

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on work-life balance for parents and carers

Article 3 Definitions

For the purposes of this Directive, the Council applies the following definitions:

- (a) '**paternity leave**' means leave from work for fathers or for equivalent second parents, on the occasion of the birth of a child for the purposes of providing care;
- (b) '**parental leave**' means leave from work for parents on the birth or adoption of a child to take care of that child;
- (c) '**carers' leave**' means leave from work for workers in order to provide personal care to a relative, or to a person who lives with the worker, and who is in need of significant care or support for a serious medical reason, as defined by each Member State;
- (d) '**carer**' means a worker providing personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason, as defined by each Member State;
- (e) '**relative**' means a worker's son, daughter, mother, father, spouse or any partnership recognised by national law;
- (f) '**flexible working arrangements**' means the possibility for workers to adjust their working patterns, including the use of remote working arrangements, flexible working schedules, or reduced working hours.

Article 4 Paternity leave

1. Member States shall take the necessary measures to ensure that fathers, or equivalent second parents, have the right to paternity leave of 10 working days. This paternity leave is taken on the birth of the worker's child. Member States may determine paternity leave can be taken partly before or only after the birth of the child. The Member States may also permit fathers to take this paternity leave in flexible ways.
2. The right to paternity leave must not depend on how long the worker has worked at that company nor on the type of contract the employee has.
3. The right to paternity leave shall be given irrespective of the worker's marital or family status, as defined by national law.

Article 5 Parental leave

1. Member States shall take the necessary measures to make sure that each worker has an individual right to parental leave of four months. This leave will be taken before the child reaches a specified age, up to the age of eight. That age shall be determined so that each parent is able to exercise their right to parental leave effectively and on an equal basis.
2. Member States shall ensure that two months of parental leave cannot be transferred.
3. Member States shall establish a reasonable period of notice that the workers will give to employers when they exercise their right to parental leave. Member States shall take into account the needs of both the employers and the workers. Member States understand that the worker's request for parental leave specifies the intended beginning and end of the period of leave.
4. Member States may establish the circumstances in which an employer, in accordance with national law, collective agreements or practice, is allowed to postpone a parental leave for a reasonable period of time. This will be based on the grounds that the parental leave at the time requested would seriously disrupt the good functioning of the employer.
5. Member States shall take the necessary measures to ensure that workers have the right to request parental leave in flexible ways. Member States may specify the modalities of application. The employer will take into account the needs of both the employer and the worker. The employer shall provide response and reasons in writing.
6. Member States shall take the necessary measures to ensure that when considering requests for full-time parental leave, employers shall offer flexible ways of taking parental leave.
7. Member States will evaluate the need to adapt the conditions and the detailed arrangements for the application of parental leave to the needs of adoptive parents, parents with a disability and parents with children with a disability or with children with a long-term illness.

Article 6 Carers' leave

1. Member States shall take the necessary measures to ensure that each worker has the right to carers' leave of five working days per year. Member States may determine additional details regarding the conditions of carers' leave in accordance with national law or practice.

2. Member States may establish carers' leave on the basis of a reference period other than a year, per person in need of care or support, or per case.

Article 7 Time off from work on grounds of 'force majeure'

Member States shall take the necessary measures to make sure that each worker has the right to time off from work on grounds of *force majeure* for urgent family reasons in the case of illness or accident making the immediate attendance of the worker indispensable.

Article 9 Flexible working arrangements

1. Member States shall take the necessary measures to ensure that workers with children up to a specified age, and carers, have the right to request flexible working arrangements for caring purposes.

2. Employers shall consider and respond to requests for flexible working arrangements as referred to in paragraph 1 within a reasonable period of time. Employers will take into account the needs of both the employer and the worker.

3. When flexible working arrangements 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 have the right to request to return to the original working pattern before the end of the agreed period.