Territorial Impact Assessment

Work-life balance directive

Disclaimer
This report was produced by the European Committee of the Regions secretariat to assist the rapporteur and the SEDEC Commission in drawing up the opinion on the work-life balance directive. This report will be shared with the European Commission, the European Institute for Gender Equality and the European Parliament.

The findings of this report are not binding on the European Committee of the Regions and do not prejudice the final content of its opinions. This report is for information purposes only. The effects observed in our analysis might not necessarily be a result of the Directive themselves but rather as a result of national implementation.

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This territorial impact assessment report is the outcome of an expert workshop organised by the European Committee of the Regions and ESPON EGTC on 11 October 2017 in Brussels.

The ESPON TIA tool is designed to support the quantitative assessment of potential territorial impacts according to the Better Regulation guidelines. It is an interactive web application that can be used to help policy-makers and practitioners to identify, ex-ante, potential territorial impacts of new EU legislation, policies and directives (LPDs).

This report documents the results of the territorial impact assessment expert workshop on the work-life balance directive. It is for information purposes only. The report and maps represent the views and experiences of the workshop participants. It is intended to be used for decision-making support only and does not necessarily reflect the opinion of the members of the ESPON 2020 Monitoring Committee.

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**Acronyms and legend**

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<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>CoR</td>
<td>European Committee of the Regions</td>
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<td>EP</td>
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<td>ESPON</td>
<td>European Territorial Observatory Network</td>
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<td>LRA</td>
<td>Local and regional authority</td>
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<td>MS</td>
<td>Member State(s)</td>
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<td>NUTS</td>
<td>Nomenclature des unités territoriales statistiques (Nomenclature of territorial units for statistics)</td>
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<td>OIR</td>
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<td>Territorial impact assessment</td>
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**Effects of the directives – colour code**

- Positive effects
- Minor positive effects
- Neutral
- Minor negative effects
- Negative effects

**Legend – direction of effects**

- Increase
- Decrease
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1 Introduction

In the European Pillar of Social Rights, published on 26 April 2017, work-life balance is a separate principle under Chapter II on fair working conditions. In addition, on 26 April 2017, the European Commission adopted a proposal for a directive on work-life balance, submitted as part of the Social Pillar package, a reflection paper on the social dimension, etc. The Commission’s proposal aims to replace the Framework Agreement on parental leave revised by the EU social partners and adopted by the Council in an implementing decision as a directive in 2010 (2010/18/EU).

The proposal is a follow-up to the Commission’s withdrawal of the revision of the maternity leave directive (92/85/EEC) in July 2015, which had been blocked for many years in the Council. The withdrawal was accompanied by the announcement of an initiative on "A New Start for Working Parents", entailing both legislative and non-legislative measures. In 2016, in parallel to a public consultation on this subject, the Commission consulted the social partners in accordance with Article 154 TFEU and asked whether they were willing to enter into negotiations in this area. The desire to do so was limited even though certain organisations did participate actively.

The Commission’s proposal for a directive on work-life balance is intended to replace the existing directive (2010/18/EU) and provides for changes in the following areas:

- Introduction of "paternity leave" of 10 working days for the birth of a child;
- Introduction of four-months "parental leave" for each parent (non-transferable). This can be flexible (full-time, part-time and interrupted) until the child reaches 12 years of age;
- "carers' leave" entitlement of five days each year to care for seriously ill or dependent family members;
- Entitlement to reduced working hours and flexible working arrangements, such as flexible working hours and flexibility in the workplace; the system of entitlements should be combined with a right to return to full-time work;
- The remuneration when on leave should be at least at the level of sick pay.

In parallel with the legislative proposal, on 26 April 2017, the Commission presented a Communication on "an initiative to support work-life balance for working parents and carers". In this communication, the Commission recognises that women are still under-represented in the labour market. This is caused, amongst other reasons, by women's larger share of childcare or family-care, the lack of provisions promoting childcare, and tax disincentives. The Commission therefore concludes that the measures for reconciling work and private life need to be improved. The communication proposes the following action areas:

- Include improved and gender-neutral family leave and flexible working arrangements;
- Improve the quality and affordability of and access to childcare and long-term care;
- Identify and discourage financial disincentives for parents and caregivers.

The Commission considers the proposal for a directive on work-life balance to be one of the main instruments for achieving progress. In addition, it plans to enforce the implementation of the existing maternity leave directive. The European Semester will be more actively involved in the measures taken by the MS in order to better monitor and steer the process. This should include the improved
collection of relevant data at EU level. Existing and future EU funds should focus more on improving compatibility measures and exchanges with the social partners and the MS on best practices.

In 2014 the ECON Commission of the CoR held a seminar on the topic of work-life balance. The conclusions stressed that integrating professional and personal life was imperative to achieving the aim of sustainable and inclusive growth under the Europe 2020 strategy. The role that LRAs play in the design, implementation, and evaluation of policies that support work-life balance (childcare, elderly care, education, social services, and employment services) was highlighted.


The agreed timetable for the adoption of the opinion is as follows:

- first discussion and adoption of the draft opinion at the SEDEC meeting on 28 September 2017 in Timișoara (RO)
- adoption at the plenary session on 30 November-1 December 2017

With this proposal for a directive, the Commission is, for the first time, repealing an agreement concluded by the social partners – while aware of the social partners’ wish not to negotiate on this subject.

As the proposal is now entering the ordinary legislative procedure, the EU social partners are no longer in the driving seat, but the Council and the EP have to come to an agreement. The non-legislative initiatives in the Communication also raise a number of questions. In particular, the Commission’s announcement of an interpretation and application of the maternity leave directive can be viewed critically as, generally speaking, the legislative branch normally leaves the interpretation of law to the judicial branch.

The European Committee of the Regions held stakeholder consultations on this topic, but it wanted to further examine the effects of the directive on the EU's cities and regions through a territorial impact assessment.

The CoR wanted to assess this directive in more detail in order to identify any positive or negative asymmetrical territorial impact that it might cause. The results of this exercise will contribute to the work of the CoR rapporteur on this subject, as well as informing the European Commission, the European Parliament and the European Council of potential impacts that could hinder the economic and social development of certain EU regions.
2 Methodology: ESPON Quick Scan

The concept of territorial impact assessment (TIA) aims to demonstrate the regional differentiation of the impact of EU policies. The ESPON TIA tool is an interactive web application that can be used to help policy-makers and practitioners to identify, ex-ante, the potential territorial impacts of new EU legislation, policies and directives (LPDs). The "ESPON TIA Quick Scan" approach combines a workshop setting that identifies systematic relations between a policy and its territorial consequences with a set of indicators describing the sensitivity of European regions.

It helps to steer an expert discussion about the potential territorial effects of an EU policy proposal by checking all relevant indicators in a workshop setting. The results of the guided expert discussion are judgements about the potential territorial impact of an EU policy in terms of different thematic indicators (the economy, society, the environment, governance). These results are fed into the ESPON TIA Quick Scan web tool.

The web tool translates the expert judgements on exposure, combined with the different sensitivity of regions, into maps that show the potential territorial impact of an EU policy at NUTS 3 level. These maps serve as a starting point for the further discussion of the different impacts of a specific EU policy on different regions. Therefore, the experts participating in the workshop provide important input into this quick check of the potential territorial effects of an EU policy proposal.

The workshop on the work-life balance directive was held on 11 October 2017 in Brussels and brought together a number of experts representing different organisations and LRAs.

Two moderators from the OIR, provided by ESPON, prepared and guided the workshop and handled the ESPON TIA tool.

Figure 1 - Workshop discussion


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1 https://www.espon.eu/main/Menu_ToolsandMaps/TIA/
2.1 Identifying the potential territorial effects taking the economy, society, the environment and governance into consideration – drafting a conceptual model

In the first stage of the TIA workshop, the participating experts discussed the potential effects of the work-life balance directive.

This discussion revealed the potential territorial impacts of the work-life balance directive in terms of economic, social, environmental and governance-related indicators. The participants identified potential linkages between the work-life balance directive and the effect on territories, including interdependencies and feedback loops between different effects (see figure below).

Figure 2: Workshop findings: the work-life balance directive

2.2. Identifying the types of region affected

The ESPON TIA tool provides several regional typologies\(^2\) for analysis, taking the types of territories mentioned in Article 174 of the Treaty of Lisbon into consideration: urban/metropolitan regions; rural regions; sparsely populated regions; regions in industrial transition; cross-border regions; mountainous regions; islands and coastal regions. The experts agreed that, in general, all regions would be affected by the work-life balance directive.

2.3. Picturing the potential territorial effects through indicators

In order to assess the potential effects pictured in the conceptual model, suitable indicators need to be selected related to the parameters that the experts discussed in the fields of the economy, the environment, society and governance. The availability of data for all NUTS 3 regions imposes certain limitations on the indicators that can be used. From the available indicators that the ESPON TIA Quick Scan web tool offers, the experts chose the following to describe the identified effects.

Picturing potential territorial impacts considering economic indicators:

- Economic growth

Picturing potential territorial impacts considering social indicators:

- Gender balance in employment
- Fertility rate
- Birth rate
- People at risk of poverty or social exclusion
- Healthy life expectancy
- Employees with flexible working schedule
- People with reduced working time to care for their youngest child aged less than eight
- Economically active population per km\(^2\)

2.4. Judging the intensity of the potential effects

The workshop participants were asked to estimate the potential effects of the work-life balance directive. They judged the potential effect on territorial welfare using the following scores:

- ++ strong advantageous effect on territorial welfare (strong increase)
- + weak advantageous effect on territorial welfare (increase)
- o no effect/unknown effect/effect cannot be specified
- - weak disadvantageous effect on territorial welfare (decrease)
- -- strong disadvantageous effect on territorial welfare (strong decrease)

2.5. Calculating the potential "regional impact" – Combining the expert judgements with regional sensitivity

The ESPON TIA Quick Scan combines the expert judgements on the potential effects of the work-life balance directive (exposure) with indicators depicting the sensitivity of regions, resulting in maps that show territorially differentiated impact. This approach is based on the vulnerability concept developed

by the Intergovernmental Panel on Climate Change (IPCC). In this case, the effects deriving from a particular policy measure (exposure) are combined with the characteristics of a region (territorial sensitivity) to produce potential territorial impacts (see following figure).

Figure 3: Exposure x territorial sensitivity = territorial impact

- "Territorial sensitivity" describes the baseline situation of the region according to its ability to cope with external effects. It is a characteristic of a region that can be described by different indicators independently of the topic analysed.
- "Exposure" describes the intensity of the potential effect caused by the work-life balance directive on a specific indicator. Exposure illustrates the experts' judgement, i.e. the main findings of the expert discussion at the TIA workshop.

2.6. Mapping the potential territorial impact

The result of the territorial impact assessment is presented in maps. The maps displayed below show potential territorial impacts based on a combination of the expert judgement of exposure with the territorial sensitivity of a region, described by an indicator at NUTS 3 level. Whereas expert judgements are qualitative (i.e. strong advantageous effect on territorial welfare/weak advantageous effect/no effect/weak disadvantageous effect/strong disadvantageous effect), sensitivity is a quantitative indicator.
3. Expected economic and governance effects

Moderate overall positive effects on economic growth of Europe’s regions

The experts believe that a minimum European standard on leave across the EU would lead to increased economic attractiveness for those European regions in which employers are obliged to give as many months of leave as in other European regions and states. This would also lead to increased labour mobility into these regions.

This could even lead to the reduction of brain-drain and out-migration as the regions would be economically more appealing, to both current residents and migrants. With more time for family, the experts expect an increase in productivity and a decrease in sick-leave requests.

Overall, a minor negative effect could be felt by small businesses that have a low number of employees, especially in terms of replacing workers on leave as well as potential tensions and conflicts between employees. However, as this directive does not entail a considerable increase in leave rights, the effects would be limited, but they would certainly be felt more among small businesses than in medium-sized and large companies.

The experts believe that the directive could have a stronger negative impact on certain sectors, such as those that traditionally employ more men (mining, IT, etc.), as companies would suddenly have considerably more requests for leave, which in certain cases would create a need to temporarily employ new staff, with negative financial impacts on companies. This additional cost could be potentially mitigated by reduced costs due to sick leave and burn-out, and higher performance among employees.

The directive could, in the long term, have a positive effect on the employment of young women, who continue to face discrimination when entering the active workforce.

Besides the potential negative effects on companies' budgets, there could be a potential negative effect on states'/regions'/municipalities' budgets as a certain amount of leave pay would come from public budgets. Once again, and overall, this could potentially be mitigated by lower expenses for healthcare.

The experts strongly believe that public authorities would need to invest more in providing childcare services, which are currently largely insufficient and often too expensive. Better care services combined with complementary parental leave would have positive effects on businesses and families, and stress levels would be reduced, leading to higher productivity.

The experts selected only one economic indicator for this directive – the economic growth indicator – as other indicators that they wished to discuss were either unavailable or not fully suitable.
3.1. The potential territorial impact in relation to economic growth (GDP/capita)

The experts were divided on the intensity of the directive’s impact on regions’ economies; however we can conclude from the discussions that overall moderate effects are to be expected. From the map below, it is clear that this would ultimately result in very positive economic impacts largely in the Member States that joined the European Union after 2004, with Greece and the south of Italy also noticing higher positive effects on GDP. Thus, the directive would contribute to a positive cohesion effect.

This indicator measures gross domestic product (GDP) at current market prices (purchasing power standard per inhabitant). Regions with lower GDP per capita are expected to benefit more from directives aimed at increasing GDP growth and which inadvertently harm economic growth. Sensitivity is thus inversely proportional to the level of GDP per capita.

Map 1: Result of the expert judgement: economic growth (GDP/capita) affected by the work-life balance directive – expert judgement: weak positive effect

4. Expected social effects

- Female employment: Increase
- Reduction in stress: Increase
- Increase in flexible work: Increase
- Reduced working hours: Decrease
- Increase of economically active population: Increase
- Better gender balance: Increase
- Reduction of people exposed to poverty or social exclusion: Decrease
- Fertility rates: Neutral
- Birth rates: Neutral

With the moderate positive economic effects on Europe's regions and minor impacts on public budgets, the most substantial effects of this directive will be on the social indicators which we examine in more detail in this section. Besides the indicators we will elaborate on below, there are a number of issues raised by the experts that are related to the social effects of the directive on the lives of European citizens and that cannot be measured by indicators that are currently available.

With more leave for parents to take care of their children, we can also expect a minor reduction in the number of cars during rush hours in larger cities, which will have a slight positive effect on CO₂ emissions and thus be beneficial for the environment; it will also lead to reduction of costs for family budgets, and to a considerable reduction in stress on parents, notably on mothers.

The directive will enable men to take leave, which will have a long-term positive effect on discrimination against young women on the job market and result in overall increased equality over time.

What the directive does not address is families that are adopting children, same-sex parents, and divorced parents, or those in the process of getting divorced. Being more focused on traditional families will leave some parents discriminated against, and the directive will thus not fulfil its full potential.

4.1. The potential territorial impact in relation to flexible working

The following map shows the directive’s potential territorial impact on flexible working. It combines the expert judgement of a strong positive effect with the given sensitivity of regions. The experts believe that the directive will have a strong positive impact on flexible working in the majority of European regions. In those regions where a high level of working flexibility already exists, the impact is
lower, as there is already high flexibility. Those regions are located e.g. in Ireland, the south of Sweden, Finland, the Baltic States, the north of Portugal, the north of Slovenia and the east of Austria.

This indicator shows the share of employees with a flexible working schedule among the total number of employees. In this case, flexibility of working schedule includes the ability to determine their own work schedule, the existence of a daily number of fixed hours but some flexibility within the day, and flexitime/working time banking. As the data is only available at NUTS 0 level, it was broken down into NUTS 2 by using data about employees which can be correlated to the information about flexible working schedule.

As for sensitivity, it is expected that regions with a lower share of employees with a flexible working schedule are likely to be influenced more by the directive, which aims to make working arrangements more flexible. Sensitivity is thus inversely proportional to the share of employees with a flexible working schedule.

Map 2: Result of the expert judgement: flexible working affected by the work-life balance directive – expert judgement: strong positive effect

4.2. The potential territorial impact in relation to reduced working hours

The following map shows the directive's potential territorial impact on the reduction of working hours. It combines the expert judgement of a strong positive effect with the given sensitivity of regions. The indicator shows the share of people aged from 25 to 49 years who reduced their working time to care for their youngest child aged less than eight. As the data is only available at NUTS 0 level, this information was broken down into NUTS 3, since at this NUTS level there is population data which can be correlated to the information about reduced working hours.

It is assumed that regions with a lower share of people who reduced their working time to care for their child are expected to benefit more from a directive that aims to improve working conditions in terms of childcare. The directive would support people especially in regions where there is currently less opportunity to reduce working hours. Sensitivity is thus inversely proportional to this indicator. The experts' judgement shows that this directive will have a strong positive impact on reduced working hours in the majority of European regions, with the exception of Denmark, Estonia, Latvia, Hungary, Slovakia, Croatia, Romania, Bulgaria and Cyprus. Please note that the Republic of Ireland is not evaluated on this indicator as the data was unavailable.

Map 3: Result of the expert judgement: reduced working hours affected by the work-life balance directive – expert judgement: strong positive effect
4.3. The potential territorial impact in relation to economically active population per km²

The following map shows the directive's potential territorial impact on economically active population per km². It combines the expert judgement of a strong positive effect with the given sensitivity of regions.

This indicator depicts the density of the economically active population aged from 15 – 64 per km². It includes both employed (employees and self-employed) and unemployed people, but not economically inactive people, such as pre-school children, school children, students and pensioners. Regions with a higher density of active population are expected to be influenced more by changes resulting from a directive related to the labour market. Sensitivity is thus directly proportional to the density of active population.

Even though the experts judged that the directive will have a strong effect on the EU's regions, the regions’ sensitivity shows that a high and very high impact will be felt only in urban areas due to their population density.

Map 4: Result of the expert judgement: economically active population per km² affected by the work-life balance directive – expert judgement: strong positive effect

4.4. The potential territorial impact in relation to gender balance of employment

The following map shows the directive’s potential territorial impact on gender balance in employment. It combines the expert judgement of a strong positive effect with the given sensitivity of regions.

The gender balance employment indicator measures how close the employment rates of women and men are to equilibrium. Regions where female and male employment rates are further from equilibrium are expected to benefit more from measures aimed at reducing gender disparities in the labour market.

The expert judgement translates into a strongly positive effect across the EU with the exception of countries such as Poland, Slovakia and Hungary where the difference between female and male employment is less pronounced.

Map 5: Result of the expert judgement: gender balance of employment affected by the work-life balance directive – expert judgement: strong positive effect

4.5. Scenario 1 and 2: The potential territorial impact in relation to people at risk of poverty or social exclusion

The experts were equally divided on the intensity of impact on this indicator so we will present two possible scenarios. The following map shows the directive's potential territorial impact on people at risk of poverty. It combines the expert judgement of a strong positive effect with the given sensitivity of regions.

Regions with a higher at-risk-of-poverty rate are likely to experience more acute poverty. Sensitivity towards a directive influencing poverty is directly proportional to the at-risk-of-poverty rate.

In the first scenario, the experts’ judgement would translate into strongly positive effects in Spain, Italy and Portugal, with strongly positive impacts in northern regions of France, Romania, and Hungary, as well as southern regions of Bulgaria and Greece.

Map 6: Result of the expert judgement: people at risk of poverty or social exclusion affected by the work-life balance directive – expert judgement: strong positive effect
The second scenario combines the expert judgement of a minor positive effect on people at risk of poverty with the given sensitivity of regions. This, scenario 2, would translate into a more moderate impact on EU regions, but with the same regions and MS impacted. It shows that there would be a moderate to high positive effect, especially in the eastern and southern European regions (in Latvia, Lithuania, Estonia, the eastern parts of Poland, Hungary, Bulgaria, and Romania, Greece, the south of Italy including Sardinia, the south of Spain, and Portugal).

Map 7: Result of the expert judgement: people at risk of poverty or social exclusion affected by the work-life balance directive – expert judgement: weak positive effect

4.6. The potential territorial impact in relation to fertility rates

The following map shows the directive's potential territorial impact on fertility rates. It combines the expert judgement of a strong positive effect with the given sensitivity of regions. The fertility rate indicates how many children are born, on average, during a woman’s child-bearing age. Regions with a
higher fertility rate are likely to be impacted more strongly by the directive. Sensitivity is therefore directly proportional. While not all experts agreed on the intensity of the impact, the majority of experts believe that the impact will be strong, which translates into strong impacts in regions that already have high fertility rates, e.g. Nordic and Baltic MS, the UK, Ireland, Romania and France, with other regions in Europe asymmetrically affected.

Map 8: Result of the expert judgement: fertility rates affected by the work-life balance directive – expert judgement: strong positive effect

4.7. The potential territorial impact in relation to birth rates

The following map shows the directive’s potential territorial impact on birth rates. It combines the expert judgement of a strong positive effect with the given sensitivity of regions. The sensitivity is described by the number of live births per 1 000 inhabitants. It is expected that regions with a higher fertility rate are likely to benefit more from the directive. Sensitivity is thus directly proportional to this parameter.
The expert judgement is translated into weak to moderate impact across the EU, resulting in an overall asymmetric effect which can be seen on the map below.

Map 9: Result of the expert judgement: birth rates affected by the work-life balance directive – expert judgement: weak positive effect

4.8. The potential territorial impact in relation to female employment

The following map shows the directive's potential territorial impact on female employment. It combines the expert judgement of a strong positive effect with the given sensitivity of regions. The indicator shows the ratio of employed women to men. Regions with a lower ratio are expected to benefit more from the directive. Sensitivity is thus inversely proportional to this parameter.

The experts believe that this directive will have a strong positive impact on female employment in many regions, with the exception of Poland, the Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Greece, Italy and most of the Spanish regions.
Map 10: Result of the expert judgement: female employment affected by the work-life balance directive – expert judgement: strong positive effect

3 Experts' policy recommendations

In general, the experts agreed that this directive would have a positive effect on Europe with a cohesive effect on the EU's regions. It was clear to them that the effects of this directive, largely expected to be positive, would have a higher impact on urban areas than on rural ones, due to their population density.

In rural areas, where gender stereotypes were traditionally more deeply rooted, the effects would be more cultural, as the changes introduced by the directive would probably bring about a shift in the perception of traditional gender roles.

Urban regions would need to adopt strategies to adapt to this new situation as, for some indicators, it was clear that the effects were stronger in urban areas. However, economically weaker regions might profit from this directive as they would become more attractive to both citizens and businesses.

The experts also proposed creating a regional platform for investors in social infrastructure and a European family friendly label for cities, to signal their family-friendly atmosphere, infrastructure and legislation, thus encouraging citizens to either remain in or move to the city and increasing the city's investment attractiveness.

The experts also underlined the clear importance of implementing this directive via multilevel governance, and that the Urban Agenda was a tool that could be used for further promoting work-life balance as well as sharing best practices.

It was clear that certain sectors would be more affected by this directive and that the European Union, along with its Member States, should offer solutions to enable those business to adapt. The experts also thought it essential to keep leave flexible in order to be fully effective, causing the least disruption to employers.

The directive would certainly, in the long term, lead to a new approach to work organisation and a shift in the perception of gender roles in relation to caring activities. Questions of costs and effects on companies would need to be assessed to avoid any disruptions, especially on smaller and medium-sized companies, while larger companies and the public sector were not expected to feel strong effects from this directive.