ultimate decision as to whether or not to accept **an employee's** request for flexible working arrangements should lie with the employer. Specific circumstances underlying the need for flexible working arrangements can change. **Employees** should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

Or. pt

Amendment 74

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) In order to encourage working parents and carers to remain in the work force, those workers should be able to adapt their working schedules to their personal needs and preferences. Working parents and carers should therefore be able to request flexible working arrangements, meaning the possibility for workers to

Amendment

(21) In order to encourage working parents and carers to remain in the work force, those workers should be able to adapt their working schedules to their personal needs and preferences. Working parents and carers should therefore be able to request flexible working arrangements, meaning the possibility for workers to

adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. In order to address the needs of workers and employers, it should be possible for Member States to limit the duration of *flexible working arrangements, including a reduction in working hours*. While working part-time has been shown to be useful in allowing some women to remain in the labour market after having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. The ultimate decision as to whether or not to accept a worker's request for flexible working arrangements should lie with the employer. Specific circumstances underlying the need for flexible working arrangements can change. Workers should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for caring purposes. In order to address the needs of workers and employers, it should be possible for Member States to limit the duration of *part-time work, giving priority to other flexible working arrangements*. While working part-time has *indeed* been shown to be useful in allowing some women to remain in the labour market after having children, long periods of reduced working hours may lead to lower social security contributions translating into reduced or non-existing pension entitlements. The ultimate decision as to whether or not to accept a worker's request for flexible working arrangements should lie with the employer. Specific circumstances underlying the need for flexible working arrangements can change. Workers should therefore not only have the right to return to their original working patterns at the end of a given agreed period, but should also be able to request to do so at any time where a change in the underlying circumstances so requires.

Or. it

Amendment 75

Heidi Hautala

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) Workers exercising their rights to leave or to request flexible working arrangements should be protected against discrimination or any less favourable treatment on that ground.

Amendment

(23) Workers exercising their rights to leave or to request flexible working arrangements should be protected against discrimination or any less favourable treatment on that ground. *Exercising one's right to leave or flexible working arrangements should not have adverse*

effects on the level of employment or other working conditions.

Or. en

Amendment 76

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) Workers exercising their rights to leave or to request flexible working arrangements should be protected against discrimination or any less favourable treatment on that ground.

Amendment

(23) Workers exercising their rights to leave or to request flexible working arrangements should be protected against discrimination, ***retaliation*** or any less favourable treatment on that ground.

Or. it

Amendment 77

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) Workers exercising their rights to take leave or to request flexible working arrangements provided for in this Directive should enjoy protection from dismissal and any preparations for a possible dismissal on the grounds that they applied for, or have taken such leave or have exercised the right to request such flexible working arrangements. Where workers consider that they have been dismissed on those grounds, they should be able to ask the employer to provide duly substantiated grounds for the dismissal.

Amendment

(24) Workers exercising their rights to take leave or to request flexible working arrangements provided for in this Directive should enjoy protection from dismissal, ***pressures and mobbing to the detriment of the worker*** and any preparations for a possible dismissal on the grounds that they applied for, or have taken such leave or have exercised the right to request such flexible working arrangements. Where workers consider that they have been dismissed on those grounds, they should be able to ask the employer to provide duly substantiated grounds for the dismissal.

Amendment 78
António Marinho e Pinto

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Member States should provide for effective, proportionate and dissuasive penalties in the event of breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The effective implementation of the principle of equal treatment requires adequate judicial protection of **workers** against adverse treatment or adverse consequences resulting from a complaint or proceeding relating to the rights under this Directive. **Victims** may be deterred from exercising their rights on account of the risk of retaliation and therefore should be protected from any adverse treatment where they exercise their rights provided for by this Directive. ***Such protection is particularly relevant as regards workers' representatives in the exercise of their function.***

Amendment

(26) Member States should provide for effective, proportionate and dissuasive penalties in the event of breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The effective implementation of the principle of equal treatment requires adequate judicial protection of **employees** against adverse treatment or adverse consequences resulting from a complaint or proceeding relating to the rights under this Directive. ***Employees*** may be deterred from exercising their rights on account of the risk of retaliation and therefore should be protected from any adverse treatment where they exercise their rights provided for by this Directive.

Amendment 79
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Member States should provide for effective, proportionate and dissuasive

Amendment

(26) Member States should provide for effective, proportionate and dissuasive

penalties in the event of breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The effective implementation of the principle of equal treatment requires adequate judicial protection of workers against adverse treatment or adverse consequences resulting from a complaint or proceeding relating to the rights under this Directive. Victims may be deterred from exercising their rights on account of the risk of retaliation and therefore should be ***protected*** from any adverse treatment where they exercise their rights provided for by this Directive. ***Such*** protection ***is particularly relevant as regards*** workers' representatives in the exercise of their function.

penalties in the event of breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. The effective implementation of the principle of equal treatment requires adequate judicial protection of workers against adverse treatment or adverse consequences resulting from a complaint or proceeding relating to the rights under this Directive. Victims may be deterred from exercising their rights on account of the risk of retaliation and therefore should be ***able to enjoy maximum protection*** from any adverse treatment where they exercise their rights provided for by this Directive. ***The same*** protection ***should also be provided for*** workers' representatives in the exercise of their function.

Or. it

Amendment 80

Daniel Buda

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) ***This*** Directive ***should*** avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings. Member States are therefore invited to assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises and for administrative burden.

Amendment

(30) ***Implementation of this*** Directive ***by the Member States would*** avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings. Member States are therefore invited to assess the impact of their transposition act on SMEs in order to make sure that SMEs are not disproportionately affected, with specific attention for micro-enterprises and for administrative burden.

Or. ro

Amendment 81
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive lays down minimum requirements designed to achieve equality between men and women with regard to labour market opportunities and treatment at work through facilitating the reconciliation of work and family life for working parents and carers.

Amendment

This Directive lays down minimum requirements designed to achieve equality between men and women with regard to labour market opportunities and treatment at work ***in terms of social rights and pay*** through facilitating the reconciliation of work and family life for working parents and carers.

Or. it

Amendment 82
Rosa Estaràs Ferragut

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

This Directive applies to all workers, men and women, who have an employment contract or employment relationship.

Amendment

This Directive applies to all workers, ***both*** men and women, who have an employment contract or employment relationship ***as defined by the law, collective agreements or practice in force in each Member State.***

Or. es

Amendment 83
Max Andersson
on behalf of the Verts/ALE Group

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

This Directive applies to all workers, men and women, who have an employment contract or employment relationship.

Amendment

This Directive applies to all workers, men and women, who have an employment contract or employment relationship ***as defined by the law, collective agreements and/or practice in force in each Member State.***

Or. en

Justification

The definition of worker should be defined by reference to national law, collective agreements and/or practice in force in each Member State, so that it would not alter the notion in the current parental leave directive. The suggested reference, above, is taken from the current parental leave directive. Excluding the reference, and thereby changing the status quo, has no added value. Instead, it would create legal uncertainty and could have unforeseen consequences for national labour and social security law, which in extension also may have unforeseeable effects on the application of the Regulation (EC) No 883/2004 on the coordination of social security systems.

Amendment 84
Jytte Guteland

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

This Directive applies to all workers, men and women, who have an employment contract or employment relationship.

Amendment

This Directive applies to all workers, men and women, who have an employment contract or employment relationship ***as defined by the law, collective agreements and/or practice in force in each Member State.***

Or. en

Justification

The text should not alter the notion from the current parental leave directive. This amendment is taken from the current parental leave directive. Important not to create legal uncertainty risking to unforeseen consequences for national labour and social security law, which in extension also may have unforeseeable effects on the application of the Regulation (EC) No 883/2004 on the coordination of social security systems.

Amendment 85

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) "paternity leave" means leave from work for fathers to be taken on the occasion of the birth of a child;

Amendment

(a) "paternity leave" means ***paid*** leave from work for fathers to be taken on the occasion of the birth ***or adoption*** of a child;

Or. en

Amendment 86

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) "parental leave" means leave from work on the grounds of the birth or adoption of a child to take care of that child;

Amendment

(b) "parental leave" means ***paid*** leave from work on the grounds of the birth or adoption of a child to take care of that child;

Or. en

Amendment 87

Daniel Buda

Proposal for a directive

Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) "carer" means a ***worker*** providing personal care or support in case of a serious illness or dependency of a relative;

Amendment

(c) "carer" means a ***person*** providing personal care or support in case of a serious illness or dependency of a relative;

Amendment 88
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) "relative" means a worker's son, daughter, mother, father, spouse or partner in civil partnership, where such partnerships are envisaged by national law;

Amendment

(d) "relative" means a worker's son, daughter, mother, father, spouse or partner in civil partnership, where such partnerships are envisaged by national law ***and also an uncle/aunt/grandfather/grandmother/grandchild who is dependent on the worker and is shown to be in need of special care and assistance;***

Or. it

Amendment 89
Rosa Estaràs Ferragut

Proposal for a directive
Article 3 – paragraph 1 – point e

Text proposed by the Commission

(e) "dependency" means a situation in which a person is, temporarily or permanently, in need of care due to disability or ***a serious medical condition other than serious illness;***

Amendment

(e) "dependency" ***"dependency"*** means a situation in which a person is, temporarily or permanently, in need of care due to disability or ***dependent on healthcare ;***

Or. es

Amendment 90
António Marinho e Pinto

Proposal for a directive
Article 3 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) "single parent or carer" means a person who is neither married nor in a partnership as recognised by national law, and who has sole parental or family responsibility for a child, elderly dependents or immediate relatives with incapacitating chronic diseases.

Or. pt

Amendment 91

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 3 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) "single parent" means a person who is unmarried or legally separated from a spouse and has a minor or children for which the parent has either custody or joint custody.

Or. en

Amendment 92

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 3 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) "unsocial hours working time" means working hours in the evenings, at night and at weekends, that prevent workers from decently organise and appreciate life outside work.

Or. en

Amendment 93
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that fathers have the right to take paternity leave of at least **ten** working days on the occasion of the birth of a child.

Amendment

1. Member States shall take the necessary measures to ensure that fathers have the right to take **paid** paternity leave - **like maternity leave - on a mandatory basis** of at least **fourteen** working days on the occasion of the birth of a child.

Or. it

Amendment 94
Evelyn Regner

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that **fathers have** the right to take paternity leave of at least **ten** working days on the occasion of the birth of a child.

Amendment

1. Member States shall take the necessary measures to ensure that **the second parent has** the right to take **mandatory paid** paternity leave of at least **fourteen** working days on the occasion of the birth of a child.

Or. de

Amendment 95
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall take the

Amendment

1. Member States shall take the

necessary measures to ensure that fathers have the right to take paternity leave of at least ***ten*** working days on the occasion of the birth of a child.

necessary measures to ensure that fathers have the right to take paternity leave of at least ***fifteen*** working days on the occasion of the birth ***or adoption*** of a child.

Or. en

Amendment 96
António Marinho e Pinto

Proposal for a directive
Article 4.^o – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that fathers have the right to take paternity leave of at least ***ten*** working days on the occasion of the birth of a child.

Amendment

1. Member States shall take the necessary measures to ensure that fathers have the right to take paternity leave of at least ***twelve*** working days on the occasion of the birth ***or adoption*** of a child.

Or. pt

Amendment 97
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. The right to paternity leave referred to in paragraph 1 shall be granted irrespective of marital or family status as defined in national law.

Amendment

2. The right to paternity leave referred to in paragraph 1 ***shall include also single parents. It*** shall be granted irrespective of marital or family status as defined in national law.

Or. en

Amendment 98
António Marinho e Pinto

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The right to paternity leave referred to in paragraph 1 shall be granted irrespective of their length of service and the nature of their contract.

Or. pt

Amendment 99
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least four months to be taken before the child reaches a given age which shall be at least **twelve**.

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave **paid at least what they are legally owed on sick days** of at least four months to be taken before the child reaches a given age which shall be at least **thirteen**.

Or. it

Amendment 100
António Marinho e Pinto

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall take the necessary measures to ensure that **workers** have an individual right to parental leave of at least **four** months to be taken before the child reaches a given age which shall be at least **twelve**.

1. Member States shall take the necessary measures to ensure that **employees** have an individual right to parental leave of at least **six** months **for each child** to be taken before the child reaches a given age which shall be at least

thirteen.

Or. pt

Amendment 101

Rosa Estaràs Ferragut

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least four months to be taken before the child reaches *a given age which shall be at least twelve*.

Amendment

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least four months to be taken before the child reaches *eight years old*.

Or. es

Amendment 102

Evelyn Regner

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least four months to be taken before the child reaches a given age which shall be at least *twelve*.

Amendment

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least four months to be taken before the child reaches a given age which shall be at least *fourteen*.

Or. de

Amendment 103

Max Andersson

on behalf of the Verts/ALE Group

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least four months to be taken before the child reaches a given age which shall be *at least* twelve.

Amendment

1. Member States shall take the necessary measures to ensure that workers have an individual right to parental leave of at least four months to be taken before the child reaches a given age which shall be *up to* twelve.

Or. en

Justification

The parental leave should be taken when the child is small. This enables the parent(s) to better connect with their child; and ensures that the Directive fulfils its purpose of facilitating women's participation in the labour market.

Amendment 104
Rosa Estaràs Ferragut

Proposal for a directive
Article 5 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The length of parental leave shall be extendible for parents looking after a child with a disability or serious illness.

Or. es

Amendment 105
Daniel Buda

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The duration of parental leave shall be at least six months for the parents

of children with disabilities.

Or. ro

Amendment 106

António Marinho e Pinto

Proposal for a directive

Article 5.º – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The length of parental leave shall be doubled for parents looking after a child with a disability or serious illness.

Or. pt

Amendment 107

António Marinho e Pinto

Proposal for a directive

Article 5.º – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The length of parental leave shall be doubled for single parents.

Or. pt

Amendment 108

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall

ensure that at least **four** months of parental leave cannot be transferred.

ensure that at least **six** months of parental leave cannot be transferred. ***The length of parental leave shall be doubled for single parents and for parents with disabled or seriously ill children.***

Or. en

Amendment 109

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least four months of parental leave cannot be transferred.

Amendment

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least ***three of the*** four months of parental leave cannot be transferred.

Or. it

Amendment 110

Daniel Buda

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least ***four months*** of parental leave cannot be transferred.

Amendment

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least ***one month*** of parental leave cannot be transferred.

Or. ro

Amendment 111

António Marinho e Pinto

**Proposal for a directive
Article 5.º – paragraph 2**

Text proposed by the Commission

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least **four** months of parental leave cannot be transferred.

Amendment

2. Where Member States allow one parent to transfer their parental leave entitlement to the other parent, they shall ensure that at least **three** months of parental leave cannot be transferred.

Or. pt

**Amendment 112
Enrico Gasbarra, Virginie Rozière**

**Proposal for a directive
Article 5 – paragraph 4**

Text proposed by the Commission

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed one year. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC²¹, with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

Amendment

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed one year. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC²¹, with the same employer, the sum of those contracts shall be **compulsorily** taken into account for the purpose of calculating the qualifying period.

²¹ Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

²¹ Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

Or. it

Amendment 113

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed **one year**. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC²¹, with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

²¹ Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

Amendment

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed **nine months**. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC²¹, with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

²¹ Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

Or. en

Amendment 114

António Marinho e Pinto

Proposal for a directive

Article 5.º – paragraph 4

Text proposed by the Commission

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed **one year**. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC²¹, with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

Amendment

4. Member States may make the right to parental leave subject to a period of work qualification or a length of service qualification which shall not exceed **nine months**. In the case of successive fixed-term contracts, within the meaning of Council Directive 1999/70/EC²¹, with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.

²¹ Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

²¹ Council Directive of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999, p.43).

Or. pt

Amendment 115
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

5. Member States may define the circumstances in which an employer, following consultation in accordance with national law, collective agreements and/or practice, may be allowed to postpone the granting of parental leave by a reasonable period of time on the grounds that it would seriously disrupt the good functioning of the establishment. Employers shall justify any postponement of parental leave in writing.

Amendment

5. Member States may define the circumstances in which an employer, following consultation in accordance with national law, collective agreements and/or practice, may be allowed to postpone the granting of parental leave by a reasonable period of time on the grounds that it would seriously disrupt the good functioning of the establishment. Employers shall justify any postponement of parental leave in writing. ***In any case, the employer shall be prevented to impose on the parent any arrangement that allows for unsocial working hours.***

Or. en

Amendment 116
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

5. Member States may define the circumstances in which an employer,

Amendment

5. Member States may define the circumstances in which an employer,

following consultation in accordance with national law, collective agreements and/or practice, may be allowed to postpone the granting of parental leave by a reasonable period of time on the grounds that it would seriously disrupt the good functioning of the establishment. Employers *shall* justify any postponement of parental leave in writing.

following consultation in accordance with national law, collective agreements and/or practice, *even if given advance notice*, may be allowed to postpone the granting of parental leave by a reasonable period of time *and in any case by never more than 20 successive days* on the grounds that it would seriously disrupt the good functioning of the establishment. Employers *are required to* justify any postponement of parental leave in writing.

Or. it

Amendment 117

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Workers shall be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, including on the probation period.

Or. en

Amendment 118

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 5 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Employment relationships that lead to precarious working conditions, including unsocial working hours, shall be prevented.

Or. en

Amendment 119

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Article 5 – paragraph 7

Text proposed by the Commission

7. Member States shall assess the need for the conditions of access and detailed arrangements for the application of parental leave to be ***adapted to*** the needs of adoptive parents, parents having a disability and parents with children with a disability or long-term illness.

Amendment

7. Member States shall assess the need for the conditions of access and detailed arrangements for the application of parental leave to be ***extended to meet*** the needs of adoptive parents, parents having a disability, ***single parents (single-parent families)*** and parents with children with a disability or ***serious*** long-term illness. ***In particular, for parents of children with disabilities and extremely serious illnesses – according to the certification established by the national health authorities – the rejection of requests for parental leave shall be specifically forbidden.***

Or. it

Amendment 120

Joëlle Bergeron

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that workers have the right to carers' leave of at least ***five*** working days per ***year***, per worker. Such right ***may*** be subject to appropriate substantiation of the medical condition of the worker's relative.

Amendment

Member States shall take the necessary measures to ensure that workers have the right to carers' leave of at least ***two*** working days per ***month***, per worker. Such right ***must*** be subject to appropriate ***medical and detailed*** substantiation of the medical condition of the worker's relative.

Or. fr

Amendment 121
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that workers have the right to carers' leave of at least **five** working days per year, per worker. Such right **may** be subject to appropriate substantiation of the medical condition of the worker's relative.

Amendment

Member States shall take the necessary measures to ensure that workers have the right to **paid** carers' leave of at least **seven** working days per year, per worker. Such right **must** be subject to appropriate substantiation of the medical condition of the worker's relative.

Or. it

Amendment 122
Heidi Hautala

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that workers have the right to carers' leave of at least **five** working days per year, per worker. Such right may be subject to appropriate substantiation of the medical condition of the worker's relative.

Amendment

Member States shall take the necessary measures to ensure that workers have the right to carers' leave of at least **twelve** working days per year, per worker. Such right may be subject to appropriate substantiation of the medical condition of the worker's relative.

Or. en

Amendment 123
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary

Amendment

Member States shall take the necessary

measures to ensure that workers have the right to carers' leave of at least **five** working days per year, per worker. Such right may be subject to appropriate substantiation of the medical condition of the worker's relative.

measures to ensure that workers have the right to carers' leave of at least **ten** working days per year, per worker. Such right may be subject to appropriate substantiation of the medical condition of the worker's relative.

Or. en

Amendment 124
Rosa Estaràs Ferragut

Proposal for a directive
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Leave for mothers and fathers with a disability

The Member States shall guarantee that the length of the types of leave described in this Directive is extendible by at least 50% for mothers and fathers with a disability.

Or. es

Amendment 125
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that workers have the right to time off from work ***on grounds of force majeure*** for urgent family reasons in cases of illness or accident making the immediate presence of the worker indispensable. ***Member States may limit***

Amendment

Member States shall take the necessary measures to ensure that workers have the right to time off from work for urgent family reasons in cases of illness or accident making the immediate presence of the worker indispensable.

the right to time off from work on grounds of force majeure to a certain amount of time per year or per case, or both.

Or. it

Amendment 126

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 7 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that workers have the right to time off from work on grounds of force majeure for urgent family reasons in cases of illness or accident making the immediate presence of the worker indispensable. Member States may *limit* the right to time off from work on grounds of force majeure to a *certain* amount of time per year or per case, or both.

Amendment

Member States shall take the necessary measures to ensure that workers have the right to time off from work on grounds of force majeure for urgent family reasons in cases of illness or accident making the immediate presence of the worker indispensable. Member States may ***regulate*** the right to time off from work on grounds of force majeure to a ***reasonable*** amount of time per year or per case, or both, ***on the condition of submitting justified evidence. The fundamental and social rights of workers shall in any case be fully respected.***

Or. en

Amendment 127

Daniel Buda

Proposal for a directive

Article 7 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that workers have the right to time off from work on grounds of force majeure for urgent family reasons in

Amendment

Member States shall take the necessary measures to ensure that workers have the right to time off from work on grounds of force majeure for urgent family reasons in

cases of illness or accident making the immediate presence of the worker indispensable. ***Member States may limit the right to time off from work on grounds of force majeure to a certain amount of time per year or per case, or both.***

cases of illness or accident making the immediate presence of the worker indispensable.

Or. ro

Amendment 128
António Marinho e Pinto

Proposal for a directive
Article 7.º – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that ***workers*** have the right to time off from work on grounds of force majeure for urgent family reasons in cases of illness or accident making the immediate presence of the ***worker*** indispensable. Member States may ***limit the*** right to time off from work on grounds of force majeure ***to a certain amount of time per year or per case, or both.***

Amendment

Member States shall take the necessary measures to ensure that ***employees*** have the right to time off from work on grounds of force majeure for urgent family reasons in cases of illness or accident making the immediate presence of the ***employee*** indispensable. Member States may ***make this*** right to time off from work on grounds of force majeure ***conditional on the submission of evidence to substantiate the alleged facts.***

Or. pt

Amendment 129
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners,

Amendment

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners,

Member States shall ensure that workers exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment or an adequate allowance at least equivalent to what the worker concerned would receive in case of sick leave.

Member States shall ensure that workers exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment, ***a tax credit*** or an adequate allowance at least equivalent to what the worker concerned would receive in case of sick leave.

Or. it

Amendment 130
Rosa Estaràs Ferragut

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that workers exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment or an adequate allowance at least equivalent to ***what the worker concerned would receive in case of sick leave.***

Amendment

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that workers exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment or an adequate allowance at least equivalent to ***80% of their salary.***

Or. es

Amendment 131
António Marinho e Pinto

Proposal for a directive
Article 8.º – paragraph 1

Text proposed by the Commission

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that ***workers*** exercising the rights to leave referred to in

Amendment

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that ***employees*** exercising the rights to leave referred to in

Article 4, 5 or 6 **will** receive a payment or an adequate allowance at least equivalent to what the **worker** concerned would receive in case of sick leave.

Article 4, 5 or 6 receive a payment or an adequate allowance at least equivalent to what the **employee** concerned would receive in case of sick leave.

Or. pt

Amendment 132
Daniel Buda

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that workers exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment or an adequate allowance ***at least equivalent to what*** the worker concerned would receive in case of sick leave.

Amendment

In accordance with national circumstances, such as national law, collective agreements and/or practice, and taking into account the powers delegated to social partners, Member States shall ensure that workers exercising the rights to leave referred to in Article 4, 5 or 6 will receive a payment or an adequate allowance ***that is no less than the amount*** the worker concerned would receive in case of sick leave.

Or. ro

Amendment 133
Rosa Estaràs Ferragut

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The Member States may establish a pay or allowance ceiling in accordance with their national legislation.

Or. es

Amendment 134
Daniel Buda

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least twelve, and carers, have the right to request flexible working arrangements for caring purposes. *The* duration of such flexible working arrangements may be subject to a reasonable limitation.

Amendment

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least twelve, and carers, have the right to request flexible working arrangements for caring purposes. ***In order to ensure a proper balance between the needs of workers and employers respectively, the*** duration of such flexible working arrangements may be subject to a reasonable limitation.

Or. ro

Amendment 135
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least twelve, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable *limitation*.

Amendment

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least twelve, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable ***regulation, while fully respecting the fundamental and social rights of workers.***

Or. en

Amendment 136
António Marinho e Pinto

Proposal for a directive
Article 9.º – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that **workers** with children up to **a given age, which shall be at least twelve**, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Amendment

1. Member States shall take the necessary measures to ensure that **employees** with children up to **thirteen**, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Or. pt

Amendment 137
Rosa Estaràs Ferragut

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that workers with children up to **a given age, which shall be at least twelve**, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Amendment

1. Member States shall take the necessary measures to ensure that workers with children up to **eight years old**, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Or. es

Amendment 138
Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least **twelve**, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Amendment

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least **thirteen**, and carers, have the right to request flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Or. it

Amendment 139

Evelyn Regner

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least **twelve**, and carers, have the right to **request** flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Amendment

1. Member States shall take the necessary measures to ensure that workers with children up to a given age, which shall be at least **fourteen**, and carers, have the right to flexible working arrangements for caring purposes. The duration of such flexible working arrangements may be subject to a reasonable limitation.

Or. de

Amendment 140

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Article 9 – paragraph 2

Text proposed by the Commission

2. Employers shall consider and respond to requests for flexible working

Amendment

2. Employers shall consider and respond to requests for flexible working

arrangements referred to in paragraph 1, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request.

arrangements referred to in paragraph 1, taking into account the needs of both employers and workers. Employers shall justify *in writing* any refusal of such a request. *In particular, for parents of children with disabilities and extremely serious illnesses - according to the certifications established by the national health authorities - the rejection of requests for flexible working arrangements shall be expressly forbidden. For workers with children under the conditions indicated, the right to flexible working arrangements is extended until the children reach the age of eighteen.*

Or. it

Amendment 141
António Marinho e Pinto

Proposal for a directive
Article 9.º – paragraph 2

Text proposed by the Commission

2. Employers shall consider and respond to requests for flexible working arrangements referred to in paragraph 1, taking into account the needs of both employers and *workers*. Employers shall justify any refusal of such a request.

Amendment

2. Employers shall consider and respond *in writing* to requests for flexible working arrangements referred to in paragraph 1, taking into account the needs of both employers and *employees*. Employers shall *also* justify any refusal of such a request *in writing*.

Or. pt

Amendment 142
Daniel Buda

Proposal for a directive
Article 9 – paragraph 2

Text proposed by the Commission

2. Employers shall consider and respond to requests for flexible working arrangements referred to in paragraph 1, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request.

Amendment

2. Employers shall consider and respond to requests for flexible working arrangements referred to in paragraph 1, taking into account the needs of both employers and workers. Employers shall justify ***in writing*** any refusal of such a request.

Or. ro

Amendment 143

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Article 9 – paragraph 3

Text proposed by the Commission

3. When flexible working arrangements referred to in paragraph 1 are limited in duration, the worker shall have the right to return to the original working pattern at the end of the agreed period. The worker shall also have the right to request to return to the original working pattern whenever a change of circumstances so justifies. Employers shall be obliged to consider and respond to such requests, taking into account the needs of both employers and workers.

Amendment

3. When flexible working arrangements referred to in paragraph 1 are limited in duration, the worker shall have the right to return to the original working pattern at the end of the agreed period. ***Provision should also be made for a 'protection period' at the time of re-entry to allow the worker an easier and more effective reintegration into professional life, bearing in mind that, in this transitional phase, the use of new technologies could help workers to move more quickly towards resuming work in a lasting, more agile manner, while updating their skills.*** The worker shall also have the right to request to return to the original working pattern whenever a change of circumstances so justifies. Employers shall be obliged to consider and respond to such requests, taking into account the needs of both employers and workers.

Or. it

Amendment 144
Heidi Hautala

Proposal for a directive
Article 9 – paragraph 3

Text proposed by the Commission

3. *When flexible working arrangements referred to in paragraph 1 are limited in duration*, the worker shall *have the right to return to the original working pattern at the end of the agreed period. The worker shall also* have the right to request to return to the original working pattern *whenever a change of circumstances so justifies*. Employers shall be obliged to consider and respond to such requests, taking into account the needs of both employers and workers.

Amendment

3. The worker shall have the right to request to return to the original working pattern *at the same level of employment*. Employers shall be obliged to consider and respond to such requests, taking into account the needs of both employers and workers.

Or. en

Amendment 145
António Marinho e Pinto

Proposal for a directive
Article 9.º – paragraph 3

Text proposed by the Commission

3. When flexible working arrangements referred to in paragraph 1 are limited in duration, the **worker** shall have the right to return to the original working pattern at the end of the agreed period. The **worker** shall also have the right to request to return to the original working pattern whenever a change of circumstances so justifies. Employers shall be obliged to consider and respond to such requests, taking into account the needs of both employers and **workers**.

Amendment

3. When flexible working arrangements referred to in paragraph 1 are limited in duration, the **employee** shall have the right to return to the original working pattern at the end of the agreed period. The **employee** shall also have the right to request to return to the original working pattern whenever a change of circumstances so justifies. Employers shall be obliged to consider and respond *in writing* to such requests, taking into account the needs of both employers and **employees**.

Or. pt

Amendment 146
Daniel Buda

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to prohibit less favourable treatment of workers on the ground that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or on the ground that they have exercised their right to flexible working arrangements referred to in Article 9.

Amendment

Member States shall take the necessary measures to prohibit ***discrimination and*** less favourable treatment of workers on the ground that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or on the ground that they have exercised their right to flexible working arrangements referred to in Article 9.

Or. ro

Amendment 147
Evelyn Regner

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to prohibit ***less favourable treatment of*** workers on the ground that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or on the ground that they have exercised their right to flexible working arrangements referred to in Article 9.

Amendment

Member States shall take the necessary measures to prohibit ***discrimination against*** workers on the ground that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or on the ground that they have exercised their right to flexible working arrangements referred to in Article 9.

Or. de

Amendment 148
Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

2. Workers who consider that they have been dismissed on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6 or of exercising the right to request flexible working arrangements referred to in Article 9 **may** request the employer to provide duly substantiated grounds for the dismissal. The employer shall provide those grounds in writing.

Amendment

2. Workers who consider that they have been dismissed on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6 or of exercising the right to request flexible working arrangements referred to in Article 9 **are entitled to** request the employer to provide duly substantiated grounds for the dismissal. The employer shall **be required to** provide those grounds in writing.

Or. it

Amendment 149

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

2. Workers who consider that they have been dismissed on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6 or of exercising the right to request flexible working arrangements referred to in Article 9 may request the employer to provide duly substantiated grounds for the dismissal. The employer shall provide those grounds in writing.

Amendment

2. Workers who consider that they have been dismissed on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6 or of exercising the right to request flexible working arrangements referred to in Article 9 may request the employer to provide duly substantiated grounds for the dismissal. The employer shall provide **in due time** those grounds in writing.

Or. en

Amendment 150

Daniel Buda

Proposal for a directive

Article 12 – paragraph 3

Text proposed by the Commission

3. Member States shall take the necessary measures to ensure that, when workers referred to in paragraph 2 establish, before a court or other competent authority, facts from which it may be presumed that there have been such dismissal, it shall be for the **respondent** to prove that the dismissal was based on grounds other than those referred to in paragraph 1.

Amendment

3. Member States shall take the necessary measures to ensure that, when workers referred to in paragraph 2 establish, before a court or other competent authority, facts from which it may be presumed that there have been such dismissal, it shall be for the **employer** to prove that the dismissal was based on grounds other than those referred to in paragraph 1.

Or. ro

Amendment 151
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are applied. Penalties shall be effective, proportionate and dissuasive. They may take the form of a fine. They may also comprise payment of compensation.

Amendment

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are applied. Penalties shall be effective, proportionate and dissuasive. They may take the form of a fine. They may also comprise payment of compensation. ***In cases of the inadmissible rejection of requests for parental leave or care leave - as established for parents of children with disabilities and extremely serious illnesses according to the certification drawn up by national health authorities - the obligation immediately to grant leave shall be established by the judicial authorities by an accelerated procedure.***

Or. it

Amendment 152
António Marinho e Pinto

Proposal for a directive
Article 13.^o – paragraph 1

Text proposed by the Commission

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that *those penalties are applied. Penalties shall be effective, proportionate and dissuasive. They may take the form of a fine. They may also comprise payment of compensation.*

Amendment

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that effective, *dissuasive and proportionate penalties are applied.*

Or. pt

Amendment 153
Gilles Lebreton

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are applied. Penalties shall be effective, proportionate and dissuasive. *They may take the form of a fine. They may also comprise payment of compensation.*

Amendment

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are applied. Penalties shall be effective, proportionate and dissuasive.

Amendment 154

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are applied. Penalties shall be effective, proportionate and dissuasive. They may take the form of a fine. They *may* also comprise payment of compensation.

Amendment

Member States shall lay down rules on penalties applicable to breaches of national provisions adopted pursuant to this Directive or the relevant provisions already in force concerning the rights which are within the scope of this Directive. Member States shall take all measures necessary to ensure that those penalties are applied. Penalties shall be effective, proportionate and dissuasive. They may take the form of a fine. They ***shall*** also comprise payment of compensation.

Or. en

Amendment 155

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Member States shall introduce measures necessary to protect workers, including workers who are employees' representatives, from any adverse treatment by the employer or adverse consequences resulting from a complaint lodged within the undertaking or any legal proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.

Amendment

Member States shall introduce measures necessary to protect workers, including workers who are employees' representatives, from any adverse treatment by the employer or ***any form of retaliation, discrimination or*** adverse consequences resulting from a complaint lodged within the undertaking or any legal proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.

Amendment 156
António Marinho e Pinto

Proposal for a directive
Article 14.º – paragraph 1

Text proposed by the Commission

Member States shall introduce measures necessary to protect **workers, including workers who are** employees' **representatives**, from any adverse treatment by the employer or adverse consequences resulting from a complaint lodged within the undertaking or any legal proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.

Amendment

Member States shall introduce measures necessary to protect employees from any adverse treatment by the employer or adverse consequences resulting from a complaint lodged within the undertaking or any legal proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.

Amendment 157
Rosa Estaràs Ferragut

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the body or bodies designated, pursuant to Article 20 of Directive 2006/54/EC, for the promotion, analysis, monitoring and support of equal treatment of parents and carers without discrimination on grounds of sex are also competent for issues falling within the scope of this Directive.

Amendment

Without prejudice to the powers of the labour inspection services or other bodies, including social services, responsible for monitoring workers' rights, Member States shall ensure that the body or bodies designated, pursuant to Article 20 of Directive 2006/54/EC, for the promotion, analysis, monitoring and support of equal treatment of parents and carers without discrimination on grounds of sex are also competent for issues falling within the scope of this Directive.

Amendment 158
Enrico Gasbarra, Virginie Rozière

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Member States may introduce or maintain provisions that are more favourable to workers than those laid down in this Directive. They shall however ensure that at least four months of parental leave remain non-transferable in accordance with Article 5(2).

Amendment

Member States may introduce or maintain provisions that are more favourable to workers than those laid down in this Directive, ***but never below the standards currently in force in national legislation.*** They shall however ensure that at least four months of parental leave remain non-transferable in accordance with Article 5(2) ***and that the leave protection is mandatory for parents of children with disabilities and extremely serious illnesses - pursuant to the certification established by the national health authorities.***

Amendment 159
Daniel Buda

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

Member States may introduce or maintain provisions that are more favourable to workers than those laid down in this Directive. They shall however ensure that at least ***four months*** of parental leave ***remain*** non-transferable in accordance with Article 5(2).

Amendment

Member States may introduce or maintain provisions that are more favourable to workers than those laid down in this Directive. They shall however ensure that at least ***one month*** of parental leave ***remains*** non-transferable in accordance with Article 5(2).

Amendment 160

Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 17 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force relating to the subject matter as set out in Article 1 of this Directive, are brought by all appropriate means to the attention of the persons concerned throughout their territory.

Amendment

Member States shall ensure that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force relating to the subject matter as set out in Article 1 of this Directive, are brought by all appropriate means ***and in due time*** to the attention of the persons concerned throughout their territory.

Or. en

Amendment 161

Enrico Gasbarra, Virginie Rozière

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

1. At the latest, by ***five*** years after the entry into force of this Directive, Member States shall communicate to the Commission all relevant information concerning the application of this Directive ***necessary for the Commission to draw up a report to the European Parliament and the Council on the application of this Directive.***

Amendment

1. At the latest, by ***three*** years after the entry into force of this Directive, Member States shall communicate to the Commission all relevant information concerning the application of this Directive ***and an in-depth evaluation of the effects of the Directive on female employment statistics, accompanied, if appropriate, by a legislative proposal.***

Or. it

Amendment 162

Rosa Estaràs Ferragut

Proposal for a directive
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Article 8 of this Directive shall not apply to any period of parental leave taken pursuant to Directive 2010/18/EU prior to ... [OJ: please insert the date equivalent to two years from the entry into force of this Directive] and which has been deducted from the total parental leave entitlement under Article 5 of this Directive, as specified in paragraph 1 of this Article.

Or. en

Amendment 163
Rosa Estaràs Ferragut

Proposal for a directive
Article 19 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Notwithstanding the repeal of Directive 2010/18/EU, any period or separate cumulative periods of parental leave taken by a worker, or transferred by that worker pursuant to that Directive prior to ... [OJ: please insert the date equivalent to two years from the entry into force of this Directive] may be deducted from that worker's parental leave entitlement under Article 5 of the present Directive.

Or. en

Amendment 164
Kostas Chrysogonos, Jiří Maštálka

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, at the latest two years after the entry into force. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

The Member States shall ***without delay*** bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, at the latest two years after the entry into force. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 165

Rosa Estaràs Ferragut

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, at the latest ***two*** years after the entry into force. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, at the latest ***four*** years after the entry into force. They shall forthwith communicate to the Commission the text of those provisions.

Or. es