

Work-Life Balance

Comparative Study of European and Spanish Regulations



**Degree in Administration and Business
Management**

2010 – 2014

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1. Introduction

In this project we will analyze the international regulations as well as the European Union's regulations in relation to work-life balance (WLB), so we can then explain how these regulations have in turn affected and altered the Spanish regulations. After framing the context in which we are immersed with regards to the existing regulatory measures, we will examine the different types of existing leaves, that is to say, the maternity, the paternity the paternal leave and nursing leaves which make it easier to achieve a balance between work life and family life. We will examine these different leaves in various countries within the European Union so we can analyze how they differ from the interpretation and implementation of the common directives for the member States of the European Union.

Therefore, to carry out this project, the methodology that we will use is to gather information of different sources from official webs as BOE, when it refers to the present legislation or from public institutions. We will also look for information in books which can be found in the library of University Jaume I as well as the database and data portals of Business Source Premier or Dialnet among others. After that we will analyze all the data to reach the conclusions.

The election of this issue, for the subsequent study, is due to the great debate and treatment of the issue of Work-Life Balance, in the European Union Law which force us to learn about the different reasons for this debate and why there has been so much commotion at a legislative level in the last years.

As Junter-Loiseau and Tobler (1999) suggested, the concept of conciliation originated to denote the action of mediating between opposites and, when it is applied to the dynamics between work life and family life, it refers to mediating between fields which, without being opposites, are neither equal nor democratic.

For other authors, (Prieto; 2004), the concept of conciliation stems from the conflict between the family, personal and working life, where the family dimension is understood as having time for affective relationships, taking care and educating both sons and daughters as well as for care-dependent people and the working dimension is understood as supplying resources and career development. In this sense, this author

says that there is another aspect that we have to differentiate from the family dimension, and which most of the authors include therein, which is the personal dimension, understood as a combination of rest, training, leisure and free time. Moreover, he also suggests that the great problem of fitting both dimensions together is time, because it is a limited element in which both the aspect to survive, and the family aspect to educate your children and to enjoy of your free time must coexist; that is to say, there must exist a balance between work and life (WLB).

The purpose of WLB programs is to provide work-life support to the employees so they can fit together their work and their family life while companies' main purpose when incorporating these WLB programs is to improve five different areas: 1) Employee time saved; 2) Employee retention; 3) Increase motivation and productivity; 4) Prevent absenteeism; and 5) Decrease health care costs and stress-related illnesses (Nancy R. Lockwood, 2003).

The first WLB programs were established by some companies in the 1980s and 1990s and they were first aimed at women with children because in a culture in which we give so much importance to our career, it was necessary to protect family life. From then on, companies have implemented new programs which affect everybody in the company and improve both productivity and the quality of private life.

For (Maccines, 2004), since the 1980s, WLB and the preoccupation in the form of legislation at national level in each European country, are the result of the European policies to promote employment and not because of a clear social demand from workers. Since the 1990s, an increasing interest in matters of WLB built up by means of promoting female employment and therefore, measures focused on this gender, which materialized by establishing a directive on policies of gender equality (Migueluez et al., 2008). Despite that, there are authors that claim that WLB affects all the members of a family equally, and it is the rights of all of them that they intend to guarantee.. They claim the inappropriateness of treating this problem exclusively under a gender perspective (López and Valiño, 2004).

In Spain, the dilemma of WLB did not exist in the past, due to the family model associated to the period of Franco's dictatorship, in which the established values differentiated the role of women and men within the family. This acceptance in the

sphere of production for men and in the sphere of reproduction for women allowed to justify and legalize a social contract (Pateman, 1995).

This type of “agreement”, gave substance to the model known as “male bread winner”, especially successful in the second half of the twentieth century. According to this model, the man was in charge of bringing money home and he did not worry too much about his responsibilities at home. On the other hand, the woman was in charge of taking care of the family, as unpaid workers (children and care-dependant people) or she was in charge of poorly paid secondary, occasional or complementary activities considered as an “aid” to the family economies (Sarasúa y Gálvez, 2003). This model is beginning to become obsolete and new social values associated with a change towards a model of Welfare are being created.

The reasons for new values and attitudes appearing in developed Western societies are the following:

The family model starts changing with post-industrial values. In the case of Spain, this happens later than in the rest of the countries in the European Union, after Franco’s dictatorship ended in 1975 with the establishment of a democratic political model.

On the other hand, we find the increasing integration of women into the workforce so both men and women obtain family income. Due to this fact, the difficulties for women to take on responsibilities to fit together both work life and family life appear as they have to duplicate their work. Therefore, many authors believe that this issue has arisen because of the increasing integration of women into the workforce in the last years (Fagnani, J. 2007). These events were the ones which led to this new family model in which both parents are in charge of getting remuneration.

Another triggering aspect of this debate about WLB, among the European political powers, is the demographic problem in which developed western countries are involved. This problem is reflected in the increase of life expectancy, leading to an ageing of the population which in many cases need too much care (Lewis, 2006). This problem gets even worse with the cost that means having dependant people in centres specializing in taking care of them and which make women give up working to take care of these people and not allowing them to fit together both spheres.

Due to all of these reasons there is a change in the family model from a male breadwinner to a dual breadwinner. At the same time, there is a restructuration of familiar networks which have considerably extended to grandparents as a means of facing childcare (Fernández y Tobío, 2006).

Hereafter, I will try to explain the objectives set out in this project. These objectives are:

- To carry out an in-depth study of both the regulations established by the European Union as well as the ones established by Spain and in which sections of the Spanish regulations, the common directives set out for all the Member States of the European Union are included.
- To determine the different policy models that countries can adopt in relation to WLB, with a special focus on the policies used in each country of the European Union regarding maternity, paternity, parental and nursing leaves.
- To know, on the basis of the findings obtained by the European Quality of Life Survey 2012 and the explanation of the leaves which facilitate the conciliation of work and family life, if the responses to the survey have a relation with those leaves in the legislative frame of Spain, Italy, Germany, Denmark and the United Kingdom.

2. Analysis of the regulations

In this section, we will analyze the evolution of international measures related to work-life balance, which at first was only focused on the equality between men and women. Later, we will analyze which is the regulatory framework in which the European community is centred in order to tackle this problem. We will do this in order to find out how those international and European measures affect Spanish regulations.

2.1. Analysis of the International regulations for Work-Life Balance

All the works carried out by feminist authors such as Cristina Carrasco are likewise relevant. This author stands up for the need of greater involvement on the part of the public policies to reach a balanced gender distribution in relation to caring tasks (see Carrasco, 2006).

Despite the fact that some people consider that WLB policies are third generation family policies, Brullet (2000); Escobedo (2000), the truth is that these European policies were born to promote employment. That is to say, the origin of the implementation of those policies are not focused on fitting together both spheres, but they are measures to promote employment and therefore boost the economy of the countries. The greater the number of employed people, the greater the economic growth.

The regulations and the progress in this issue began at the beginning of the 20th century, when for the first time the problem of gender equality, especially in terms of access to the labour market, was addressed. The first regulation related to this problem was the beginning of formal equality between men and women under the law, prohibiting discrimination on the basis of gender. Once the new regulation was enacted, women had the same rights and opportunities in the labour market as men did, which was the foretaste of the debate of WLB, above all in order for women to be at the same level as men in the labour market.

In order to encourage equality between men and women, the first legislative measures regarding what nowadays is referred to as the WLB were initially directed at women but solely to promote their role in the labour market. These first measures were discussed

in the collective agreements established by the International Labour Organization (ILO). The first measure referred to the protection of female workers' maternity, including aspects related to women's employment before and after childbirth (ILO Convention No. 3; 1919). This covenant was later revised in 1952 and in the year 2000.

After that, in the subsequent years more Conventions related to equality between men and women in the labour sphere were celebrated (ILO Convention No. 100; 1951). The first Covenant related to employment and job holding discrimination, without distinction as to race, religion or gender was adopted (ILO Convention No. 111; 1958). As a consequence of this Covenant, a recommendation on the employment of the women with family responsibilities was passed on in the Session of the International Labour Conference (ILC). In that recommendation it is evidenced that over the years and with an increasing number of women into the workforce, women are the ones who are more likely to have problems to combine their work life and their family life. Besides, it says that it is not a problem which affects solely women workers but all workers alike, their relatives and the society. (ILC Session No. 123; 1965)

Nevertheless, this problem is not addressed with interest and importance until 1981 in the United Nations Convention, where a new ILO Covenant regarding workers with family responsibilities was adopted. In this covenant and in its 14th paragraph it is recognised that "to achieve total equality between men and women it is necessary to modify the traditional role both of men and women in the society and in the family". The covenant applies to both male and female workers, to all categories and activities, with responsibilities in relation to their dependent children and other members of their immediate family who clearly need their care and support, "where such responsibilities restrict their possibilities of preparing for, entering, participating or advancing in economic activity"(ILO Convention No. 156;1981).

2.2. Analysis of the European regulations for WLB

As to the European regulations, they started to deal with the issue of WLB in 1961 in Turin, where the European Social Charter was adopted and in which women's maternity was protected in accordance with the requirements of ILO. This covenant sets out the Member States of the Council of Europe's commitment to guarantee at

least 12 weeks of Maternity Leave before and after childbirth with Social Security benefit, the illegality of terminating a contract because of maternity and to guarantee enough free time so that mothers can raise their children (European Social Charter, Article 8.1.2 and 3; 1961).

The European Social Charter was not revised until 35 years later. This is due to the fact that the participation up to then in the labour market was limited although in the last years this participation has increased considerably. In the revision of this Social Charter, a more complete legislation regarding WLB is adopted. The maternity leave is extended from 12 to 14 weeks and it is established that the parties commit to adopt a series of measures as the following ones: (European Social Charter, Article 27;1996).

- A) Allow workers with family responsibilities to enter and stay in the active life, or to come back to that active life after an absence or interruption of the work activity because of those responsibilities, including measures in the sphere of vocational guidance and vocational training.
- B) Take into account the needs as to working conditions and social security.
- C) Develop or promote services, public or private, in particular day-care services and other means for childcare. Furthermore, in this revision it is the first time that the possibility of men obtaining paternal leave to take care of his children is addressed. The length and conditions of that leave will be determined by the National Legislation and collective labour agreements.

2.3. Analysis of the European Union's regulations for WLB

Within the European Union, the first references appear with its creation in 1957. The European Union (EU) is a Law policy founded within the framework of international organization, *sui generis*, and born to promote and ensure inclusiveness and democratic governance in common of the different States and people of Europe. In the first UE Treaty carried out in Rome (1957) the prohibition of pay discrimination on the basis of gender is established (Treaty of Rome Article No. 7; 1957).

After this Treaty, the issue of WLB, has been organized through different community directives. Now we will explain thanks to the study carried out by Luis Enrique de la Villa Gil in 2007, the different existing directives within the frame of the European Union. These directives are the following:

1. Council Directive 75/117/EEC of 10 February 1975 **on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women.**
2. Council Directive 76/207/EEC of 9 February 1976 **on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.**
3. Council Directive 79/7/EEC of 19 December 1978 **on the progressive implementation of the principle of equal treatment for men and women in matters of social security.**
4. Council Directive 86/378/CEE, of 24 July 1986 **on the implementation of the principle of equal treatment for men and women in occupational social security schemes.**
5. Council Directive 86/613/CEE, of 11 December 1986 **on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood.**
6. Council Directive 92/85/EC, of 19 October 1992 **on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)**
7. Council Directive 96/34/EC of 3 June 1996 **on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.**
8. Council Directive 96/97/EC of 20 December 1996 **amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes.**
9. Council Directive 97/80/EC of 15 December 1997 **on the burden of proof in cases of discrimination based on sex.**

10. Council Directive 2000/78/EC, of 27 November 2000 **establishing a general framework for equal treatment in employment and occupation.**

11. Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 **amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.**

12. Council Directive 2004/113/EC of 13 December **2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services.**

13. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 **on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.** (The objective of this Directive is to simplify, modernize and merge some directives as Directive 76/207/CE, Directive 97/80CE and Directive 75/117/CE among others).

14. Council Directive 2010/18/EU of 8 March 2010 **implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC**

During the period in which those 14 Directives are passed on, two important events in the framework of conciliation took place. The first one would be in 1997 in the Luxembourg European Summit about employment which promoted the Treaty of Amsterdam that same year. In this summit, measures about gender equality and Work-Life Balance were established, that is to say, it is the first time the problem is faced with the name of conciliation. The main objective of that summit was to increase women's employment through policies for career breaks, leave arrangements, maternity leaves, the possibility of working part-time, as well as adopting public services for childcare, combating the differences between men and women. (the European Summit on Employment in Luxembourg, 1997)

The second event is Framework Agreement on Telework, in which a way to modernize work organization for companies and workers to combine work life and family life was proposed (Framework Agreement on Telework, 2002).

The main criticism against this type of measures is from the perspective proposed, they are employment policies, social policies and policies on gender equality instead of treating them as family policies. This is due to different factors. In the first place, the family issue stands as the freedom of the individuals in the private sphere in which the states should not get involved. Family is something that does not admit collective bargaining and that belongs to the private sphere (Torns, 2005). And in second place, the established measures do not seek any other objective but to improve the countries' economy and to solve the serious demographic problems which arise from the changing values in society, by means of promoting the employment of women, and not focusing on workers' quality of life or well being. Torns defines the conciliation initiatives as "dubious measures of a productivity-focused logic where employment and job availability are the only important horizons (Torns, 2005).

2.4. Analysis of the Spain's regulations for WLB

Critical analysis focused on conciliation policies in Spain highlight that their implementation is basically focused on three types of actions or instruments of the public policies: career breaks (maternity leaves, paternal leave, nursing leave, flexible working hours, reduction of working hours for family reasons and so on), the services (for childcare or care of the elderly) and economic aid to the families. (Tobío y Fernández, 2006).

As reflected in the study carried out by Luis Enrique de la Villa Gil and exposed in the magazine of the Ministry of Work and Social Affairs in 2007, all the common Directives on equality have been transposed to a greater or lesser extent, into the internal Spanish legislation since Spain became a member of the European Community, highlighting without any doubt the enactment of three important laws, concretely Law 39/99 of 5 November, Law 3/07 of 22 March and the Statute of Rights for Workers Law 1/1995.

In order to get to know the Spanish legislation, we must first talk about the history of the Spanish State. Spain emerged from a dictatorship in 1975 and created a political model based on a democracy. This happens quite a bit later than in the rest of the European countries. Therefore, the economic development came later as well as the

change in the values of society. Spain joined the European Union in 1981 and since then it is bound to the rules established by the European Community, of which Spain forms part when adopting covenants.

The first laws passed on were linked to the purpose of promoting equality rights between men and women, preceding conciliation. These laws were Law 3/1989 and Law 4/1995 which regulated both paternity and maternity leaves.

Once these first laws on equality were enacted, there was for the first time a law to promote conciliation between family life and work life for WLB. This was Law No. 39 of November 1999. Until then, the regulations having to do with the issue were scarce and this law tried to stress the importance and relevance of such an important issue for society in general and for women in particular. For this measure to be effective, equality in the labour sphere is essential so both spouses share the labour costs required to carry out the family tasks, without this being responsibility of exclusively one of the partners. This is the so called principle of “co-responsibility” which is included in the law together with the grounds on which it is founded. The principle of co-responsibility can be explained because in our society, mothers are mainly the ones who are in charge of the domestic tasks.

This law achieves high relevance when another law, the Organic Law No. 3 of March 22nd 2007, on the effective equality between women and men was passed on.

The most recent regulation is the Covenant resulting from the collaboration between the State Secretariat for Social Services and Equality and the Red Cross. This Covenant was adopted on October 23rd 2012 and was also co-financed by the European Social Fund through the Operational Programme for Fight Against Discrimination 2007 – 2013. This Covenant tries to involve all the agents which form part of WLB and which are the society, the State and the companies as to co-responsibility and Work-Life Balance. In particular, it includes a guide for the development of new values in business management in order to give advice and to inform the company about WLB policies.

Now we will analyze thoroughly which are the most highlighted measures included in the Law as to WLB, by means of analyzing which were their improvements in the Spanish State, compared to the previous measures. These laws, as said before are Law 3/2007, Law 39/99 and the Statute of Rights for Workers Law 1/1995.

2.4.1. Workers Statute Law 1/1995

In this section we will analyze the legislative measures of Workers Statute Law 1/1995 related to the possibility of conciliating work life and family life.

As to paid leaves these are:

- Two-days leave on the birth of a child and four-days leave in case the worker has to travel for this purpose (Article 37.3.b).
- In case of the birth of a child, adoption or fostering, for nursing the child until he/she is nine months old, workers are entitled to a daily one-hour absence which can be divided into two parts. This right can only be exercised by one of the parents in case both parents are working (Article 37.4).
- In cases of premature birth or in case the infant is hospitalized right after birth, the mother and the father are entitled to one-hour absences, and they can reduce their working hours up to a maximum of two hours with the proportional reduction in the amount of the salary (Article 37.4.bis).
- Who for legal guardianship reasons of direct care of a child under 12 or a disabled person who is not engaged in any gainful occupation will be entitled to reduction in the hours of his/her working day, with a proportional reduction of the salary, between an eighth and a maximum of half of the duration of the working day. If two or more workers in the same company had this right, the employer can limit the simultaneous exercise of the right because of justified business functioning reasons (Article 37.5).
- Collective covenants can establish regulations in order to organize the timetable for the reduction of the working day attending the rights of conciliation of personal, family and work life and the productive and organizational needs of the company. The worker, save force majeure, must provide 15 days advance notice or whatever is established in the collective covenant, detailing the date on which the nursing leave or the reduction of the working day is to begin and finish (Article 37.6).
- The contract can be suspended due to maternity, paternity, risk during pregnancy, risk during breastfeeding, a child under nine months of age and

adoption or fostering of children under six years of age or children who, being older than six, are disabled (Article 45.1.d).

- Workers will be entitled a parental leave of a maximum of three years to take care of each child, when the child is either natural or adopted. They will also be entitled to a leave of no more than two years of duration, unless a longer duration is established through collective agreements. This right can be exercised in a discontinuous way. (Article 46.3)

With regards to the suspension and reservation of a job position (Article 48.4.):

- In case of childbirth, the suspension will have a duration of 16 continuous weeks, extendable by two more weeks for each additional child in cases of multiple birth. This period can be determined by the mother but always honouring the first six weeks after birth. In the case of the mother's demise, the father will be able to use the full amount of weeks. In the case of the child's demise, the period of suspension will not be reduced.

- In the case of premature births with low birthweights and those births in which the newborn requires hospitalization for more than seven days immediately after labour, the extent of the leave will be increased in as many days as the newborn is hospitalized up to a maximum of 13 additional weeks.

- In the case of a disability of the child or of the adoptee or foster child, the leave can have an additional duration of two weeks.

As to suspension of the contract because of paternity: in case of the birth of a child, adoption or fostering, the worker will be entitled to the suspension of the full time contract or the part-time contract in a minimum of 50% for thirteen continuous and uninterrupted days, extendable by two days for each additional child in cases of multiple birth, adoption or fostering. (Article 48.bis)

2.4.2. Law 39/99

In relation to this law, we will analyze what modifications it suffered in comparison with the Workers Statute Law approved by Royal Legislative Decree 1/1995 of 24th March. These modifications are:

- As regards the reduction of working hours for family reasons, it differs in that now both the mother and the father will have an equal right to it in cases in which both parents are working. Furthermore, in the case of legal custody of a minor under 6 years of age or with a disability, the modification states that the working hours will be able to be reduced in at least one-third with a proportional decrease in salary whereas in the previous law it was only one-eighth.
- As regards unpaid leaves of absence, they are reduced from two years to one in order to assist and care for a family member for reasons of age, accident or illness which hampers the person's ability to care for themselves.

2.4.3. Law 3/2007

In this third and last section, we will compare Law 3/2007 with its predecesing laws, laying out the modifications it has undergone. These modifications are:

- It is mandatory to have gender equality schemes in companies of more than 250 workers and they must negotiate measures to ensure this in all of their collective agreements. Those companies with less workers will have the possibility of implementing a scheme voluntarily.
- With regards to paternity leave, the worker which becomes a father will be entitled to 13 natural days' paternity leave in addition to the two days already established for birth, adoption and fostering of a child, with the previously nonexistant possibility of extending the leave in exceptional cases.
- With regards to the reduction of working hours, the age which limits the right of said reduction is extended from 6 to 8. The limit of the reduction is also modified, going from 1/8 of the working day to half. For the first two years of the

reduction, the worker's contributions to the Social Security system will count 100% as if they were working full-time.

- The voluntary leave and caretaking leave are also modified. The minimum duration of voluntary leaves is reduced to four months and caretaking leaves are extended from one to two years. These leaves can be used discontinuously. Childcare leave: In case of taking a leave for the care of children or foster children, even if provisional, the first two years of the workers' unpaid leaves will count to all effects towards the corresponding Social Security benefits.

- A new article included in the law describes which will be the penalizations for discrimination. In this case, the amount of the fines for discriminatory behaviour against women in the workplace isn't detailed but it does state that companies will receive fines with a value in correspondence with the severity of the offence and leaves open the possibility of additional penalties.

- Risk during pregnancy and breastfeeding is also mentioned. The benefits to be received for both cases is equivalent to 100% of the worker's basic salary.

- Lastly, the subject of work-life balance is tackled, with regards to the timetable and duration of the working day. The worker will be entitled to adapt the duration and distribution of the working day in order to exercise their right to the conciliation of personal life, family and work in the terms established by collective covenants or by agreements reached with the employer.

3. Comparison of the different European Union Conciliation Policies

In this section we will compare the regulations as to WLB of several European Union member countries, and in particular Spain, Italy, Germany, Denmark and the United Kingdom in order to see the differences in the implementation of the regulations.

The reason behind the elaboration of this comparison of paternity and maternity policies among the different countries in the European Union is due to having observed the different questions included in the European Quality of Life Survey 2012 carried out by Eurofund. From this study we will highlight the questions most relevant to work-life balance by comparing different countries out of the European Union such as Spain, Denmark, Italy, Germany and the United Kingdom.

We have only extracted four questions from the survey, considering them to be the most relevant in order to see the needs of the population regarding work-life balance. For each of the questions chosen, we have divided the results between women and men, due to the fact that the results vary considerably depending on how each variable affects different members of the family unit.

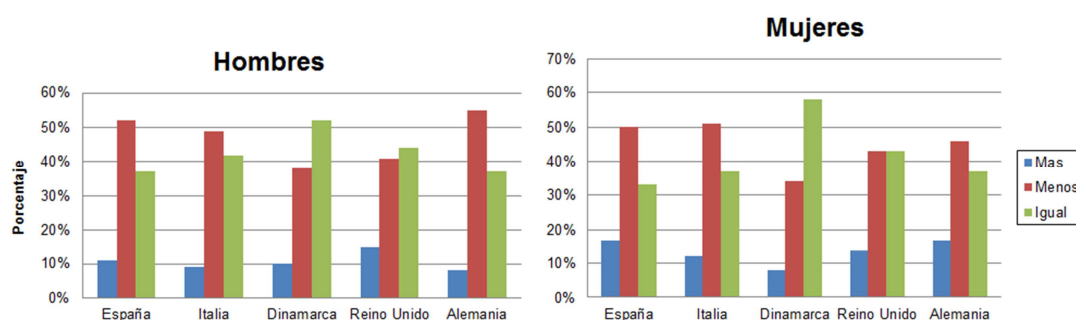
Question One: How many hours a week would you rather work?

As we can see in figure 1, there are great differences in the different percentages of each country which are due to the willingness to work more, less or the same amount of hours. This is because of the different policies which exist in the different countries and the ease with which the population can balance working life and family life in each of them.

On the one hand, the country with the lowest percentage of female workers willing to work more hours is found in Denmark (8%) as opposed to the lowest number of male workers willing to work more hours which is found in Germany (8%)

On the other hand, the country where less working hours are desired by women is Italy (51%) followed closely by Spain (50%) whereas the country where men need a less extensive workday is Germany (55%)

Figure 1: How many hours a week would you rather work?



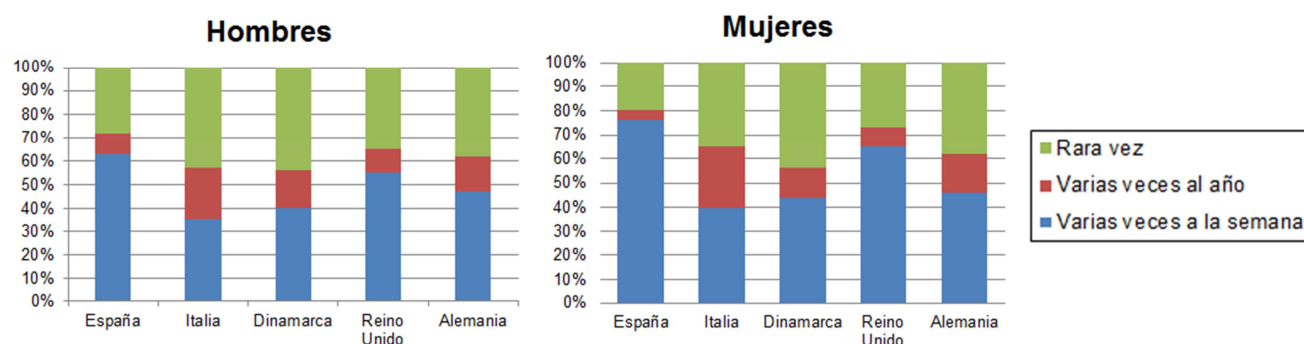
Source: Own elaboration from: Encuesta Europea de Calidad de Vida (2012). Eurofound

Question Two: Am I too tired to do housework when I get home?

As we can see in figure 2 which corresponds to the accumulation of tiredness during the working day which complicates the realization of housework once the worker returns home, the higher percentages in all countries are those of the women. This indicates that it is the female figure in the family who usually does the chores.

The countries that stand out due to tiredness are Spain with 76% of women and 63% of men saying that they arrive home several times a week too tired to do any housework and the United Kingdom in second place with 65% of women and 55% of men.

Figure 2: Am I too tired to do housework when I get home?



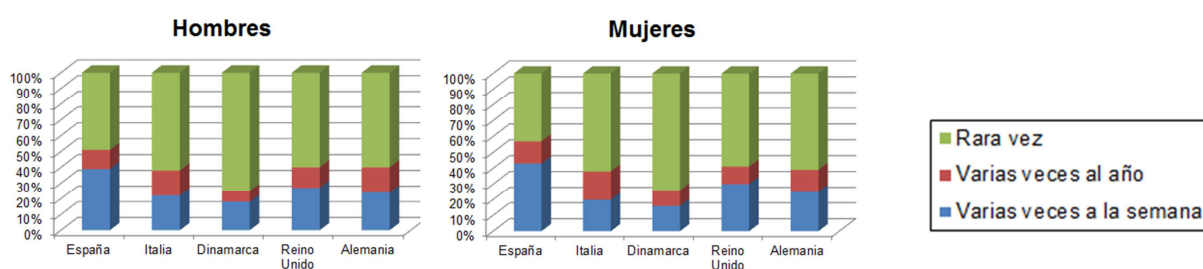
Source: Own elaboration from: Encuesta Europea de Calidad de Vida (2012). Eurofound

Question Three: Have I had difficulties fulfilling my family duties due to the time I dedicate to my job?

In figure 3, very closely tied to the previous graph, we can see how Spain maintains the lead in countries where both men and women find it difficult to balance work and family with a 43% and 39% respectively.

In contrast we see Denmark with a very reduced ratio of tiredness due to the fact that the percentage of people who answered that they rarely have problems fulfilling their family duties is very high, being 74% for women and 75% for men.

Figure 3: Have I had difficulties fulfilling my family duties due to the time I dedicate to my job?



Source: Own elaboration from: Encuesta Europea de Calidad de Vida (2012). Eurofound

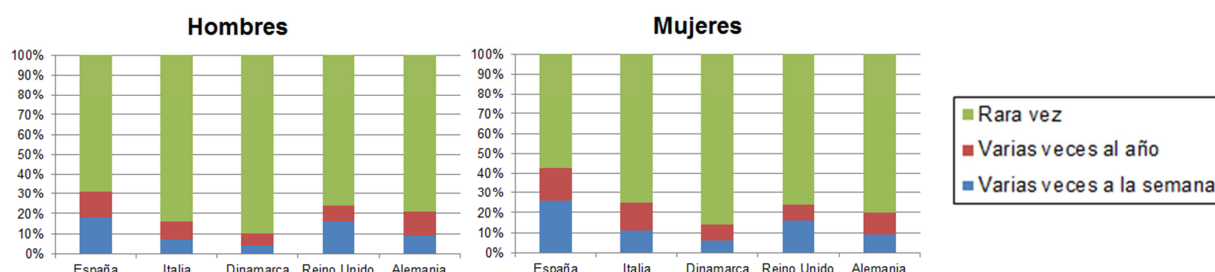
Question Four: Have I had difficulties concentrating at work as a result of my family duties?

With regards to this fourth and last question, we see that the lack of conciliatory measures affect workers both in the home as well as in the workplace, making both men and women unable to properly focus their attention either on their job or on their families.

At present, Spain is one of the countries chosen with a higher rate of lack of concentration at the workplace. Even so, women have a higher percentage than men, with women at 26% and men at around 8%. In contrast, in Denmark there is a proportional number of men and women who have rarely ever or never experienced this problem with 90% for men and 86% for women.

What is surprising about this table are the percentages obtained in Italy which is normally at the same level as Spain due to the similar working conditions.

Figure 4: Have I had difficulties concentrating at work as a result of my family duties?



Source: Own elaboration from: Encuesta Europea de Calidad de Vida (2012). Eurofound

As we have seen in the data obtained through the aforementioned questions from the survey conducted by the Eurofund (2012), the need for a good conciliation policy is necessary for the society in general. It is because of this that next we will carry out an analysis of the different aspects that countries can take into account when legislating their maternity, paternity and parental leaves in order to deeply analyze those leaves further on, seeing the impact that conciliation policies have on the results of the survey we have just studied.

3.1. Analysis of literature referring to the comparison of conciliation policies in different countries of the European Union

The different interpretations of the directives made by the European Union as to paternity and maternity contained in the regulations of each country have resulted in many authors writing about the issue, grouping the countries in different perspectives. On the one hand, we can see in the study carried out by Meil and Iglesias in 2001, how the author describes four basic guidelines based on the different policies designed by the institutions in each country (Meil e Iglesias, 2001):

- In the first place, we would find the policies aimed at facilitating the employee's free choice, that is to say, being able to choose between interrupting the normal work life or

finding a balance between work life and family life, which involves an increase in the maternity and paternity leaves. This philosophy is the one used in Sweden, Finland and even in Denmark although with some nuances.

- Secondly, we would have the policies whose aim is to promote childcare at home. With this option, the intention is to find a balance point, by means of offering tax benefits, between the costs derived from leaving your work place so as to take care of children (0 to 3 years of age) and when the child is older than 3 years old, there are services that make WLB easier. This would be the system chosen by Germany and Austria.

- In the third place, we can find liberal policies. This option is characterized by the lack of parental leaves as well as public financial services. This is the case of the United Kingdom and Ireland.

- Finally, we have the last of the four perspectives listed by Meil and Iglesias de Ussel. These policies would be aimed to help families taking care of their children at home, by means of implementing a broad policy of services and ensuring in the majority of the cases, that the employees will retain their workplaces. However, the family is the one who has to pay for the costs, as families have neither substitutive salaries nor large subsidies and a shortage of publicly funded services for children between 0 and 3 years of age. The countries that choose this option, are among others, Spain, Portugal and Greece.

On the other hand, other authors place an emphasis on studying the changes undergone by family relationships and gender relationships which are characterized by ambivalence, as new demands and needs disagree in many cases with past values and attitudes. This is the case of Spain. These contradictions and divergences, besides being reflected in family policies, are also reflected in the strategies developed in private spheres between men and women to integrate work life and family life.

Therefore, if we concentrate ourselves in analyzing the indicator of “recognition of family working”, for instance in the case of Spain, family policies have not had so much priority as the one given to such recognition, as Spain chose a model of family policies based on the “negative familiarism” (Michon, 2006). In this type of policies there has been an important absence of effective approaches to promote women’s employment and to lighten the economic cost derived from family dependents’ care, which has been

directly reflected negatively in the opportunities of the female segment when they want to form part of the labour market.

The opposite side can be found in countries like Germany or Austria, where “positive familiarism” was adopted, that is to say, to promote through family policies the role of the mother carer, offering mothers to quit working temporarily or to accept a reduced working day in order to take care of their children.

Finally, in the case of caring regimes called social democrat by Esping Andersen or liberal familiarist by Leitner (2003), in which Denmark, Finland and Sweden would be included, the policies are based on offering a good coverage of family services and a good system of long term and compensated maternity and paternity leaves, so as to promote women to enter the labour market once the leave has finished.

As we can see, in the of the different authors, although with different designations and dissimilar starting points to determine the roles chosen by each country, all of them emphasize the same group, where each group is characterized by promoting to a greater or lesser extent the conciliation between work life and family life.

3.2. Types of leaves

Before beginning to analyze the obvious differences that we can find, we have to explain the different types of existing leaves and the characteristics of those leaves by birth. (García Castro, C. y Pazos Morán, M., 2011)

In the first place we find the maternity leave where mothers are, although in some countries they can transfer a part of the leave to the other parent, the ones who have this right which is made effective after childbirth and sometimes it begins before it. The duration of this leave for European Union members is of 20.5 weeks and the cash benefit generally ranges from 75% to 100% of the salary. That leave is destined to the recovery after childbirth and childcare.

On the other hand we have the paternity leave, which is aimed at the father exclusively and it is made effective just after birth. The average duration in Europe is about 2.5 weeks and the cash benefit, as in the maternity leave ranges between 75% and 100%

of the salary. The aim of this leave for the parent is to provide help during the recovery after childbirth.

Finally, we find the parental leave or career break, which is often transferable to both parents, although in some countries there are some not transferable quotas. This leave can be used once the maternity leave has finished y before the child reaches a certain age. The duration in these cases varies from 3 months to 2.5 years and they are usually low paid, with remarkable exceptions in the northern countries and Slovenia.

3.3. Maternity leaves

When we start evaluating the policies carried out by each country as to maternity leaves, it is important to take into account the duration of that leave and the quantity of money mothers receive when they are making use of it. At the same time, forecasts for maternity leaves also have to be evaluated, as they have a direct effect on women's health, their situation in the labour market, as well as in gender equality and labour in general. When leave is too short, mothers might not feel ready to return to work and drop out of the workforce altogether (OECD, 2011). However, very long leave periods, when mainly taken up by women, especially in the absence of job protection, may also damage women's attachment to and advancement in paid work, resulting in wage penalties (ILO, 2011a; Thévenon and Solaz, 2013).

An ILO review of international evidence attributes a marginal wage penalty effect to each year of leave, with many studies marking 12 months as the pivotal point (Grimshaw and Rubery, forthcoming). Any period longer than 12 months turns into a career break and is marked by a significant increase in wage penalty. Nevertheless, this review suggests there is currently no consensus about the optimum length of leave to encourage continuity of employment and minimal wage penalty effects. At the same time, there are clear costs for mothers associated with very short leave provision, associated with a high risk of women dropping out of the labour market altogether (Keck and Saraceno, 2013).

If we scan briefly the evolution suffered by maternity leaves in the last years, we can see how developed economies * increased their maternity leaves between 1994 and 2013, improving their WLB policies. For example, in Ireland maternity leave was

extended from 14 weeks to 26 weeks, in Poland from 16 to 20 weeks and later to 26 weeks, Portugal offered 120 days instead of 90 days, Slovakia from 28 to 34 weeks in 2010 and Malta from 14 to 16 weeks in 2012 and then 18 in 2013. All the countries with developed economies*, where we would find all the Europe Union members except Croatia which in the study (Addati, Laura; Cassirer, Naomi; Gilchrist, Katherine, 2014) is situated in the group of Eastern Europe and Central Asia, gave maternity leaves of at least 12 weeks in 2013, that is to say 100% of the countries, in comparison to the 93% in 1994. During this period, the countries, with developed economies, which give at least a maternity leave of 14 weeks has increased from 77% to 90% and to 100% in the European Union countries.

Once we have talked briefly about the evolution achieved by these countries from 1994 to 2013, we will now analyze the following table (Addati, Laura; Cassirer, Naomi; Gilchrist, Katherine: Maternity and paternity at work : law and practice across the world. International Labour Office. – Geneva: ILO, 2014), where we will be able to see the current situation of the policies followed by all the countries that form part of the European Union, besides seeing how the issue of WLB as to maternity leaves is addressed as well as the cash benefits and who is the one to receive those benefits.

* Developed Economies (42 countries): Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Channel Islands – Guernsey, Channel Islands – Jersey, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Isle of Man, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, the United States.

Table 1: Key national statutory provisions on maternity leave, by region, 2013

Country	Duration of maternity leave (in national legislation)	Duration of maternity leave (in weeks)	Amount of maternity leave cash benefits (% of previous earnings)	Source of funding of maternity leave cash benefits
Denmark	18 weeks	18 weeks	100%	Mixed (public funds and employer)*
Germany	14 weeks	14 weeks	100%	Mixed (social insurance for a flat rate benefit and employer liability)
Italy	5 months	22 weeks	80%	Social security (social insurance)
Spain	16 weeks	16 weeks	100%	Social security (social insurance)
United Kingdom	52 weeks	52 weeks	6 weeks paid at 90%; lower of 90%/flat rate for weeks 7–39; weeks 40–52 unpaid	Mixed (employers reimbursed up to 92% by public funds)*

Source: Own elaboration from:: (Addati, Laura; Cassirer, Naomi; Gilchrist, Katherine: Maternity and paternity at work : law and practice across the world. International Labour Office. – Geneva: ILO, 2014)

As we have said before, all the countries in the European Union have a maternity leave of at least 14 weeks. This minimum is followed by Germany with a 14-weeks maternity leave and a benefit of 100% of the salary during this period, which is provided through contributions from both the Social insurance and the employer. Closely it is Spain following Germany with only 16-week leave, with also 100% of cash benefit but this time provided by the Social Security. In contrast to these cases, we have the highest cash benefit in Croatia, were 58-week leaves where you only obtain the 100% of the benefit during the first 6 months, as from then on, the State is who pays through public funds.

We can consider Portugal as a bit of a “strange” case, because the length of the leave and therefore the benefit varies depending on the amount of weeks of the maternity leave you choose; a 100% benefit if the period is of 17 weeks and 80% benefit if you chose a period of 21 weeks.

On the other hand, the countries that would fall in a range of 20 to 28 weeks would be Italy, Hungary, Poland, the Czech Republic and Estonia. In this group of countries we would highlight the Czech Republic, as here we can see how they have increased the

leave to 28 but in exchange they have reduced the benefit during that period to 70% and provided entirely by the Social Security.

Positioned near the group of the countries previously mentioned, we can find Bulgaria and Slovakia with 32 to 34 weeks respectively, varying the cash benefit between 90% o 65%, being the last country, Slovakia, the country with the lowest cash benefit among the European Union members.

Finally, it's worth stressing that Ireland and the United Kingdom, together with Croatia which we have motioned before. In the case of Ireland, it offers a 42-week leave, where 24 of them get an 80% cash benefit, while the rest of the weeks do not get any benefit. Another option is offered by the United Kingdom, giving a 52-week leave, 6 of which get a benefit of 90% of the salary, from the 7th to the 39th week the benefit is under 90% and the 4 remaining weeks are exempt from benefit. These cash benefits are paid by the Social insurance together with the State

In general, as we can see, it still remains under the responsibility of the State to guarantee the women' needs regarding this issue, although the collective covenants or the employers' policies can improve the statutory provisions or even lead to a better legislation.

Nevertheless, many women will not benefit from these measures and national legislations which establish the minimum standards are still a necessity. More and more countries are providing now maternity cash benefits to low-income residents or workers without a contract through social assistance programmes not refinanced through public funds according to the ILO Social Protection Floors Recommendation,2012 in which it is included the "essential health care", "Maternity Protection" and "basic income security" in the case of maternity.

Social transfers and employment guarantee schemes including maternity protection measures, which are as yet still limited, have the potential to enhance economic security and access to maternal and child health care for vulnerable pregnant and nursing women and their children. Research shows that these programmes can be enhanced to be more gender-transformative by increasing women's participation in these projects; providing safe, decent and family-friendly working conditions, including maternity protection; supplying the types of infrastructure and services that both reduce women's and girls' unpaid care work and increase their access to health care and education; and furthering intra-household equality (Kabeer, 2013).

3.4. Paternity leaves

As we have seen in one of the previous subsections, there are different types of leaves, although the best known is the maternity leave, as it has been the most protected in the legislative framework. The WLB measures also affect men, and it is because of that that new measures such as paternity leaves and parental leaves have been directly incorporated into the regulations in the last directive adopted by the European Union (Directive 210/18/UE). Those leaves have been successful because they allow fathers who work to participate more in the family responsibilities. Therefore, it is necessary to establish the correct policies to promote a greater balance between work and family responsibilities, both for women and men in order to allow an equal sharing of family responsibilities (ILO 2009).

As a consequence, on day-to-day situations in which fathers can be in charge of taking care of their children while being free of the obligation of going to work and having free time immediately after childbirth, these leaves provide fathers with the necessary time to develop their parenting skills and to adopt a sense of responsibility, which later will allow them to be “co-parents” instead of merely being their female partners’ helpers. This shift from a manager-helper dynamic to that of co-parenting creates the opportunity for the development of a more gender-equitable division of labour (Rehel, 2014).

It is because of this reason that hereunder, we will carry out an analysis of the most relevant data of the following table in the section of paternity leaves.

Table 2: Key national statutory provisions on paternity leave by region.

Country	Paternity leave		
	Duration of paternity leave (days) 2013	Amount of paternity leave cash benefits (% of previous earnings) 2013	Source of funding of paternity leave cash benefits 2013
Denmark	14 consecutive days	100%	Mixed (state and employer)
Germany	No paternity leave	***	***
Italy	1 day	100%	Social security (social insurance)
Spain	15 calendar days	100% up to a ceiling	Social security (social insurance)

United Kingdom	14 consecutive days	Flat rate benefit or 90% of the average weekly earnings, whichever is less	Mixed (employers pay the benefit but are entitled to recover 92% of the statutory paternity pay from social insurance)
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Source: Own elaboration from: (Addati, Laura; Cassirer, Naomi; Gilchrist, Katherine: Maternity and paternity at work : law and practice across the world. International Labour Office. – Geneva: ILO, 2014)

Out of these data, we can highlight that all the countries which offer that leave provide a 100% cash benefit or very nearly to this percentage.

However, there are great differences as to the duration, as we can find countries that at this stage, they do not offer any single day allotted to the paternity leave as it would be the case of Austria, Germany or Ireland among others. Slovenia is poles apart from this position as it is the country which offers more days to fathers being this period of 90 days and being this period the one which is nearer to the maternity leave provided for instance in Germany.

Between the two extremes, we find countries such as Spain, the United Kingdom, Estonia, or Poland, with provide between 10 and 15 days. Yet, in this “neutral” group there are two countries that stand out of the rest and although they do not reach the same level as Slovenia. These two countries are Finland with a 54-days paternity leave and Lithuania with 30-days paternity leave.

3.5. Parental leave

In the following table 3 we can see how nowadays all the countries offer this type of leaves, although there is evidence that these measures need to be improved as many countries do not provide cash benefits yet, which means that these leaves are less used than the maternity leave or the paternity leave. Studies of higher income countries have shown that fathers with higher incomes, full-time work, higher levels of education and other indicators of socio-economic advantage were more likely to take parental leave than their less advantaged national counterparts (Huerta et al.,2013; O'Brien, 2009).

Table 3: Key national statutory provisions on parental leave by region.

Country	Parental leave		
	Duration of parental leave (weeks) 2013	Amount of parental leave cash benefits (% of previous earnings) 2013	Source of funding of parental leave cash benefits 2013
Denmark	32 weeks (either parent)	100 %	Mixed (state and employer)
Germany	156 weeks, 52 paid (either parent)	67%	Social security (public funds)
Italy	26 weeks (each parent)	50% up to a ceiling	Social security (social insurance)
Spain	156 weeks (each parent)	Unpaid	***
United Kingdom	13 weeks (each parent)	Unpaid	***

Source: Own elaboration from: (Addati, Laura; Cassirer, Naomi; Gilchrist, Katherine: Maternity and paternity at work : law and practice across the world. International Labour Office. – Geneva: ILO, 2014)

One of the biggest differences that we can find in this type of leaves, is that the leave is provided commonly for both members of the couple, so they can choose how to share the leave. Conversely, other countries resort to establishing a period for each of the partners, these last countries coinciding with the ones which have a higher percentage of cash benefit exemption, 50% to be exact compared to an 18,75% in countries with common parental leaves.

On the other hand, the countries with longer parental leaves are, among others, Germany, the Czech Republic and Lithuania with 156-weeks leaves to be shared by both parents, coinciding this period of 156 weeks with France and Spain but with the difference that in France and Spain a period of 156 weeks is provided for the father and a period of 156 weeks is provided for the mother.

As to the countries that provide the shortest parental leaves, we have Cypress with a 13-weeks parental leave to be shared by both parents and coinciding with this period of 13 weeks we find Malta and the United Kingdom, but in this case the leave can be taken by the mother or the father.

This type of leave enables the possibility of parents choosing how and when they want to take it. In some countries the parental leave must be taken continuously just after the maternity leave or the paternal leave while in other countries the leave can be divided in parts while the child is little which enable to choose when it is more convenient for

them to use it. Research shows that men and women tend to take their leaves differently: women as continuous leave, even when flexible leave is available, while men more often take it flexibly and in shorter chunks (Hegewisch and Gornick, 2011).

3.6. Breastfeeding arrangements at work and childcare

In this section we'll focus our attention on analyzing the evolution of breastfeeding arrangements that companies provide within the countries of the European Union, thus allowing women to properly care for their children without having to interrupt lactation.

After childbirth, many women face an economic risk resulting from losing their jobs and their incomes during the maternity leaves that we've studied in the previous section, so many of them cannot afford the luxury of taking time off work for extended breastfeeding or caring for their babies and young children.

Due to this, without the support of the companies, work is incompatible with nursing. This is because the production of breastmilk is based on offer and demand; if a woman doesn't have breaks to breastfeed or extract milk, her supply will diminish and she will no longer be able to produce enough milk for her baby (Fein and Roe, 1998; Kearney and Cronenwett, 1991; Mandal et al., 2010; Ogbuanu et al., 2011).

Table 4: Key national statutory provisions on breastfeeding arrangements at work by region.

Country	Entitlement to paid nursing breaks (2013)	Entitlement duration (months) (2013)	Number of daily nursing breaks (2013)	Nursing break duration (minutes) (2013)	Total daily duration (minutes) (2013)	Nursing or childcare facilities (2013)
Denmark	Not provided	***	***	***	***	Not provided
Germany	Paid	Not specified	2	30	60	Not provided
Italy	Paid	12	1	60	120	Not provided
Spain	Paid or reduction	9	1	60	60	Not provided
United Kingdom	Not provided	***	***	***	***	Not provided*

Source: Own elaboration from: (Addati, Laura; Cassirer, Naomi; Gilchrist, Katherine: Maternity and paternity at work : law and practice across the world. International Labour Office. – Geneva: ILO, 2014)

As can be seen in Annex 3 which includes all the information regarding the countries of the European Union, from 1994 to 2013 all countries have either maintained the same nursing leaves or have increased them.

In fact, nowadays there are very few countries which haven't established paid leaves. Four to be exact: Denmark, Greece, Malta and the United Kingdom. Moreover, we can find an exception, Poland, where there is no law controlling breastfeeding arrangements at work and childcare.

Another point to take into consideration is the amount of months that the leaves are given for, where all countries are included within an interval of between 6 and 18 months, the minimum being in Slovakia and the maximum in Estonia. We can also find many countries which offer 12 months, including among others, Italy and Portugal.

Furthermore, the law also establishes the amount of daily breaks for nursing which can be taken as well as their duration. Most countries allow 1 or 2 breaks of 60 or 120 minutes a day, depending on the country we observe. As exceptions we find Ireland where they allow 6 breaks and other countries where mothers are allowed to stop working every three hours such as Lithuania. Measures such as these ease nursing and allow the child to be fed as many times a day as necessary.

Lastly, it is worth noting that few countries provide help with daycare. In countries where this service is offered, such as France and Belgium among others, there is a possibility of daycare being present in all the companies of the country or at least those which have a minimum number of employees needing this service.

As is set out by the ILO (International Labour Organization) although these leaves are the least considered by the law as well as by each countries regulations, they are none the less important because in the absence of State-provided childcare, many households turn to "individual coping strategies", which may include the reduction of desired fertility; reliance on often low-paid domestic workers providing home-based care and household work, who also face the challenge of juggling work and their family needs (ILO, 2013); or dependence on low-quality childcare arrangements such as enlisting older children to care for younger ones, leaving children unsupervised or taking them to the workplace. This, in turn, can lead to lower school enrolment rates

and a higher incidence of child labour, thus perpetuating the poverty cycle, or it may contribute to antisocial or criminal behaviour by youths left alone by working parents (ILO, 2011a).

4. Conclusions

In this last section, we will try to answer to the objectives set out at the beginning of this project. Those objectives are:

- To carry out an in-depth study of both the regulations established by the European Union as well as the ones established by Spain and in which sections of the Spanish regulations, the common directives set out for all the Member States of the European Union are included.
- To determine the different policy models that countries can adopt as to WLB, with a special focus on the policies used in each country of the European Union as to maternity, paternity, parental and nursing leaves.
- To know, on the basis of the findings obtain by the European Quality of Life Survey 2012 and the explanation of the leaves which facilitate the conciliation of work and family life, if the responses to the survey have a relation with those leaves in the legislative frame of Spain, Italy, Germany, Denmark and the United Kingdom.

After remembering what the objectives set out in this project are, we can draw these conclusions in relation to them:

As to the directives set out in the frame of the European Union, we highlight the most recent and important ones. These directives would be Council Directive 92/85/EEC, Directive 2002/73/EC of the European Parliament and of the Council, Directive 2006/54/EC of the European Parliament and of the Council and Council Directive 2010/18/EU. All the directives established within the European framework are included in Law 3/2007, in Law 39/99 and in Law 1/1995 of the Statute of Rights for Workers, thus establishing the political base of all the conciliatory policies in Spain.

As to the 2nd objective, we have confirmed that according to the authors analyzed in this project, there are four different models of policies and the the members States of the European Union resort to them when choosing the type of policy which will be implemented in the respective country. We have also been able to confirm that the most used policy is the fourth one, which is based on the implementation of a broad policy of leaves, guaranteeing in most cases the maintenance of the workplace, described by Meil and Iglesias in 2001. This would be the policy used by most countries although as we mentioned in that section, most of the times these leaves do

not provide for substitutive salaries or substantial cash benefits, so in the majority of cases they are not completely used up due to this lack.

As to the classification made by authors like Michon, Esping Andersen or Leitner as to the different types of caring regimes, we would highlight the one described by Michon (2006), and called “positive familiarism”, as this is the most used among the member States of the European Union.

Finally, as to the conclusions drawn when merging the results of the European Quality of Life Survey 2012 and the different policies operated by the chosen countries, we can see through the answers to different questions that the Spanish population is the most dissatisfied.

As to the level of accumulated tiredness and the difficulties to fulfill their family responsibilities due to this tiredness, we would find that both Spain and the UK are the countries which have more problems with percentages of tiredness of about 70% and 40% of difficulty to combine work life and family life. It is because of this that although the measures have improved, there is clear evidence that they need to be improved even more.

In contrast, we find Denmark as the country that is in the most advantageous situation and this is due to the great difference as to leaves that are implemented in its current regulations. This happens because, although its periods are nearly the same as the ones in the rest of the countries, the remuneration is complete, which makes that the society to be able to opt for those leaves without worrying about having a lower family income

To summarize, we can see how the issue of Work-Life Balance is a question of conflict nowadays, on which all the countries of the European Union are working and efforts are being made to establish measures to help families fit together both family life and work life, trying the decision to have children not to be a problem which can affect the career development.

Finally, we would like to make one final comment. As we have said in the introduction, the implementation of WLB policies benefits both companies and employees. In this project we have only focused on the regulations referred to people with family responsibilities. Nevertheless, there are many more measures including measures that are not regulated by law, which are as important as the ones we have explained in this project. We consider those measures a good subject of future investigations.

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6. Annexes

ANNEX 1: Key national statutory provisions on maternity leave, by region, 2013.

Country	Duration of maternity leave (in national legislation)	Duration of maternity leave (in weeks)	Amount of maternity leave cash benefits (% of previous earnings)	Source of funding of maternity leave cash benefits
Austria	16 weeks	16 weeks	100%	Social security (social insurance)
Belgium	15 weeks	15 weeks	82% for the first 30 days; 75% for the remainder (up to a ceiling)	Social security (social insurance)
Bulgaria	227 days*	32 weeks	90%	Social security (social insurance)
Cyprus	18 weeks	18 weeks	75%	Social security (social insurance)
Croatia	45 days before birth to 1 year after birth	58 weeks	100% until 6 months after birth, then a flat-rate benefit	Social security (health insurance fund for 6 months, then public funds)
Czech Republic	28 weeks	28 weeks	70%	Social security (social insurance)
Denmark	18 weeks	18 weeks	100%	Mixed (public funds and employer)*
Estonia	140 days	20 weeks	100%	Social security (social insurance)
Finland	105 working days	18 weeks	70%*	Social security (social insurance)
France	16 weeks	16 weeks	100% up to a ceiling	Social security (social insurance)
Greece	119 days	17 weeks	100%*	Social security (social insurance and public funds)
Germany	14 weeks	14 weeks	100%	Mixed (social insurance for a flat rate benefit and employer liability)
Hungary	24 weeks	24 weeks	70%	Social security (social insurance)
Ireland	26 weeks paid (plus 16 weeks unpaid)	42 weeks	80% up to a ceiling for 26 weeks	Social security (social insurance)
Italy	5 months	22 weeks	80%	Social security (social insurance)

Latvia	112 days	16 weeks	80%	Social security (social insurance)
Lithuania	126 days	18 weeks	100%	Social security (social insurance)
Luxembourg	16 weeks	16 weeks	100%	Social security (social insurance)
Malta	18 weeks	18 weeks	100% for 14 weeks	Mixed (employer liability and social insurance)*
Netherlands	16 weeks	16 weeks	100% up to a ceiling	Social security (social insurance)
Poland	26 weeks	26 weeks	100%	Social security (social insurance)
Portugal	120 (or 150) days	17 (or 21) weeks	100% (or 80% for 150 days)	Social security (social insurance)
Romania	126 days	18 weeks	85%	Social security (State Health Insurance)
Slovakia	34 weeks	34 weeks	65%	Social security (social insurance)
Slovenia	105 days	15 weeks	100%	Social security (social insurance)
Spain	16 weeks	16 weeks	100%	Social security (social insurance)
Sweden	14 weeks*	14 weeks	80%	Social security (social insurance)
United Kingdom	52 weeks	52 weeks	6 weeks paid at 90%; lower of 90%/flat rate for weeks 7–39; weeks 40–52 unpaid	Mixed (employers reimbursed up to 92% by public funds)*

Source: Own elaboration from: (Addati, Laura; Cassirer, Naomi; Gilchrist, Katherine: Maternity and paternity at work : law and practice across the world. International Labour Office. – Geneva: ILO, 2014)

ANNEX 2: Key national statutory provisions on paternity and parental leave by región.

Country	Paternity leave			Parental leave		
	Duration of paternity leave (days) 2013	Amount of paternity leave cash benefits (% of previous earnings) 2013	Source of funding of paternity leave cash benefits 2013	Duration of parental leave (weeks) 2013	Amount of parental leave cash benefits (% of previous earnings) 2013	Source of funding of parental leave cash benefits 2013
Austria	No paternity leave	***	***	104 weeks (either parent)	Flat rate benefit	Social security
Belgium	10 working days	100% for first 3 days, 82% remaining 7 days	Mixed: employer liability (first 3 days), social security (remaining 7 days)	17 weeks (each parents)	Flat rate benefit	Social security (social insurance)
Bulgaria	15 days	90%	Social Security (state public insurance)	26 weeks (182 days) (either parent)	90%	Social security (state public insurance)
Cyprus	No paternity leave	***	***	13 weeks (either parent)	Unpaid	***
Croatia	7 working days	100%	Employer liability	104 weeks (either parent)	***	***
Czech Republic	No paternity leave	***	***	156 weeks (either parent)	Flat rate benefit	Social security (social insurance and public funds)
Denmark	14 consecutive days	100%	Mixed (state and employer)	32 weeks (either parent)	100 %	Mixed (state and employer)
Estonia	10 working days	100%	Social security (state)	36 weeks (either parent)	Unpaid	***
Finland	54 working days	70%, up to a ceiling , plus 40% of an additional amount up to a ceiling , plus 25% of another additional amount	Social security (social insurance)	26 weeks (158 working days) (either parent)	70%	Social security (social insurance)
France	11 working days	100% up to a ceiling	Social security (Health Insurance Fund)	156 weeks, 26 paid for the first child (each parent)	Flat rate benefit (per household)	Social security (social insurance)

Greece	2 days	100%	Employer liability	17 weeks (each parent) until the child is 6 years	Unpaid	***
Germany	No paternity leave	***	***	156 weeks, 52 paid (either parent)	67%	Social security (public funds)
Hungary	5 days	100%	Social security (Health insurance fund)	156 weeks (either parent)	70% up to a ceiling for 104 weeks for insured parents; flat rate benefits for non-insured and all parents for the last 52 weeks	Social security (Health Insurance Fund and state)
Ireland	No paternity leave	***	***	17 weeks (each parent)	Unpaid	***
Italy	1 day	100%	Social security (social insurance)	26 weeks (each parent)	50% up to a ceiling	Social security (social insurance)
Latvia	10 calendar days	80%	Social security (state social insurance)	78 weeks (each parent)	70%	Social security (social insurance)
Lithuania	30 consecutive days	100% up to a ceiling	Social Security (Social insurance)	156 weeks, 52 paid (either parent)	100% until the child is 1 year until 2 year; last period unpaid	Social security (social insurance)
Luxembourg	2 days	100%	Employer liability	26 weeks (each parent)	Flat rate benefit	Social security (state)
Malta	No paternity	***	***	13 weeks (each parent)	Unpaid	***
Netherlands	2 days	100%	Employer liability	26 weeks (each parent) with part-time work	Unpaid	***
Poland	14 consecutive days	100%	Social security (social insurance)	156 weeks after maternity leave, 104 paid (either parent)	60% for 26 weeks and flat rate benefit for 104 weeks	Social security (social insurance 26 weeks and then state)
Portugal	20 days (10 of which are compulsory)	100%	Social security (social insurance)	Initial Parental Leave: 17 or 21 weeks. Additional Parental Leave: 13 weeks (each parent)	Initial parental leave: 100% (or 80% for 21 weeks); Additional parental leave: 25%	Social security (social insurance)
Romania	5 working days (10 days if worker attended infant care)	100%	Employer liability	Either parent. Option I: until the child is 12 months old and	Option I: 75% up to ceiling and incentive pay if the parent	Social security (state)

	courses)			unpaid parental leave until the the child is 24 months, if the parent decides not to return to work. Option II: until the child is 2 years old	returns to work. Option II: 75% with a different ceiling and no incentive pay	
Slovakia	No paternity leave	***	***	156 weeks (either parent)	Flat rate benefits	Social security (state)
Slovenia	90 consecutive days	100% up to a ceiling (first 15 days(; flat rate benefit (remaining 75 days)	Social security (social insurance 15 days and state 75 days; only limited benefits)	37 weeks (either parent)	90% up to a ceiling	Social security (social insurance)
Spain	15 calendar days	100% up to a ceiling	Social security (social insurance)	156 weeks (each parent)	Unpaid	***
Sweden	10 days	80% up to a ceiling	Social security (social insurance)	80 weeks (480 days to be shared by parents)	80% up to a ceiling for 65 weeks (390 days(; flat rate benefits for 15 weeks (90 days)	Social security (social insurance)
United Kingdom	14 consecutive days	Flat rate benefit or 90% of the average weekly earnings, whichever is less	Mixed (employers pay the benefit but are entitled to recover 92% of the statutory paternity pay from social insurance)	13 weeks (each parent)	Unpaid	***

Source: Own elaboration from: (Addati, Laura; Cassirer, Naomi; Gilchrist, Katherine: Maternity and paternity at work : law and practice across the world. International Labour Office. – Geneva: ILO, 2014)

ANNEX 3: Key national statutory provisions on breastfeeding arrangements at work by region.

Country	Entitlement to paid nursing breaks (1994)	Entitlement to paid nursing breaks (2013)	Entitlement duration (months) (1994)	Entitlement duration (months) (2013)	Number of daily nursing breaks (1994)	Number of daily nursing breaks (2013)	Nursing break duration (minutes) (1994)	Nursing break duration (minutes) (2013)	Total daily duration (minutes) (1994)	Total daily duration (minutes) (2013)	Nursing or childcare facilities (1994)	Nursing or childcare facilities (2013)
Austria	Paid	Paid	Not specified	Not specified	2	2	45	45	90	90	Not provided	Not provided*
Belgium	Not provided	Paid	***	9	***	2	***	30	***	60	Not provided	All
Bulgaria	Paid	Paid	8	8	2	2	60	60	120	120	Not provided	20FW
Cyprus	Not provided	Paid	***	9	***	Not specified	***	60	***	60	Not provided	Not provided
Croatia	***	Paid	***	12	***	2	***	30	***	60	***	Not provided
Czech Republic	***	Paid	***	12	***	2	***	30	***	60	***	Not provided
Denmark	Not provided	Not provided	***	***	***	***	***	***	***	***	Not provided	Not provided
Estonia	***	Paid	***	18	***	Every 3 hours	***	30	***	60	***	Not provided
Finland	Not provided	Paid	***	Not specified	***	Not specified	***	Not specified	***	Not specified	Not provided	Not provided
France	Unpaid	Paid	12	12	Not specified	2	Not specified	30	60	60	Not provided	100FW
Germany	Paid	Paid	Not specified	Not specified	2	2	30	30	60	60	Not provided	Not provided
Greece	Paid or reduction	Not provided*	12	***	Not specified	***	Not specified	***	60	***	Not provided	300W
Hungary	Paid	Paid	9	9	Not specified	2	Not specified	60	60	120	Not provided	Not provided
Ireland	Not provided	Paid or reduction	***	***	Not specified	6	***	60	***	60	Not provided	Not provided
Italy	Paid	Paid	Not specified	12	1	1	60	60	120	120	Not provided	Not provided

Latvia	***	Paid	***	18	***	Every 3 hours	***	30	***	60	***	All*
Lithuania	***	Paid	***	Not specified	***	Every 3 hours	***	30	***	60	***	Not provided
Luxembourg	Paid	Paid	Not specified	Not specified	2	2	45	45	90	90	Not provided	Not provided
Malta	Not provided	Not provided	***	***	***	***	***	***	***	***	Not provided	Not provided
Netherlands	Paid or reduction	Paid	Not specified	9	2	Not specified	45	Not specified	90	Max. of 25% of working hours	Not provided	All
Poland	Paid	***	Not specified	***	2	***	30	***	60	***	Not provided	***
Portugal	Paid	Paid	12	12	2	2	60	60	120	120	Not provided	Not provided
Romania	Unpaid or reduction	Paid	9	12	Every 3 hours	2	30	60	60	120	Not provided	All
Slovakia	***	Paid	***	6	***	2	***	30	***	60	***	All*
Slovenia	***	Paid	***	Not specified	***	Not specified	***	60	***	60	***	All*
Spain	Unpaid	Paid or reduction	9	9	2	1	30	60	60	60	Not provided	Not provided
Sweden	Unpaid	Paid	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not provided	Not provided
United Kingdom	Not provided	Not provided	***	***	***	***	***	***	***	***	Not provided	Not provided*

Source: Own elaboration from: (Addati, Laura; Cassirer, Naomi; Gilchrist, Katherine: Maternity and paternity at work : law and practice across the world. International Labour Office. – Geneva: ILO, 2014)