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Directive 2019/1158 On Work-Life Balance for Parents and Carers

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In June 2019, the European Parliament adopted the Directive on work-life balance for parents and carers, (the **'Work- Life Balance Directive'**) which will repeal the Council Directive 2010/18/EU (the **'Parental Leave Directive'**). The general spirit of the Directive is to promote a work-life balance for parents and carers while aiming to close the disparity between the genders when it comes to childcare as well as the lack of incentives for fathers to take parental leave for their children.

The Work- Life Balance Directive extends the rights of workers to take leave for reasons relating to caring responsibilities and creates the right to request flexible working arrangements. The main novelties introduced by this Directive are as follows:

- minimum standards for right to paternity leave, parental leave, carers' leave and right to flexible working arrangements for workers who are parents, or carers;
- protection against dismissal, retaliation or discrimination on the ground of using any of the rights mentioned above;
- right to an adequate allowance while on leave.

Right to leave and flexible working arrangements

The Directive mainly grants:

- fathers: 10 days paternity leave;
- each parent: 4 months of parental leave (2 of which cannot be transferred);
- each worker: 5 days of carer's leave to take care of their parents, children or spouse;
- each worker: time off for for urgent family reasons such as illness or accident (force majeure).

Flexible work arrangements

The Directive introduces the right for workers with children up to a specified age (not less than eight years old) and carers, can ask for flexible working arrangements to adjust their working patterns, including through the use of remote working arrangements, flexible working schedules, or reduced working hours to take care of their children. Employers who refuse or postpone the grant of this right will have to expressly give their reasons.

Protection of employees

A specific feature of this Directive is its prohibition of discrimination when employees exercise their rights under the Directive. In particular, the Directive prohibits less favorable treatment or dismissal of employees who seek to exercise or have exercised their rights of leave or flexible working under the Directive.

In addition, an employee who believes that they have been dismissed because they have applied for, or have taken leave or have exercised the right to request flexible working arrangements can ask their employer to provide duly substantiated reasons of their dismissal. Furthermore, if the worker goes to court the burden of proving that there has been no dismissal on such grounds will be on the employer.

Adequate allowance

The Directive suggests to EU member-states to opt for a level for the payment of fathers during the minimum period of paternity leave (10 days) that is at least equivalent to the level of national sick benefit. Also, since granting rights to paternity and maternity leave aims to create a bond between the parent and the child, member-states are encouraged to provide for the equal payment of paternity and maternity leave.

Current situation in Cyprus and what is going to change

Currently Cyprus legislation addresses certain issues that are relevant to work life balance such as the Parental Leave and Leave for Reason of Force Majeure Law of 2012 as amended and the Law on the Protection of Paternity of 2017. However, in light of the challenges that arise from the increasing prevalence of extended working hours and changing work schedules, the Work-Life Balance Directive aims to establish some important safeguards for parents and caretakers and provide for further incentives for gender equality in the labour market.

In relation to parental leave, even though its duration might remain the same, the Directive provides that such leave will no longer be taken without an allowance. Regarding paternity leave, the Directive gives the right to paternity leave to fathers irrespective of their marital or family status, which means that now fathers will no longer have to be married with the mother of their child in order to benefit from paternity leave and provides that member states may determine whether to allow paternity leave to be taken partly before or only after the birth of the child and whether to allow such leave to be taken in flexible ways.

The Work-Life Balance Directive requires implementation by EU member-states by August 2022. We note that, up to this date, in Cyprus, there is no law proposal regarding implementation of the Directive.

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