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12.4.2018

AMENDMENTS

335 - 473

Draft opinion
Agnieszka Kozłowska-Rajewicz
(PE618.327v01-00)

Work-life balance for parents and carers

Proposal for a directive
(COM(2017)0253 – C8-0137/2017 – 2017/0085(COD))

(*) Associated committees – Rule 54 of the Rules of Procedure

Amendment 335

Ernest Urtasun

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Single parents, as defined in national law, shall be allowed to transfer the leave period allocated to the second parent to a designated third party.

Or. en

Amendment 336

Ernest Urtasun, Miroslavs Mitrofanovs

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

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 taken into account for the purpose of calculating the qualifying period. *deleted*

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 337

Kostadinka Kuneva, Tania González Peñas

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

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 taken into account for the purpose of calculating the qualifying period. *deleted*

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 338

Vilija Blinkevičiūtė

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

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 *deleted*

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

Justification

The Shadow rapporteur would suggest to eliminate qualification periods for leave schemes, especially if there is a reference to the fact that the qualification period should be earned by working with the same employer. Younger generations are the ones that suffer the most from precarious working conditions and very short and unpredictable contracts. Leaving such a qualification period would inevitably impact and exclude these young parents from these rights, going against the spirit of the directive, and may lead to a decision to postpone child bearing for moments with more secure employment.

Amendment 339 **Urszula Krupa**

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

Text proposed by the Commission

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 taken into account for the purpose of calculating the qualifying period. **deleted**

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. pl

Amendment 340
João Pimenta Lopes

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

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 taken into account for the purpose of calculating the qualifying period.* **deleted**

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 341
João Pimenta Lopes

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

Amendment

5. *Member States may define the circumstances in which an employer, following consultation in accordance with* **deleted**

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.

Or. pt

Amendment 342
Michaela Šojdrová

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 case of justified postponement of parental leave, the employer shall, where possible, offer flexible forms of parental leave pursuant to paragraph 6 of this Article.***

Or. en

Amendment 343
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

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. ***The employer shall be allowed to postpone the granting of parental leave no more than twice and a maximum period of six months.*** Employers shall justify any postponement of parental leave in writing.

Or. en

Amendment 344
Kostadinka Kuneva, Tania González Peñas

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 ***once*** postpone the granting of parental leave by a period of ***three months maximum*** 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.

Or. en

Amendment 345
Urszula Krupa

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 **exceptional** 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.

Or. pl

Amendment 346
Vilija Blinkevičiūtė

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 **once** 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.

Or. en

Amendment 347
Daniela Aiuto, Marco Zullo, Laura Agea

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 *shall* 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.

Or. it

Amendment 348
Jadwiga Wiśniewska

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. *Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work or in other flexible forms. Employers shall consider and respond to such requests, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request in writing.*

Amendment

deleted

Or. en

Amendment 349
Vilija Blinkevičiūtė

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work or in other flexible forms. Employers shall consider and respond to such requests, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request in writing.

Amendment

6. Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work or in other flexible forms. Employers shall consider and respond to such requests, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request in writing ***within a reasonable period of time following the submission of the application. This justification shall be based on exceptional circumstances that are specifically laid down by law, collective agreement and/or practices in force in each Member State.***

Or. en

Amendment 350
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Member States shall take the necessary measures to ensure that workers have the right to ***request*** parental leave also on a part-time basis, in blocks separated by periods of work or in other flexible forms. Employers shall consider and respond to such requests, taking into account the needs of both employers and workers. Employers shall justify any refusal of such

Amendment

6. Member States shall take the necessary measures to ensure that workers have the right to ***demand*** parental leave also on a part-time basis, in blocks separated by periods of work or in other flexible forms. Employers shall, ***in accordance with national law and collective agreements and/or practice,*** consider and respond to such requests,

a request in writing.

taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request ***and set out the grounds*** in writing.

Or. en

Amendment 351

Kostadinka Kuneva, Tania González Peñas

Proposal for a directive

Article 5 – paragraph 6

Text proposed by the Commission

6. Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work or in other ***flexible*** forms. Employers shall consider and respond to such requests, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request in writing.

Amendment

6. Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work or in other ***adaptable to their needs*** forms. Employers, ***acting in accordance to the national legislation and collective agreements***, shall consider and respond to such requests, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request in writing.

Or. en

Amendment 352

Urszula Krupa

Proposal for a directive

Article 5 – paragraph 6

Text proposed by the Commission

6. Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work or in other flexible forms. Employers shall consider and respond to

Amendment

6. Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work or in other flexible forms. Employers shall consider and respond to

such requests, taking into account the needs of both employers and workers. Employers *shall justify any refusal of such a request* in writing.

such requests, taking into account the needs of both employers and workers. Employers *may only reject such applications on compelling grounds, and the reasons for such a refusal shall be provided to the employee* in writing.

Or. pl

Amendment 353
Iratxe García Pérez

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work or in other flexible forms. Employers shall consider and respond to such requests, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request in writing.

Amendment

6. Member States shall take the necessary measures to ensure that workers have the right to request parental leave also on a part-time basis, in blocks separated by periods of work, *as shorter working days* or in other flexible forms. Employers shall consider and respond to such requests, taking into account the needs of both employers and workers. Employers shall justify any refusal of such a request in writing.

Or. es

Amendment 354
Angelika Niebler

Proposal for a directive
Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Member States may impose restrictions for the purposes of applying for parental leave, for instance as regards the frequency of requests, minimum periods of validity for changes to working arrangements, and the number of periods

in which parental leave may be taken.

Or. de

Justification

To enable employers to plan with a little more certainty, a degree of restriction should be allowable. It should be ensured, for example, that parental leave, instead of being split into innumerable portions, would have to be taken in set minimum periods (one month at a time, say). Flexible working arrangements should likewise not be subject to change without limits.

Amendment 355
Kostadinka Kuneva

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 adapted to the needs of adoptive parents, parents *through surrogacy, parents* having a disability *and/or mental health problems* and parents with children with a disability, long-term illness *and/or mental health problems*.

Or. en

Amendment 356
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

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

Amendment

7. Member States shall assess the need for arrangements *needed to make sure* the application of parental leave *is* adapted to

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.

the needs of adoptive parents, parents *with* a disability, *parents with mental health problems* and parents with children with a disability, *a* long-term illness *or mental health problems*.

Or. en

Amendment 357
Maria Gabriela Zoană

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 adapted to the needs of adoptive parents, parents having a disability, *single parents* and parents with children with a disability, *or a long-term or serious* illness.

Or. en

Amendment 358
Sirpa Pietikäinen

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 adapted to the needs of adoptive parents, *single parents*, parents having a disability and parents with children with a disability or long-term illness.

Or. en

Amendment 359

Beatriz Becerra Basterrechea, Angelika Mlinar, Izaskun Bilbao Barandica, Filiz Hyusmenova

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 arrangements ***needed to make sure*** the application of parental leave ***is*** adapted to the needs of adoptive parents, ***disabled*** parents, parents with ***mental health problems, parents of*** children with a disability, ***a*** long-term illness ***or mental health problems.***

Or. en

Justification

Access to parental leave and adaptations to specific needs should be recognised in cases of mental ill-health. The recognition will adequately reflect the needs of parents and allow for effective work-life balance measures.

Amendment 360

João Pimenta Lopes

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Supplementary parental leave

1. Member States shall consider establishing supplementary parental leave, lasting no less than 3 months per parent, which enables parents to provide assistance after they have taken their parental leave to a child or adopted minor up to 12 years old.

2. *Whether and how to take or share the leave shall be freely decided by the couple.*

3. *Member States shall lay down the conditions under which leave may be taken consecutively, for staggered periods or spread over a period longer than 4 months if taken by a parent working part-time.*

4. *Member States shall determine the deadlines by which workers must tell their employers that they will take the leave and provide their employers with the substantiation necessary for them to take the leave.*

Or. pt

Amendment 361
Kostadinka Kuneva, Tania González Peñas

Proposal for a directive
Article 6 – title

Text proposed by the Commission

Amendment

6 *Carers' leave*

Leave for workers who informally provide care

Or. en

Amendment 362
João Pimenta Lopes

Proposal for a directive
Article 6 – title

Text proposed by the Commission

Amendment

Carers' leave

Family assistance leave

Or. pt

Amendment 363
Kostadinka Kuneva, Tania González Peñas

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 leave of at least *twelve (12)* working days per year, per worker *who informally provides care to relatives and/or other dependent persons*. Such right may be subject to appropriate substantiation of the *needs for care* of the worker's relative *and/or other dependent persons*. *The information on the medical or mental condition or situation of loss of autonomy should be kept confidential and be shared only with a restricted number of involved services to safeguard the right to data protection of both the worker and the person in need of care.*

Or. en

Amendment 364
Iratxe García Pérez

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 five working days per year *on full pay*, per worker *in case of death, serious accident or illness, hospitalisation or out-patient surgical intervention requiring rest at home, of relatives up to the second degree of consanguinity or affinity; where the worker needs to travel to that effect, the period shall be extended by two days*. Such right may be subject to appropriate

substantiation of the medical condition of the worker's relative.

Or. es

Amendment 365
Angelika Niebler

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 *be absent from work for not less than five, but not more than ten* working days per year *where this is required in case of emergency in order to organise appropriate care for a dependent close relative or ensure that nursing care can be provided during the period concerned*. Such a right may be subject, *where an employer so requests, to a medical certificate confirming the dependency* of the *close* relative *in question*.

Or. de

Justification

Entitlement to leave of absence must be determined in each instance by reference to the dependant and not to the worker. Only when the nursing needs arising out of a sudden emergency are so pressing as to demand absence from work should workers be given the possibility of taking carers' leave.

Amendment 366
Sirpa Pietikäinen

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 five working days per year, per worker. **Should such a** right be subject to appropriate substantiation of the medical condition of the worker's relative, **this should not hinder those caring for a person for whom a diagnosis and/or a disability assessment are not available (e.g. rare diseases), from benefitting from this right.**

Or. en

Justification

The article must take into consideration the specificities of complex and long-term conditions like rare diseases. In the European survey released by EURORDIS in 2017, 70% of the respondents reported that rare diseases have a serious impact on the lives of the patient (e.g. reduced capacity to carry-out daily tasks, personal care); 50% had difficulties coping with personal care and activities; 78% had difficulties with daily tasks (household chores, meals, shopping) and 71% had difficulties with personal hygiene. 82% of the respondents of the survey helped care for a child with a rare disease. 62% of the respondents reported that they spend 2 hours a day and 30% over 6 hours a day on health-related tasks. It can take many years before a rare disease is diagnosed or a disability assessment is made. This should be taken into consideration.

Amendment 367

Pina Picierno

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

that workers have the right to request carers' leave also on a part-time basis or in other flexible forms.

Or. en

Amendment 368

Daniele Viotti, Malin Björk, Sirpa Pietikäinen, Julie Ward, Nessa Childers

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 five working days per year, per worker. Such right may be subject to appropriate substantiation of the *serious or chronic illness, disability, mental health or age related problem* of the worker's relative.

Or. en

Amendment 369

Beatriz Becerra Basterrechea, Angelika Mlinar, Izaskun Bilbao Barandica, Filiz Hyusmenova

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 five working days per year, per worker. Such right may be subject to appropriate substantiation of the *care and support needs of the* medical condition of the worker's relative.

Or. en

Justification

Relative's "medical condition" should not be the only reason to justify carer's leave; many people require care due to a long-term impairment (disability or ageing) that creates a barrier for participation in the society due to barriers (=social model of disability that has been embraced by the EU when it ratified the UNCRPD in 2010).

Amendment 370

Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

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 *non-transferable* carers' leave of at least *twelve* working days per year, per worker. Such right may be subject to appropriate substantiation of the *support needs* of the *person requiring such support*.

Or. en

Amendment 371

João Pimenta Lopes

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 *family assistance* leave of at least *fifteen* working days per year, per worker. Such right may be subject to appropriate substantiation of the medical condition of the worker's relative.

Or. pt

Amendment 372
Vilija Blinkevičiūtė

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 five working days per year, per worker. Such right may be subject to appropriate substantiation of *care and support needs* of the worker's relative.

Or. en

Amendment 373
Daniela Aiuto, Marco Zullo, Laura Agea

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall adopt economic measures and incentives to promote subsidised home care arrangements which provide for the use of qualified operators. The economic incentives must be calculated on the basis of the worker's reference income.

Or. it

Amendment 374
Angelika Niebler

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Workers shall be obliged to inform their employer without delay of their inability to work and the probable duration thereof.

Or. de

Justification

The fact of being informed that workers cannot work, and of knowing how long that situation might last, helps to put employers' planning on a more secure footing.

Amendment 375

Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

Proposal for a directive
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

The information on the medical condition or situation of loss of autonomy should be kept confidential and be shared only with a restricted number of involved services to safeguard the right to data protection of both the worker and the person in need of care.

Or. en

Amendment 376

João Pimenta Lopes

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall take the necessary

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.***

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.

Or. pt

Amendment 377

Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

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 particular*** in cases of illness, ***mental health problems*** 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.

Or. en

Amendment 378

Beatriz Becerra Basterrechea, Angelika Mlinar, Izaskun Bilbao Barandica, Filiz Hyusmenova

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, ***mental health problems***, 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.

Or. en

Amendment 379
Iratxe García Pérez

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 ***death***, illness or accident making the immediate presence of the worker indispensable. ***In order for the leave to be on full pay, employers may request proof of the reason for the absence.***

Or. es

Amendment 380
Beatriz Becerra Basterrechea, Angelika Mlinar, Izaskun Bilbao Barandica

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 *as follows: (a) For the minimum period of paternity leave provided for in Article 4, a payment or allowance not lower than 85% of the worker's gross wage, whilst ensuring the principle of equality between women and men; (b) For the minimum period of the four non-transferable months of parental leave provided in article 5, a payment or allowance not lower than 85% of the worker's gross wage. (c) For the minimum period of carers' leave provided for in Article 6, a payment or an adequate allowance at least equivalent to 85% of the worker's gross salary*.

Or. en

Amendment 381
Michaela Šojdrová

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 *the following* payment or *adequate allowance*:

(a) for the minimum period of paternity leave as referred to in Article 4(1), a payment or adequate allowance at least equivalent to what the worker concerned would receive in case of sick leave

(b) for the minimum period of parental leave as referred to in Article 5(1) and carers' leave as referred to in Article 6, a payment or allowance which shall represent at least 60% of the worker's gross wage.

Or. en

Amendment 382

Daniela Aiuto, Marco Zullo, Laura Agea

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 what the worker concerned would receive in case of sick leave. ***With regard to self-employed workers, professionals and entrepreneurs, Member States shall determine adequate safeguards to provide a minimum level of support for the family unit for the period of leave.***

Or. it

Amendment 383

Jana Žitňanská

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 what the worker concerned would receive in case of sick leave. ***Member States ensure that the payment or allowance is set at a level that encourages parents to better share the entitlements.***

Or. en

Amendment 384
João Pimenta Lopes

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

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 ***equivalent to 100% of their salary. The leave referred to in Article 5a shall be paid at 100% if taken immediately and consecutively after parental leave.***

Or. pt

Amendment 385
Kostadinka Kuneva, Tania González Peñas

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 ***full*** payment.

Or. en

Amendment 386
Iratxe García Pérez

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 allowance equivalent to the ***full salary.***

Or. es

Amendment 387
Angelika Niebler

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.

Or. de

Justification

Determining the amounts payable for leave under Articles 4, 5, and 6 is a core competence of Member States and should therefore be left solely to them rather than being regulated uniformly throughout the EU.

Amendment 388

Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

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 equivalent to what the worker concerned would receive, ***that is a payment of 100% of the worker's gross wage.***

Or. en

Amendment 389
Vilija Blinkevičiūtė

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 **85 % of the worker's gross wage**.

Or. en

Amendment 390
Jadwiga Wiśniewska

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 will receive a payment or an adequate allowance at least equivalent to what the worker concerned would receive in case of sick leave.

Or. en

Amendment 391
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

Proposal for a directive
Article 9 – title

Text proposed by the Commission

Amendment

9 Flexible working arrangements

Employee-oriented flexible working arrangements

Or. en

Amendment 392
João Pimenta Lopes

Proposal for a directive
Article 9 – title

Text proposed by the Commission

Amendment

Flexible working arrangements

Working arrangements ***with suitable hours***

Or. pt

Amendment 393
Kostadinka Kuneva, Tania González Peñas

Proposal for a directive
Article 9 – title

Text proposed by the Commission

Amendment

9 ***Flexible*** working arrangements

Adaptable working arrangements

Or. en

Amendment 394
Kostadinka Kuneva, Tania González Peñas

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 ***workers who informally provide care to relatives and/or dependent persons***, have the right to request ***adaptable*** working arrangements for caring purposes. The ***adaptable working arrangements shall be reversible, worker friendly and applicable to all forms of contracts***. ***The*** duration of such ***adaptable to the worker's needs*** working arrangements may be subject to a reasonable limitation.

Or. en

Amendment 395
Vilija Blinkevičiūtė

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, 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. en

Amendment 396
Anna Záborská, Marijana Petir

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 **or grandchildren** 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.

Or. en

Amendment 397
João Pimenta Lopes

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 have the right to working arrangements **with suitable hours which enable them to breastfeed or bottle-feed or fulfil their responsibilities to their families**. The duration of such working arrangements may be subject to a reasonable limitation.

Or. pt

Amendment 398
Beatriz Becerra Basterrechea, Angelika Mlinar, Izaskun Bilbao Barandica, Filiz Hyusmenova

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Single parents, as defined in

national law, shall be allowed to transfer the leave period allocated to the second parent to a person of their choice. Member States may, if the individual right to parental leave exceeds four months, allow parents to transfer between themselves the exceeding period. Single parents, as defined in national law, shall be allowed to transfer the leave period allocated to the second parent to a person of their choice. Member States may, if the individual right to parental leave exceeds four months, allow parents to transfer between themselves the exceeding period.

Or. en

Amendment 399
Daniela Aiuto, Marco Zullo, Laura Agea

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States may adopt tax relief and/or incentives to help micro, small and medium-sized enterprises comply with the terms of this Directive.

Or. it

Amendment 400
João Pimenta Lopes

Proposal for a directive
Article 9 – paragraph 2

Text proposed by the Commission

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

deleted

justify any refusal of such a request.

Or. pt

Amendment 401
Kostadinka Kuneva

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 any refusal of such a request.

Employers shall consider and respond in writing to requests adaptable working arrangements referred to in paragraph 1, taking into account the needs of both employers, in particular micro and small and medium-sized enterprises (MSMEs), and workers. Employers shall adequately justify any refusal and its grounds of such a request and shall provide alternative options in writing.

Or. en

Amendment 402
Vilija Blinkevičiūtė

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

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 workers. Employers shall justify *in writing* any refusal *or*

justify any refusal of such *a request*.

postponement of such requests within a reasonable period of time following the submission of the application. This Justification shall be based on exceptional circumstances that are specifically laid down by law, collective agreement and/or practices in force in each Member State.

Or. en

Amendment 403
Angelika Niebler

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 any refusal of such a request.
Employers shall ultimately have the power to decide whether or not to accept a worker's request for flexible working arrangements.

Or. de

Justification

Recital 21 already states that the ultimate decision to approve or refuse flexible working arrangements has to lie with the employer. For the sake of consistency, therefore, the same stipulation must be made in the body of the text.

Amendment 404
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

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

Or. en

Amendment 405

Urszula Krupa

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 any refusal of such a request ***in writing.***

Or. pl

Amendment 406

Daniela Aiuto, Marco Zullo, Laura Agea

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

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.

justify *in writing* any refusal of such a request.

Or. it

Amendment 407
Maria Gabriela Zoană

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 any refusal of such a request *in writing*.

Or. en

Amendment 408
Pina Picierno

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 *in writing* 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.

Or. en

Amendment 409
Michaela Šojdrová

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 any refusal of such a request ***in writing***.

Or. en

Amendment 410

Beatriz Becerra Basterrechea, Angelika Mlinar, Izaskun Bilbao Barandica, Filiz Hyusmenova

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 ***in writing*** 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.

Or. en

Justification

A legally sounder approach is needed. In coherence with written statement directive and objectives of the transparent and predictable working conditions in the EU (to improve the access of workers to the information and working conditions) workers should be entitled to receive information in writing in this case as well.

Amendment 411

Jadwiga Wiśniewska

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, ***in particular in micro, small and medium-sized businesses.***

Or. en

Amendment 412
Angelika Niebler

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. Employers shall be obliged to consider and respond to such requests, taking into account the needs of both employers and workers.

Or. de

Justification

The words ‘whenever a change of circumstances so justifies’ are too vague to support an entitlement to revert to the original working pattern and do not make for predictability in business planning.

Amendment 413
Pina Picierno

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. 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 *in writing* to such requests, taking into account the needs of both employers and workers.

Or. en

Amendment 414
Beatriz Becerra Basterrechea, Angelika Mlinar, Izaskun Bilbao Barandica, Filiz Hyusmenova

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. 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 *in writing* to such requests, taking into account the needs of both employers and workers.

Or. en

Amendment 415
Kostadinka Kuneva, Tania González Peñas

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 *adaptable* 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 return to the original working pattern whenever a change of circumstances so justifies. Employers shall be obliged to consider and respond to such requests *in writing*, taking into account the needs of both employers and workers.

Or. en

Amendment 416
Vilija Blinkevičiūtė

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. 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 *in writing* to such requests, taking into account the needs of both employers and workers.

Or. en

Amendment 417
João Pimenta Lopes

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 *the* 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 *workers' needs*.

Or. pt

Amendment 418
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

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. The worker shall also have the right to request to return to the original working pattern *when requested*. Employers shall be obliged to consider and respond *in writing* to such requests, taking into account the needs of both employers and workers.

Amendment 419

Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

Proposal for a directive

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall assess the need for arrangements to ensure the application of flexible working time is adapted to the needs of adoptive parents, parents with a disability, parents with mental health problems and parents of children with a disability, a long-term illness or mental health problems.

Or. en

Amendment 420

Daniela Aiuto, Marco Zullo, Laura Agea

Proposal for a directive

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Socio-educational facilities and services

Member States shall ensure that public socio-educational facilities and services for early childhood are in place and are tailored to the needs of the population.

Member States shall also encourage the provision of supplementary services, in addition to kindergartens, such as family nurseries (or ‘Tagesmutter’), local nurseries, play areas and child-parent centres.

Member States shall ensure that workers who fall within the most disadvantaged

income brackets also have access to those facilities and services.

Or. it

Amendment 421
Jadwiga Wiśniewska

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. Rights acquired or in the process of being acquired by workers on the date on which leave referred to in Article 4, **5 or 6** starts shall be maintained until the end of such leave. At the end of such leave, those rights, including any changes arising from national law, collective agreements or practice, shall apply.

Amendment

1. Rights acquired or in the process of being acquired by workers on the date on which leave referred to in Article 4 **and 5** starts shall be maintained until the end of such leave. At the end of such leave, those rights, including any changes arising from national law, collective agreements or practice, shall apply.

Or. en

Amendment 422
Michaela Šojdrová

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that, at the end of leave referred to in Article 4, 5 or 6, workers are entitled to return to their jobs or to equivalent posts on terms and conditions which are no less favourable to them, and to benefit from any improvement in working conditions to which they would have been entitled during their absence.

Amendment

2. Member States shall ensure that, at the end of leave referred to in Article 4, 5 or 6, workers are entitled to return to their jobs or to **obtain** equivalent posts on terms and conditions which are no less favourable to them **and which correspond to the employment contract**, and to benefit from any improvement in working conditions to which they would have been entitled during their absence.

Or. en

Amendment 423
Jadwiga Wiśniewska

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that, at the end of leave referred to in Article 4, **5 or 6**, workers are entitled to return to their jobs or to equivalent posts on terms and conditions which are no less favourable to them, and to benefit from any improvement in working conditions to which they would have been entitled during their absence.

Amendment

2. Member States shall ensure that, at the end of leave referred to in Article 4 **and 5**, workers are entitled to return to their jobs or to equivalent posts on terms and conditions which are no less favourable to them, and to benefit from any improvement in working conditions to which they would have been entitled during their absence.

Or. en

Amendment 424
Vilija Blinkevičiūtė

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. Member States shall define the status of the employment contract or employment relationship for the period of leave referred to in Article 4, 5 or 6, **including as regards entitlements to social security**, while ensuring that the employment relationship is maintained during that period.

Amendment

3. Member States shall define the status of the employment contract or employment relationship for the period of leave referred to in Article 4, 5 or 6 while ensuring that the employment relationship is maintained during that period **but also without prejudice to entitlements to social security including to pension contribution to which the worker remains subject throughout the period of leave.**

Or. en

Amendment 425
Jadwiga Wiśniewska

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. Member States shall define the status of the employment contract or employment relationship for the period of leave referred to in Article 4, **5 or 6**, including as regards entitlements to social security, while ensuring that the employment relationship is maintained during that period.

Amendment

3. Member States shall define the status of the employment contract or employment relationship for the period of leave referred to in Article 4 **and 5**, including as regards entitlements to social security, while ensuring that the employment relationship is maintained during that period.

Or. en

Amendment 426
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

Proposal for a directive
Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that periods of leave referred to in Article 4, 5 or 6 are considered to be equivalent to periods of employment and therefore taken into account as such for the calculation of all social security entitlements, including for pensions.

Or. en

Amendment 427
Kostadinka Kuneva, Tania González Peñas

Proposal for a directive
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Collective agreements and bargaining

Social partners play an important role in gender equality mainstreaming, thus establishing, improving and effectively enforce provisions for parental, maternity and paternity leave through collective agreements and bargaining. Collective agreements can function as guidance or reinforcement of existing national-level policies and support the implementation of initiatives that promote gender equality and work-life balance.

Or. en

Amendment 428
Angelika Niebler

Proposal for a directive
Article 11 – title

Text proposed by the Commission

Non-discrimination

Amendment

Non-discrimination *and protection from dismissal*

Or. de

Amendment 429
Angelika Niebler

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 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. *These shall include, in line with national law, the prohibition of*

dismissal and all preparations for dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to request flexible working arrangements referred to in Article 9.

Or. de

Justification

The provisions of Article 12 are very detailed and, especially where the burden of proof and court proceedings are concerned, encroach greatly upon national law. That is why the prohibition of dismissal and non-discrimination should both be covered by Article 11 and all detailed arrangements left to Member States.

Amendment 430
Maria Gabriela Zoană

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 ***any form of 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. en

Amendment 431
Kostadinka Kuneva, Tania González Peñas

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 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 *adaptable* working arrangements referred to in Article 9.

Or. en

Amendment 432

Jadwiga Wiśniewska

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 less favourable treatment of workers on the ground that they have applied for, or have taken, leave referred to in Article 4 **and 5** or on the ground that they have exercised their right to flexible working arrangements referred to in Article 9.

Or. en

Amendment 433

João Pimenta Lopes

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

Amendment

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.

referred to in Article 4, 5 or 6, or on the ground that they have exercised their right to *the* working arrangements referred to in Article 9.

Or. pt

Amendment 434
Angelika Niebler

Proposal for a directive
Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Protection from dismissal and burden of proof

1. Member States shall take the necessary measures to prohibit the dismissal and all preparations for dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to request flexible working arrangements referred to in Article 9.

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.

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.

4. Paragraph 3 shall not prevent Member States from introducing rules of evidence which are more favourable to plaintiffs.

5. Member States need not apply paragraph 3 to proceedings in which it is for the court or competent body to investigate the facts of the case.

6. Paragraph 3 shall not apply to criminal procedures, unless otherwise provided by the Member States.

Or. de

Justification

The deletion of Article 12 stems from the addition to Article 11.

Amendment 435
Michaela Šojdrová

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to prohibit the ***dismissal and all preparations for*** dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to request flexible working arrangements referred to in Article 9.

Amendment

1. Member States shall take the necessary measures to prohibit the dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to request flexible working arrangements referred to in Article 9.

Or. en

Justification

"All preparations for dismissal" is a vague term. It would be uneasy to assess which conduct can be classified as such and to establish a link between such conduct and the exercise of

rights conferred by this Directive.

Amendment 436

Kostadinka Kuneva, Tania González Peñas

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to prohibit the dismissal and all preparations for dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to request ***flexible*** working arrangements referred to in Article 9.

Amendment

1. Member States shall take the necessary measures to prohibit the dismissal and all preparations for dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to request ***adaptable*** working arrangements referred to in Article 9.

Or. en

Amendment 437

Jana Žitňanská

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to prohibit the ***dismissal and all preparations for*** dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to request flexible working arrangements referred to in Article 9.

Amendment

1. Member States shall take the necessary measures to prohibit the dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to request flexible working arrangements referred to in Article 9.

Or. en

Amendment 438

Jadwiga Wiśniewska

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to prohibit the dismissal and all preparations for dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, **5 or 6**, or have exercised the right to request flexible working arrangements referred to in Article 9.

Amendment

1. Member States shall take the necessary measures to prohibit the dismissal and all preparations for dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4 **and 5**, or have exercised the right to request flexible working arrangements referred to in Article 9.

Or. en

Amendment 439
Vilija Blinkevičiūtė

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary measures to prohibit the dismissal and all preparations for dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to **request** flexible working arrangements referred to in Article 9.

Amendment

1. Member States shall take the necessary measures to prohibit the dismissal and all preparations for dismissal of workers, on the grounds that they have applied for, or have taken, leave referred to in Article 4, 5 or 6, or have exercised the right to flexible working arrangements referred to in Article 9.

Or. en

Amendment 440
Jadwiga Wiśniewska

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. Workers who consider that they

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 those grounds in writing.

have been dismissed on the grounds that they have applied for, or have taken, leave referred to in Article 4 **and 5** 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.

Or. en

Amendment 441
Vilija Blinkevičiūtė

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 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.

Or. en

Amendment 442
Jana Žitňanská

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

Amendment

3. Member States shall take the necessary measures to ensure that, when workers **who consider that they have been dismissed on the grounds that they have**

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*.

applied for, or have taken, leave referred to in *Article 4, 5 or 6* 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 *having applied for, or having taken, leave* referred to in *Article 4, 5 or 6*.

Or. en

Amendment 443
Angelika Niebler

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 *may* 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.

Or. de

Justification

Whether penalties should be laid down for breaches of national laws is a question to be answered by Member States.

Amendment 444
Urszula Krupa

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, ***or they may oblige an employer to reinstate an employee to his previous post or to an equivalent post. These types of sanctions may be combined.***

Or. pl

Amendment 445
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

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 ***shall*** take the form of a fine. They may also comprise payment of compensation.

Or. en

Amendment 446
Urszula Krupa

Proposal for a directive
Article 15 – title

Text proposed by the Commission

Equality bodies

Amendment

*National Labour Inspectorates and/or
Trade Unions*

Or. pl

Amendment 447
Kostadinka Kuneva, Tania González Peñas

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

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 *workers who informally provide care*, without *gender* discrimination are also competent for issues falling within the scope of this Directive. *These national bodies shall also be competent in monitoring the implementation of this Directive on national level and provide gender disaggregated data to EIGE in order to allow for the proper monitoring and assessment of this Directive's application.*

Or. en

Amendment 448
Urszula Krupa

**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

Member States shall ensure that the *national bodies that protect and monitor workers' rights, such as national labour inspectorates and trade unions*, are also competent for issues falling within the scope of this Directive.

Or. pl

**Amendment 449
João Pimenta Lopes**

**Proposal for a directive
Article 16 – title**

Text proposed by the Commission

Level of protection

Amendment

Level of protection *and non-regression*

Or. pt

**Amendment 450
João Pimenta Lopes**

**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. *The provisions adopted in this Directive do not make it possible for workers to be stripped of more favourable rights enshrined in national law. The definition of minimum rights levels in this Directive may not justify workers being*

stripped of protection or rights in any Member State under the pretext that the EU is imposing new rules (including in the context of country-specific recommendations).

Or. pt

Amendment 451
Michaela Šojdrová

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, **provided that such provisions are not excessively burdensome for employers, especially small and middle sized enterprises**. They shall however ensure that at least **one month** of parental leave **remains** non-transferable in accordance with Article 5(2).

Or. en

Amendment 452
Angelika Niebler

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 **two** months of parental leave remain non-transferable in accordance with Article 5(2).

Or. de

Amendment 453
Daniela Aiuto, Marco Zullo, Laura Agea

Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Non-regression clause

The implementation of this Directive shall not be sufficient grounds for any regression in relation to the existing situation in the Member States and in relation to the general level of protection of workers in the areas to which it applies.

Member States and/or the social partners may maintain or introduce more favourable provisions for workers than those set out in this Directive.

Or. it

Amendment 454
Daniela Aiuto, Marco Zullo, Laura Agea

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

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 to the attention of the persons concerned throughout their territory.

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, ***also through the Single Digital Gateway.***

Or. it

Amendment 455
Vilija Blinkevičiūtė

Proposal for a directive
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

More favourable provisions

- 1. The implementation of this Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers within Member states.***
- 2. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of collective agreements more favourable to workers.***
- 3. This Directive is without prejudice to any other rights conferred on workers by other legal acts of the Union.***

Or. en

Amendment 456
Michaela Šojdrová

Proposal for a directive
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Dialogue with relevant stakeholders

With a view to promoting the objectives of this Directive, the European Union and its Member States shall encourage dialogue with relevant stakeholders, in particular with parents and family associations, employers and trade unions.

Amendment 457

Anna Záborská, Marijana Petir

Proposal for a directive

Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Dialogue with relevant stakeholders With a view to promoting the objectives of this Directive, the European Union and its Member States shall encourage dialogue with relevant stakeholders, in particular with parents and family associations.

Or. en

Amendment 458

Jana Žitňanská

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

Amendment

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.

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 ***and assess the implementation of this Directive's objectives, including its impact on the development of micro, small and medium-sized enterprises,*** to the European Parliament and the Council on the application of this Directive.

Or. sk

Amendment 459
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

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 necessary for the Commission to draw up a report to the European Parliament and the Council on the application of this Directive.

Or. en

Amendment 460
Kostadinka Kuneva, Tania González Peñas

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 necessary for the Commission to draw up a report to the European Parliament and the Council on the application of this Directive.

Or. en

Amendment 461
Beatriz Becerra Basterrechea, Angelika Mlinar, Izaskun Bilbao Barandica, Filiz Hyusmenova

Proposal for a directive
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. “More favourable provisions” 1. The implementation of this Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers within Member States. 1. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of collective agreements more favourable to workers. 2. This Directive is without prejudice to any other rights conferred on workers by other legal acts of the Union.

Or. en

Amendment 462
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

Proposal for a directive
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By three years after the date of entry into force of this Directive, the Commission shall assess the possibility to include other types of leave in this Directive, including maternity leave, leave for foster care and specific leave arrangements for persons with parental responsibility.

Or. en

Amendment 463
Terry Reintke, Ernest Urtasun

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, accompanied, if appropriate, by a legislative proposal.

Amendment

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, ***including data, disaggregated by sex and sexual orientation, on the take-up of different types of leave contained in this Directive and its impact on micro, small and medium-sized undertakings***, accompanied, if appropriate, by a legislative proposal.

Or. en

Amendment 464

Daniele Viotti, Malin Björk, Sirpa Pietikäinen, Julie Ward, Nessa Childers

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, accompanied, if appropriate, by a legislative proposal.

Amendment

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, ***including data, disaggregated by sex and sexual orientation, on the take-up of different types of leave contained in this Directive and its impact on micro, small and medium-sized undertakings***, accompanied, if appropriate, by a legislative proposal.

Or. en

Amendment 465
Daniela Aiuto, Marco Zullo, Laura Agea

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, accompanied, if appropriate, by a legislative proposal.

Amendment

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, ***including gender-specific data on the take-up of the different types of leave set out in this Directive and their impact on micro, small and medium-sized enterprises,*** accompanied, if appropriate, by a legislative proposal.

Or. it

Amendment 466
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. On the basis of the information provided by Member States pursuant to paragraph 1, the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, accompanied, if appropriate, by a legislative proposal.

Amendment

2. On the basis of the information provided by Member States pursuant to paragraph 1 ***and the assessment pursuant to paragraph 1a,*** the Commission shall submit to the European Parliament and the Council a report in which it reviews the application of this Directive, accompanied, if appropriate, by a legislative proposal.

Or. en

Amendment 467
Kostadinka Kuneva

Proposal for a directive
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *At the latest, by three years after the entry into force of this Directive, the Commission shall assess the possibility to recast the Directives on maternity, paternity, parental and informal carers' leaves into a single European Directive providing for an equal and non-transferable parental leave entitlement for parents in case of child birth or adoption or having child after surrogacy;*

Or. en

Amendment 468
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

Proposal for a directive
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The Commission shall also assess soon after the date of entry into force of this Directive its compliance with the principle of equal treatment of different levels of income replacement for different types of leave and introduce immediately the necessary legislative measures if such discrimination is identified.*

Or. en

Amendment 469
Ernest Urtasun, Miroslavs Mitrofanovs
on behalf of the Verts/ALE Group

Proposal for a directive
Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Non-regression

- 1. The implementation of this Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers within Member States.**
- 2. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of more favourable collective agreements.**
- 3. This Directive is without prejudice to any other rights conferred on workers by other legal acts of the Union.**

Or. en

Amendment 470
Pina Picierno

Proposal for a directive
Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

“More favourable provisions”

- 1. The implementation of this Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers within Member States.**
- 2. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of collective**

agreements more favourable to workers.

3. *This Directive is without prejudice to any other rights conferred on workers by other legal acts of the Union.*

Or. en

Amendment 471
Iratxe García Pérez

Proposal for a directive
Article 20 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may implement the Directive on a progressive basis until family leave is granted on full pay.

Or. es

Amendment 472
Urszula Krupa

Proposal for a directive
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States may *entrust* social partners *with* the implementation of this Directive, where social partners jointly request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

3. Member States may *ensure the involvement of* social partners *in* the implementation of this Directive, where social partners jointly request to do so and as long as the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive.

Or. pl

Amendment 473
Kostadinka Kuneva, Tania González Peñas

Proposal for a directive
Article 20 a (new)

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Article 20a

Non Regression

- 1. The implementation of this Directive shall not constitute grounds for diminishing the general level of protection already enforced to workers within Member States.***
- 2. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers' rights and leaves.***
- 3. This Directive shall not affect the application of collective agreements introducing more favourable to workers' rights and leaves.***
- 4. This Directive is without prejudice affecting any other rights conferred on workers by other legal acts of the Union.***

Or. en