

## DIRECTIVE (EU) 2019/1158 ON WORK-LIFE BALANCE FOR PARENTS AND CARERS – NEW ERA OF RECONCILIATION OF FAMILY AND PROFESSIONAL LIFE\*\*

### Abstract

*Directive 2019/1158 introduces a new type of leave, specifically for fathers, to contribute to maintaining a balance between family and professional life. Work-life balance is seen as the way of reaching the principle of gender equality. Fathers are entitled to a certain number of days (10 working days) of paternity leave that can be used "on the occasion of the birth". That is the minimum defined by the Directive and it may be raised in the legislation of every Member State. This right is also given to partners in same-sex marriages, for the first time. Another significant part of the Directive is a leave for carers, which is a result of recognizing the need of employees to take care of other members of the family apart from children. In this paper, we argue that paternity leave introduced in this Directive represents a significant step in balancing private and professional life, but it's only the starting point, and additional changes are required.*

**Keywords:** gender equality, work-life balance, gender discrimination, carers' leave, Directive 2019/1158.

### I Introduction

Work-life balance is a term used in the 21<sup>st</sup> century, to mark achieving the balance between family life and professional duties. This term was uncovered with the aim of drawing attention to the employees with family duties and to reflect on all the difficulties that emerge in balancing these duties. Introducing

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a directive on work-life balance took a long way, as recognizing that some employees have additional family related duties that must be taken into account took some time. Having in mind gender roles, women were always seen as the only caregivers. As women decided to take part in the labour market, they took the double burden, due to non sharing family duties with men. Stereotypes are unavoidable in every society and there are many related to the employment of women who are mothers. Examining these stereotypes in this paper is necessary to understand the challenges that women face and their reflection on gender discrimination. Stereotypes such as that employing women is more expensive than employing men, that women are more likely to be absent from work, that they require special protection in terms of health and safety at work due to their reproductive function, that mothers of young children are more likely to be late for work on the morning shift, and that married women and mothers are unable to travel for work, have only hindered the process of establishing equality.<sup>1</sup> The lack of a balance of private and professional life put pressure on women, who spent several hours in the household, after regular work. All of these contribute to growing awareness of the need to design mechanisms to create and maintain the balance of personal and professional life.

In this paper, the author argues that Directive 2019/1158 on work-life balance represents a crucial part of the functioning of work-life balance and encouragement for fathers to use parental leave. The analysis is conducted using normative and comparative methods.

## **II The need for work-life balance and the involvement of fathers in childcare**

Since the reproductive role of women is predetermined by nature, the obligation to care for children has also been imposed as her inalienable right. The patriarchal model of the family on which societies once rested certainly contributed to this. When women joined the education process and labor market, they received a new, additional obligation while retaining the existing ones, which concerned performing household chores and caring for children. Only recently there has been a talk of balancing between family and professional obligations and the awareness that a successfully established balance is crucial.

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<sup>1</sup> Lj. Kovačević, *Zasnivanje radnog odnosa*, Pravni fakultet Univerziteta u Beogradu, Beograd 2021, 1052.

Gender inequality has other implications, like gender-based violence.<sup>2</sup> Discrimination against women in labor law is intertwined on two grounds – due to gender and due to family duties. Thus, women are asked forbidden questions about family planning during job interviews and very often selection is made depending on their answers to this question. This primarily concerns the possible use of maternity and parental leave, which, although legally possible, is not used together with fathers. Women are viewed through the prism of employees who are often absent due to the illness of their child or who, due to family obligations, cannot stay for meetings after working hours, go on business trips, etc. Women find it difficult to return to the job they worked at after using parental leave, and in comparative law, a particular challenge is the need to provide special protection to mothers against dismissal when there is no permanent employment contract. Therefore, a solution is sought in the equal use of parental leave by both parents. It can not be denied that having children decreases mothers' participation in the labor market, and at the same time increases fathers' participation. This is why Di Torella argues that women are underrepresented in the labor market and they are paid less because of the caring responsibilities compared to men.<sup>3</sup> That leads us to the gender pay gap, another gender inequality-related problem. The involvement of fathers in family duties has multiple positive implications. This primarily concerns mitigating the effects of discrimination against women, who could share their childcare responsibilities with fathers, return to work earlier, and generally maintain a balance between family and professional life. In addition to the positive effects of involving fathers on the psychological and emotional level for both fathers and children, taking on part of the responsibilities related to childcare could lead to the division of household chores and thus significantly relieve women, who, according to statistics, spend several hours on household chores. If fathers and mothers were to appear on the labor market as equal employees with family responsibilities, discrimination against women based on family duties would be significantly reduced.

Sometimes gender stereotypes can be used as a good tool to cover up discrimination between the sexes. Timmer cites a vivid example of this pattern in cases where maternity rights are exercised only by mothers, making them vulnerable

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<sup>2</sup> For more read: G. Gasmi, D. Prlja, Istanbulska konvencija Saveta Evrope i Srbija – pravni aspekti primene konvencije u Srbiji na polju suzbijanja rodno zasnovanog i seksualnog nasilja prema ženama, *Strani pravni život* 68(2024)1, 83-107.

<sup>3</sup> E. Caracciolo di Torella, One more step along the way: the 2019 Work Life Balance Directive, *Revue de droit comparé du travail et de la sécurité sociale* (2020)4, 72.

to discrimination, and is justified by the natural connection between mother and child, thereby deepening the gender gap, because it is “natural” for the mother to continue caring for the child during her absence from work, instead of sharing it with the child’s father.<sup>4</sup> It is undeniable that there is a special bond between a child and a mother, who has the unique role of conceiving, carrying, and giving birth to a child, but emphasizing her role and isolating fathers from the entire process also has negative psychological consequences, in addition to those in terms of professional exclusion. Mothers often feel guilty about returning to work, and fathers are unable to achieve the necessary degree of closeness with their children, which is why they often feel dissatisfied. For this reason, courts must get rid of stereotypes when resolving discrimination issues in practice. In this regard, it is important to point out the evolving policy of the Court of Justice, which started with the case *Hofmann*<sup>5</sup> and the confirmation of gender stereotypes, to more modern views in recent judgments, which recognize the need for the division of household chores. In the aforementioned case, the Court challenged the right of a father to continue taking parental leave after the mother returned to work, noting that Council Directive 76/207/EEC concerning equal treatment for men and women in employment was not adopted “to address questions concerning the organization of the family and to modify the division of responsibilities between parents”.<sup>6</sup> The court considered that it was legitimate only to protect the mother’s interests and her needs for the child. The judgment also emphasized the relationship between mother and child, thereby highlighting stereotypes about motherhood and the primary bond between mother and child that excludes the possibility that the same bond exists between father and child, thus creating a “paternalistic approach” in resolving similar cases, which were intended only to protect mothers.<sup>7</sup>

There is also the *Roca Álvarez case*<sup>8</sup>, named after the father who was denied parental leave by a national court, and the leave requested was essentially a right to a break for breastfeeding (*breastfeeding leave*).<sup>9</sup> Before this decision,

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<sup>4</sup> A. Timmer, Gender stereotyping in the case of the law of the EU court of justice, *European Equality Law Review* (2016)1, 39.

<sup>5</sup> Case 184/83 Hofmann [1984] ECR 3047.

<sup>6</sup> A. Timmer, *op.cit.*, 40.

<sup>7</sup> *Ibid.*

<sup>8</sup> Case C-104/09, *Pedro Manuel Roca Álvarez v Sesa Start España ETT SA* [2010] ECR I-8661.

<sup>9</sup> More about breastfeeding leave in: J. Rajić Čalić, Radnopravni položaj zaposlene koja doji, *Radno i socijalno pravo : časopis za teoriju i praksu radnog i socijalnog prava* 28(2024)1, 183-198.

all employed mothers were entitled to the right of breastfeeding, as well as employed fathers with the condition that the mother of the child was also in employee status. As Ristovski and Kalamatiev state this decision of the Court was a distribution of gender roles in their parental duties, so the leave must be afforded in the same terms for both parents.<sup>10</sup> This decision of the Court of Justice was revolutionary given the fact that employed fathers were entitled to 'breastfeeding' leave irrespective of the professional status of their child's mother, taking in mind the background of Spanish legislation according to which an employed father is only entitled to make use of the leave in place of the mother of his child if she is an employee.

### III The evolution of the gender equality in EU law

Gender equality is closely connected to work-life balance, because the functioning of this balance is impossible without equal treatment as its crucial element.<sup>11</sup> Mentioning the equal treatment of women and men in the EU documents reflects its importance for all present and future Member States, reviving this principle from the Rome Treaty.<sup>12</sup> Bernard states that the gender equality principle is the wind of change.<sup>13</sup> If we come back in time, we can notice the evolution of the gender equality principle that resulted in passing of the Directive 2019/1158 on work-life balance, which is the subject of this research. It all started with the Directive 75/117/EEC<sup>14</sup> and equal pay for men and women. It is important to emphasize that the principle of equal treatment of men and women in the European Union did not develop directly as such. It was a development that followed the principle of equal pay for equal work for men and women. The reasons for such formulation are not accidental – they were conditioned by economic interests, more specifically the need of individual states to prevent unfair competition through costs that may be incurred

<sup>10</sup> A. Ristovski, T. Kalamatiev, The approach of EU labor law in redressing the problems of working parents and carers, *Stanovništvo* 61(2023)2, 116.

<sup>11</sup> J. Rajić Čalić, The Importance of the principle of equal treatment of men and women in European Union law, *Glasnik Advokatske komore Vojvodine* XCV (2023)3, 984.

<sup>12</sup> B. Marković, Pravo zapošljavanja i socijalna prava u Evropskoj uniji, sa posebnim osvrtom na prava radnika iz trećih država, *Revija za evropsko pravo* II(2000)1, 32.

<sup>13</sup> C. Bernard, *EU employment law*, Oxford University Press, Oxford 2012, 253.

<sup>14</sup> 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, <https://eur-lex.europa.eu/eli/dir/1975/117/oj/eng>, last visited: 5. 6. 2025.

by employers who respect the principle of equal pay for equal work.<sup>15</sup> So, this Directive was supposed to put the principle of equal pay in force. With the practice of the Court of Justice of the European Union, the equal pay principle will encompass not only salary but also bonuses and other forms of financial compensation arising from employment. This directive was improved by passing another – Directive 76/207/EEC on implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.<sup>16</sup> Although Directive 76/207/EEC was later supplemented by Directive 2002/73/EC,<sup>17</sup> it was significant for introducing new grounds of discrimination – maternity and marital status. The gender equality principle was getting a new scope with affirmative actions and the possibility of making differences between sexes by the nature of work. These were the steps to make the basis for passing new, comprehensive directives in several spheres. The need for a comprehensive directive was recognized and has resulted in the introduction of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.<sup>18</sup> This Directive consumes all the principles related to gender equality in order for the Directive to be enforceable.<sup>19</sup> This was the overture for the upcoming directive on work-life balance years ahead. For that time, it was a pioneer provision that had no bigger influence, so the real encouragement was made with the directive on work-life balance, which is a wind of change that we agree with.

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<sup>15</sup> Lj. Kovačević, *op. cit.*, 1019.

<sup>16</sup> 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, <https://eur-lex.europa.eu/eli/dir/1976/207/oj/eng>, last visited: 6. 6. 2025.

<sup>17</sup> 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, <https://eur-lex.europa.eu/eli/dir/2002/73/oj/eng>, last visited: 6. 6. 2025.

<sup>18</sup> 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 (recast), <https://eur-lex.europa.eu/eli/dir/2006/54/oj/eng>, last visited: 6. 6. 2025.

<sup>19</sup> R. Nielsen, “2006/54/EC: Gender equality”, in: *EU Labour law – a commentary* (ed. M. Schlachter), Kluwer Law International, Alphen aan den Rijn 2014, 30.



#### IV Directive (EU) 2019/1158 on work-life balance for parents and carers

In order to improve gender equality, the Directive on reconciling the professional and family life of parents and carers was passed in 2019.<sup>20</sup> This Directive was the result of negotiations between the Council and the European Parliament for two years. It is said that this Directive was passed to “improve the situation of women in the labour market”, by sharing responsibilities between mother and father.<sup>21</sup> Ristovski and Kalamatiev claim that the main aim of this Directive along with the work-life balance policy lies in gender equality, equal treatment, and giving equal opportunities in employment.<sup>22</sup> It can not be denied that the main goal of this directive was the introduction of a new type of leave – paternity leave, which Elisa Chieriegato says is a long-awaited right in the European Union.<sup>23</sup> The Directive gives a short definition of paternity leave as “a leave from work for fathers”.<sup>24</sup> This extension of users of parental leave that now includes fathers represents a major step forward due to the fact that fathers are recognized as parents in terms of employment protection, which allows them to take care of their children and be paid for it. Some authors stand that the involvement of fathers in child care is the “most important social development of the 21<sup>st</sup> century”.<sup>25</sup> On the one hand, this was the first time that EU legislators recognized the need for fathers to be actively involved in childcare, that this care must be divided and proscribed as an individual right without any condition.<sup>26</sup> On the other hand, this was a way of breaking the stereotype that mothers are the sole carers of children. This directive was a significant step in reshaping gender roles in the society. We should also keep in mind that passing this directive provides strong support

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<sup>20</sup> Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019L1158>, last visited: 3. 6. 2025.

<sup>21</sup> M. de la Corte-Rodríguez, *The transposition of the Work-Life Balance Directive in the EU Member States: A long way ahead*, European Commission, Luxembourg 2022, 43.

<sup>22</sup> A. Ristovski, T. Kalamatiev, *op. cit.*, 118.

<sup>23</sup> E. Chieriegato, A work-life balance for all? Assessing the inclusiveness of EU Directive 2019/1158, *International Journal of Comparative Labour Law and Industrial Relations* 36 (2020) I, 8.

<sup>24</sup> Directive 2019/1158, article 3.

<sup>25</sup> M. de la Corte-Rodríguez, *op. cit.*, 43.

<sup>26</sup> E. Caracciolo di Torella, *op. cit.*, 75.

for fathers to take on family responsibilities, which include raising children. This leave must not be conditioned by any reasons such as work qualification, period of working, or family and material status.<sup>27</sup> The introduction of special leave for fathers is proceeding rather timidly, given the number of days guaranteed by the Directive and the status of the compensation to which fathers will be entitled, which is equated with compensation for temporary incapacity for work. Ciregato rightly notes that in this case there is no requirement for the compensation to be adequate.<sup>28</sup> Besides paternity leave, the Directive introduces the right to carers' leave, parental leave, and the right to flexible working arrangements. All together, these rights make the scope for making work-life balance work.

The significance of this directive also lies in recognizing the carers as employees who must take care of other members of the family that are not children. Di Torella states that carers' leave represents a "life-cycle approach".<sup>29</sup> In that sense, carers' leave is prescribed as "leave from work for workers to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who needs significant care or support for a serious medical reason, as defined by each Member State", and career as "a worker providing personal care or support to a relative, or to a person who lives in the same household as the worker, and who needs significant care or support for a serious medical reason, as defined by each Member State".<sup>30</sup> Although the significance of this leave is relevant, Di Torella notices that its implementation is limited given that the term relative consumes the worker's son, daughter, mother, father, spouse, or, partner in civil partnership.<sup>31</sup> The circle of relatives does not include siblings nor grandparents which lacks clear justification.<sup>32</sup> As noted in theory, the need to balance family and work life emerges not only while having a child, but also when the care for other family members is needed.<sup>33</sup> But, considering that members of the family who needed to be cared for and who seek for this care constantly, we must wonder

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<sup>27</sup> Directive 2019/1158, article 4.

<sup>28</sup> E. Chieregato, *op. cit.*, 11.

<sup>29</sup> E. Caracciolo di Torella, *op. cit.*, 77.

<sup>30</sup> Directive 2019/1158, Article 3.

<sup>31</sup> E. Caracciolo Di Torella, *op. cit.*, 77.

<sup>32</sup> A. Ristovski, T. Kalamatiev, *op.cit.*, 121.

<sup>33</sup> M. De la Corte-Rodríguez, *op.cit.*, 43.



if this provision is adequate, providing only five days per year as a leave for careers. So, this leave is as important for a family as parental leave, although there is no insistence on payment of this leave. This solution is to be criticized because there is no justification for the leave for children and for other members of the family to be treated differently. The leave without pay is unacceptable, given the importance of the care of other, usually older and dependent members of the family, especially having in mind that men won't be willing to take this kind of role.

Both mother and father are entitled to parental leave for four months, an individual right that can be used until the age of eight of a child, which can be specified by the Member State.<sup>34</sup> This right might be conditioned by work qualification or to a length of service qualification, which shall not exceed one year.

The States strongly support the implementation of the measures introduced by the Directive to establish a balance between the family and professional spheres of employees, while prohibiting discrimination against employees with family responsibilities. The rights of employees with family responsibilities should be parallel to the employer's obligations, especially when it comes to the possibility of flexible working arrangements. According to this Directive, an employee should enjoy the right to flexible working hours, at least until the child reaches the age of eight, with the so-called "reasonable limitation".<sup>35</sup> When Member States use this legal standard in national legislation, in the spirit of the Directive, a compromise should be found between the needs of the employee and the employer. One of the mechanisms used to prohibit discrimination against employees with family responsibilities is the prohibition of dismissal based on a request to use leave, which is also proclaimed in the Directive.<sup>36</sup>

As indicated, the central part of the Directive is a special leave for fathers, which should be provided for 10 working days on the occasion of the birth of a child.<sup>37</sup> This right is granted to fathers and "equivalent other parents" by national legislation, which is interpreted as a right that should be granted to adoptive parents, but also to partners in same-sex marriages.<sup>38</sup> Ciregato agrees

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<sup>34</sup> Directive 2019/1158, article 5.

<sup>35</sup> Directive 2019/1158, article 9.

<sup>36</sup> Directive 2019/1158, article 12.

<sup>37</sup> Directive 2019/1158, article 4.

<sup>38</sup> L. Cafala, The transposition of Directive 2019/1158 in Italy: unresolved issues and complex solution, *Revue de droit comparé du travail et de la sécurité sociale* (2020)4, 84.

with this, considering it a revolutionary advance, while on the other hand, she does not find any justification for single parents being left out of the scope of this directive.<sup>39</sup> Di Torella also states that the Directive must have prescribed some rights for single mothers such as the right for a relative or friend who lives near the mother to use paternity leave.<sup>40</sup> States are allowed to regulate the use of this right more closely through national legislation, so this leave can be used before and after childbirth or in some other, flexible way. This leave is paid and in accordance with the national minimum provided for sick leave.<sup>41</sup> The right to leave is also provided to carers, although it is different and allows for use for five working days per year. This provision is very important, taking in mind that the circle has been extended, taking into account other members of the family who need care. This means that the protection is not just on parents with children, recognizing the life situation of working people to take care of an older member of the family in the light of transgenerational solidarity and an aging society. Arabadjieva strongly criticizes the lack of payment for this leave, as well as the regulation of paternity leave, which obscures the progressive goal of the Directive, because in practice such provisions may lead to women taking over the care of children so that the family can retain the father's income.<sup>42</sup> The Directive also includes parental leave, which is the counterpart to our parental leave, that is recognized under equal conditions for fathers and mothers. Although the more detailed conditions for using this leave are left to national legislation to regulate, the minimum requirements are that this leave must last at least four months, of which two months are non-transferable and must be used until the child reaches the age of eight.<sup>43</sup>

There are different experiences with the implementation of this Directive. According to the available studies, Spain was the country with the most success in introducing parental leave, which has been done before enacting this Directive, allowing fathers in this country some extra days of leave after passing it.<sup>44</sup> That is no wonder, taking into account that Spain was the first country

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<sup>39</sup> E. Chieragato, *op.cit.*, 11.

<sup>40</sup> E. Caracciolo di Torella, *op. cit.*, 76.

<sup>41</sup> Directive 2019/1158, article 8.

<sup>42</sup> K. Arabadjieva, *Reshaping the work-life balance directive with COVID-19 lessons in mind*, ETUI, Brussels 2022, 22.

<sup>43</sup> Directive 2019/1158, article 5.

<sup>44</sup> I. Zumbyte, D. Szelewa, *Assessing Compliance: Implementation of EU's Work-life Balance Directive in European Countries*, Transeuroworks, Working Paper 4/2024, Dublin 2024, 7-8.

in Europe to introduce some other types of leave, like menstrual leave.<sup>45</sup> The Directive was also implemented in Denmark and the Netherlands, fulfilling all the requirements related to paternity leave, in comparison to Ireland, Slovakia and Belgium.<sup>46</sup> In Slovakia, only the self-employed are entitled to use this right, and in Belgium, this right has no possibility to be implemented because of the unequal financial compensation for maternity and paternity leave.<sup>47</sup> As for carers' leave, all mentioned countries in the research implemented this leave without significant changes.<sup>48</sup> Paternity leave in Portugal looks for its place in implementation, taking into account the high rate of women's employment and family support in child raising.<sup>49</sup> Regardless of that fact, in Portugal there is a compulsory paternity leave of 20 working days that must be used by fathers in the period of six months after child is born.<sup>50</sup> It is paid 100% of the average salary, which represents a strong encouragement for fathers to take part in child care. The inability to meet the requirements of the Directive paternity leave may reflect the problem of gender inequality in many countries that are Member States, and that is the problem that has to be solved with the broader list of measures, not only with paternity leave with the duration of ten days.

Although the adoption of Directive 2019/1158 has provided an answer to some of the doubts, we believe that this is only the first step towards establishing a balance between the family and professional lives of employees, as it should be in order to truly contribute to strengthening families. Di Torella states that the Directive does not make the same position for parents when it comes to child care.<sup>51</sup> Firstly, maternity leave includes more days than paternity leave. The paternity leave that was introduced by this directive remains the right of the fathers, but the use of this right is not obligatory, in comparison to the maternity leave before and after childbirth. Di Torella states that

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<sup>45</sup> For more read: M. Reljanović, J. Rajić Čalić, Menstrual leave and gender equality, *Strani pravni život* 68(2024)1, 1-14.

<sup>46</sup> I. Zumbyte, D. Szelewa, *op. cit.*, 8.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*, 10.

<sup>49</sup> C. de Oliveira Carvalho, Reconciling professional and family life for promoting gender equality in Portugal: some considerations and prospects in the light of the new Directive 2019/1158 on work-life balance for parents and carers, *Revue de droit comparé du travail et de la sécurité sociale* (2020)4, 99-100.

<sup>50</sup> *Ibid.*, 100.

<sup>51</sup> E. Caracciolo di Torella, *op. cit.*, 75.

in practice fathers use this right at the same time as mothers, in “connection with the birth” and don’t take care of the child alone.<sup>52</sup> We disagree with this statement having in mind that this is the first step to involve fathers in child care and that it is important for mothers to have help in this care and not to be alone. The same author criticizes the practice in some Member States of supplementing maternity leave by aligning it with sick leave pay (similar to the way paternity leave is often compensated) arguing that this may reinforce traditional gender roles. We can agree that this kind of practice can encourage mothers to take leave instead of fathers. For Di Torella, “mothers are the main carers, the message remains loud and clear”.<sup>53</sup> We see the right of fathers to take care of children as a kind of additional right, and the number of days covered by this paternity leave leads us to such a conclusion. Although the standards in the Directive represent minimum standards, for a document whose goal is to establish the aforementioned balance, this number of days would have to be much higher than 10. On the other hand, if we want to include fathers in caring for children, then they must be guaranteed an adequate salary, worthy of the fact that a specific employee has gained a new family member and that the salary must accompany the need to satisfy a decent life, and not just existential needs.

## V Conclusion

Work-life balance is seen as a tool that may help in functioning the gender equality principle. Researchers faced this new term in recent years, as women took the double burden of engagement in the labor market and at home. Taking care of children but also of the older members of the family by women while being employed became the result of rooted stereotypes, among other things. Directive on work-life balance came a long way, from Directive 75/117/EEC and the equal pay for men and women to the directive passed with the aim to contribute to the gender equality principle by introducing a new type of leave for fathers that is non-transferable. The goal of this Directive was to involve men in childcare and to start the process of sharing family duties. The right of paternity leave in that sense represents the revolutionary provision and “the long-awaited right”. To be precise, this right is granted to fathers and “equivalent other parents” by national legislation, which is interpreted as a right that should be granted to adoptive parents, but also to

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<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, 76.

partners in same-sex marriages, which represents a significant provision in recognizing the right of care to different caregivers.

Without underestimating all the advantages of the paternity leave provision, the lack of the rights of single parents must be criticized. Secondly, the wage compensation must be adequate in order to motivate fathers to be involved in child care, having also in mind that fathers are seen as breadwinners. The number of days that are given to fathers by this leave is insufficient for fathers to connect with the baby and to be more helpful to mothers. The first step has been made by this Directive to break some stereotypes and to give the opportunity for fathers to take a bigger role in child raising and to be a support at the same time to their women in balancing family and professional duties.

Last but not least, this Directive introduces carers' leave, recognizing the need of employees to take care of another member of the family with the need of care, which is also crucial in taking the perspective of work-life balance that does not include only childcare. Although important, this provision of the Directive is not without flaws regarding the lack of payment, and closed circle of relatives and it's an open question related to the number of days that are given by this Directive.

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### **Direktiva Evropske unije 2019/1158 o usklađivanju privatnog i profesionalnog života za roditelje i staratelje – nova era usklađivanja privatnih i profesionalnih dužnosti**

#### **Sažetak**

Direktiva 2019/1158 o usklađivanju privatnog i profesionalnog života za roditelje i staratelje uvodi novu vrstu odsustva koja je predviđena samo za očeve, kako bi se doprinelo potrebi održavanja ravnoteže između porodičnog i profesionalnog života. Ravnoteža između posla i privatnog života se vidi kao način za postizanje principa rodne ravnopravnosti. Očevi imaju pravo na određeni broj dana očinskog odsustva, koji se mogu koristiti „u vezi sa porođajem”. To je minimum definisan Direktivom i može se odrediti veći broj dana u zakonodavstvo svake države članice. Ovo pravo je prvi put dato i partnerima u istopolnim brakovima. Drugi značajan deo direktive je odsustvo

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za negovatelje, kao rezultat prepoznavanja potrebe zaposlenih da brinu i o drugim članovima porodice koji nisu deca. U ovom radu polazimo od teze da očinsko odsustvo uvedeno ovom direktivom predstavlja značajan korak u balansiranju između privatnog i profesionalnog života, ali je to prvi korak i potrebno je napraviti neke promene.

**Ključne reči:** rodna ravnopravnost, work-life balance, diskriminacija po osnovu pola, odsustvo za negovatelje, Direktiva 2019/1158.

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