

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (96) 5

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON RECONCILING WORK AND FAMILY LIFE

*(Adopted by the Committee of Ministers on 19 June 1996
at the 569th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress, while respecting human rights and fundamental freedoms;

Bearing in mind Article 1 of the Revised European Social Charter, which contains an undertaking to ensure the effective exercise of the right to work, as well as Article 20 concerning the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, and Article 27 concerning the right of workers with family responsibilities to equal opportunities and equal treatment;

Bearing in mind its declaration adopted on the occasion of its 83rd Session in 1988 on equality of women and men;

Recalling that, in the resolution on the employment of women adopted at the close of the 4th Conference of European Ministers of Labour (Copenhagen, 1989), the Ministers of Labour agreed that adaptive and innovative measures were required in order to better reconcile working life and family life, whether it be in social infrastructures, labour and social protection legislation, or flexibility of employment for workers, without prejudice to access by women to professional responsibilities of all kinds;

Bearing in mind Recommendation No. R (94) 14 of the Committee of Ministers on coherent and integrated family policies;

Taking note of the final communiqué of the XXIVth session of the Conference of European Ministers responsible for Family Affairs on the theme of the status and role of fathers – family policy aspects (Helsinki, 1995);

Bearing in mind the various instruments of the International Labour Organisation, particularly Convention No. 156 and Recommendation No. 165 concerning equal opportunities and equal treatment for men and women workers: workers with family responsibilities, and Convention No. 175 and Recommendation No. 182 concerning part-time work;

Considering that the initiatives to enable women and men to reconcile their occupational, family and upbringing responsibilities arising from the care of children contained in the Recommendation of the Council of the European Communities of 31 March 1992 on child care (92/241/EEC) are relevant to the circumstances pertaining in all member states;

Bearing in mind the principles set out in Article 18 of the United Nations Convention on the Rights of the Child (1989), which provides that the states parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of their children, that they shall render appropriate assistance to parents in the performance of their child-rearing responsibilities, and that they shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible;

Bearing in mind the strategic objectives set out in the Platform for Action adopted by the United Nations 4th World Conference on Women (Beijing, 1995), and in particular those aiming at the promotion of the harmonisation of work and family responsibilities for women and men;

Considering that employment and family policies should promote equal opportunities in order to overcome discrimination on grounds such as disability, age, sex, sexual orientation, race, colour or ethnic origins;

Welcoming the progress already made in facilitating the labour force participation of workers with family responsibilities;

Recognising that the reconciliation of work and family life is a problem of considerable complexity which still remains insufficiently understood;

Recognising, nonetheless, that the following observations can be made:

- it is women who most often continue to bear the principal burden of family responsibilities;
- discrimination against women in the labour market is encouraged by insufficient sharing of family responsibilities;
- women and men have an increasing desire and willingness to share their family responsibilities more equally;
- numerous obstacles, especially social and cultural, stand in the way of a more equal sharing between women and men of their family responsibilities;
- overall, labour-market actors continue to take insufficient account of the family responsibilities of women and men;

Taking note of the development and importance of family responsibilities for women and men arising from economic, cultural and social changes;

Taking into consideration, on the one hand, the difficult economic and social context, particularly the budgetary restrictions confronting member states, and, on the other hand, the potential benefits to be gained in the promotion of a working society that uses the skills of all its members to the full;

Noting that the full social and economic participation of workers with family responsibilities has positive effects for the efficiency of the economy, the promotion of employment, and the fight against unemployment, and also has a role in strengthening social cohesion;

Considering that success in meeting the objectives and implementing the measures and initiatives described below demands both individual initiative and collective effort;

Considering, furthermore, that the undertaking of such a collective effort concerns, *inter alia*, public authorities, employers, organisations of employers and workers, and non-governmental organisations;

Being aware that greater access for women to positions of responsibility is an important factor in promoting measures designed to improve equal opportunities for women and men;

Affirming that the reconciliation of work and family life, promoting as it does self-fulfilment in public, professional, social and family life, is a precondition for a meaningful quality of life and for the full exercise of fundamental human rights in the economic and social sphere,

Recommends that the governments of member states:

- I. Take action, within the framework of a general policy promoting equal opportunities and equal treatment, to enable women and men, without discrimination, to better reconcile their working and family lives;
- II. Adopt and implement the measures and general principles described in the appendix to this recommendation in the manner they consider the most appropriate to achieve this goal in the light of national circumstances and preferences.

Appendix to Recommendation No. R (96) 5

General principles

1. With a view to creating effective equality of opportunity and treatment for women and men workers, each member state should make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without any conflict between their employment and family responsibilities.
2. The need for women and men to meet their responsibilities for child rearing should be made a priority, not only in respect of their very young children but also in respect of their older children. It is also important that workers be able to meet their increasing responsibilities to other dependent family members, and in particular to their relatives who are elderly or who have a disability.
3. The measures described in this appendix imply a considerable change in attitudes, business structures and working patterns in the public and private sectors, and it is therefore important to ensure that the measures in this appendix are implemented with the full involvement and co-operation of all labour-market actors including employers and organisations of employers and workers.
4. Although the measures described in this appendix relate essentially to the labour market, they will not in themselves ensure a more equal reconciliation of occupational and family responsibilities. A concerted effort therefore needs to be taken in all fields of social life in order to promote and take account of changes in the roles of women and men in both the workplace and the home.
5. With a view to promoting the reconciliation of working and family life, action needs to be taken in a number of related priority policy areas, namely:
 - the organisation of working time;
 - the abolition of discrimination between women and men in the labour market;
 - the development of adequately financed services in favour of families;
 - the adaptation of social security schemes and tax systems to the increasing diversity in working patterns;
 - the organisation of school time and curricula.
6. A significant effort should be made to strengthen the regulatory and social infrastructures which support and assist workers who have to reconcile their working and family responsibilities.
7. The various instruments of the international bodies referred to in the preamble to this recommendation should be applied as widely as possible.

Organisation of working time

General

8. Governments should promote effective flexibility, or, where appropriate, encourage employers' and workers' organisations to promote such flexibility, throughout the length of the active life of workers, to take account of their family responsibilities. Account should be taken of their needs and in particular on their preparation for, entry to and withdrawal from the labour market.

A flexible employment practice

9. Employers should be encouraged to develop flexible employment practices enabling their workers, both women and men, to meet the demands of their family responsibilities in the most satisfactory manner possible. In so far as is possible, account should be taken of the individual circumstances of each worker in relation to their family responsibilities and the needs of the persons dependent on them (for example the size of their family, whether they are a single parent, or whether their dependent relatives are ill, elderly or have a disability).

10. A flexible and voluntary employment practice widely agreed between employers and workers should comprise as many as possible of the following options:

- easier access to part-time work for those workers who so wish;
- easier access, where possible, to options for “distance employment” such as, for example, telework or homework for those workers who so wish;
- the possibility for workers to vary their working hours and the organisation of their working time, whilst retaining the possibility of reverting to their original hours;
- leave arrangements to care for family members who are ill or who have a disability.

11. Flexible employment practices should provide for conditions of employment which are equivalent or comparable to those of similarly placed full-time workers. In particular, member states are encouraged to extend this principle of equal or comparable treatment to the following areas:

- job security;
- work place representation;
- career development including promotion possibilities;
- pay and other benefits.

Maternity and parental leave

12. Women should be entitled to legal protection in the event of pregnancy, and, in particular, an adequate period of maternity leave, adequate pay or allowance during this period and job protection.

13. The fathers of newly born children should also be allowed a short period of leave to be with their families. In addition, both the father and the mother should have the right to take parental leave during a period to be determined by the national authorities without losing either their employment or any related rights provided for in social protection or employment regulations. The possibility should exist for such parental leave to be taken part-time and to be shared between parents.

14. The measures described in paragraph 13 should apply equally for the benefit of persons adopting a child.

15. The return to work at the end of a period of parental leave should be facilitated by, for example, vocational guidance and training facilities.

Abolition of discrimination between women and men in the labour market

16. A reduction of wage differentials between women and men should be encouraged in order to achieve a more equal sharing of family responsibilities within each family unit. Accordingly, measures should be taken to promote:

- i. a more balanced distribution of women and men in different sectors and occupations;
- ii. a reduction of wage differentials between female dominated and male dominated occupations;
- iii. a reduction in wage differentials between women and men within the same occupation.

Development of adequately financed services in favour of families

17. A wide and diversified variety of high quality services in the public and private sectors (including the voluntary welfare sector and the personal service sector) should be available to assist women and men in better reconciling their occupational and family responsibilities. They should operate at local level and cover child-minding services, child care, the bringing up of dependent children, reception facilities outside school time and the care of relatives who are elderly or who have a disability

18. In order to ensure the success of the various services they should be financed collectively and not only by families. They should also be closely co-ordinated by the different parties concerned, that is national, regional and local authorities, employers, organisations of employers and workers, as well as service users themselves.

19. Employers should also be encouraged to participate, financially or otherwise, in the provision of child care and family facilities for their workers, or in other services to help them meet their family responsibilities.

20. Full information should be available to users on the various services open to them, the standard of these services and their charges.

21. Where charges are made for child care and other services, these should be reasonable, and/or means-tested, and reflect the nature and quality of the service provided by the public authorities. Where necessary, and in order to ensure that these services are effectively available for workers with low means, financial assistance should be provided by the public authorities. Governments should ensure that the services are open to all children and that they should not be excluded for reasons related to the situation, and particularly the financial situation, of their parents.

22. Assistance to families may take the form of cash benefits, free entitlement to services, services at reduced charges and public funding to service providers. Consideration should be given to determining the most efficient means of financing these services.

23. The full range of public services, in particular public transport and housing, should be organised to better meet the needs of workers with family responsibilities. Similarly, urban and rural planning should take into account such responsibilities.

Adaptation of social security schemes and tax systems to the increasing diversity of working patterns

24. Where necessary, income tax and social security schemes should be reviewed to ensure that their operation does not work against the goal of enabling women and men to better reconcile their occupational and family responsibilities and to share these responsibilities between them more equally.

25. With a view to financing the assistance referred to in paragraph 22, contribution and tax systems might be designed in such a way as to encourage employers to make provision for their workers.

The organisation of school time and curricula

26. An effort should be made to better harmonise school and working hours.

27. School curricula should support an awareness of the needs related to reconciling work and family life.