

# Care Beyond Boundaries: unveiling the Work-Life Balance Directive and identifying gaps for care-related need

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The concept of work-life balance has gained significant prominence in European labor law as a means to promote gender equality and employee well-being. While the European Union (EU) has implemented directives to address work-life balance, the measures that were put in place before 2010 to support work-family balance were restricted in their scope because they primarily focused on parents, especially mothers, with young children and those in "traditional" family structures. Consequently, different family configurations, as well as many individuals with different caring responsibilities and needs, including the elderly, people with disabilities, and stepchildren, were often excluded from these provisions (Torella & Masselot, 2010).

The genesis of the 2019 Work-Life Balance Directive (WLBD) can be traced back to the acknowledgment the prior regulatory frameworks failed to take into account these challenges and societal transformations, thereby proving insufficient in their attempts to advance equitable and impartial conditions for all individuals.

This study investigates the degree to which the EU regulatory framework safeguards employees' care-related needs, focusing on the WLBD.

The methodology employed for the paper encompassed a comprehensive literature review and an in-depth analysis of legislation to integrate the new Directive into the existing European framework. This process aimed to evaluate the directive's innovative aspects and identify any gaps or limitations. Furthermore, to enrich the research, key representatives from trade unions and carer organizations in four European countries—Italy, France, Ireland, and Finland—were purposefully selected for interviews. These interviews focused on obtaining insights not only regarding the respondents' opinions on the directive and its potential for innovation but also on the implementation of the directive within their respective countries, with the intention of exploring potential divergences. The rationale behind the selection of these specific countries lies in their alignment with categorization of Gender regimes (Lewis 1997; Sainsbury, 1999).

The findings reveal that while the directive introduces innovative features and measures, demonstrating a shifting perspective and recognizing the growing significance of work-life balance and caregiving responsibilities, it also exhibits notable shortcomings that require attention.

Firstly, the inadequate definition of "carer" enshrined in article 3(1) (d) of the WLBD is still too limited to the households, failing to encompass prevalent caregiving situations such as next of kin, but also friends and neighbours. This aspect is not only highlighted in the literature (Caracciolo di Torella, 2020) but it was identified as one of the most urgent to address by all carer organisations interviewed who suggested the categories aforementioned.

Secondly, material access to the provisions is another pertinent issue, with not all workers being able to benefit from the flexible working arrangements guaranteed by the directive, especially those in non-standard employment (Chierogato, 2020) or specific categories of workers such as nurses. Challenges also arise in accessing carer leave, with time-consuming documentation requirements conflicting with the urgent nature of the requests (Denmark i.e.), and in some cases, incurring costs for obtaining the necessary documentations (Ireland i.e.). These factors may often render it impossible for certain individuals to avail themselves of these provisions.

Finally, there is a noticeable deficiency in information about rights, with limited initiatives from institutional actors to raise awareness about the new rights granted by the directive.

In conclusion, this study offers valuable insights into the implementation and effectiveness of the European Union's regulatory framework pertaining to work-life balance, with particular emphasis on the WLBD.

While the directive signifies a shift in perspective towards work-life balance and recognizes the significance of caregiving responsibilities, it reveals notable gaps that necessitate attention. The research yields critical understanding of the intricate nature and challenges associated with work-life balance policies and gender equity. By highlighting the limitations inherent in the EU regulatory framework and exploring the perspectives of caregiver organizations and trade union representatives, this study underscores the imperative for more inclusive approaches and comprehensive measures that foster sustainable transitions in personal and familial spheres. Ultimately, the findings emphasize the indispensability of adopting a multi-actor approach at the national level to implement such measures, one that involves institutional actors such as trade unions, employers, policymakers, as well as other stakeholders and interest groups, such as caregiver organizations, which advocate for and safeguard the rights of vulnerable segments of society.

## Bibliography

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