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Articles

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THE WORK – LIFE BALANCE IN THE EUROPEAN UNION WITH FOCUS ON PARENTAL AND PATERNITY LEAVE[4]

Abstract
The paper deals with the social policy of the European Union, specifically the 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. And it is considering the changes that need to be made in the area of labour law, especially concerning the Labour Code, and partially in social security in the Czech Republic and the Slovak Republic, in connection with the requirement to transpose this directive. The aim of the paper is to evaluate the valid legislation of the Czech Republic and Slovak Republic in the monitored area.

Key words: social policy, European Union, work-life balance, directive, parental leave, paternity leave, carers´ leave, social security.

1 INTRODUCTION

Reconciling family, personal and professional life has been an important topic of social policy and has been of interest to both the European Union and the Member States for many years (Štangová, 2015). Reconciliation can only be achieved by combining a number of measures that are cross-cutting in nature.

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They concern, in particular, maternity, paternity, parental or carers´ leave provided for in national law and the related protection of employees during and after the leave. They also include flexible forms of work, such as part-time employment, flexible working hours, working time account, teleworking, shared jobs (Hůrka, 2015). Financing of leave for childcare or family member care is addressed either in the form of wages or compensation, but the payment of social security benefits, especially maternity, paternity and family care benefits, is also possible. However, such a set of measures is insufficient. It is absolutely essential that measures in the area of individual labor law and social security be followed by further steps (Horváthová, 2016), especially in the framework of family policy (for example, by ensuring sufficient capacity to place children in crèches, kindergartens and similar facilities), employment policy, tax measures, etc (Horváthová, Abrhám, 2017).

The European Union focuses on gender equality, non-discrimination and the reconciliation of work and family life, with an emphasis on parental responsibility, especially in the context of social policy (Horváthová, Abrhám, 2017). EU measures are mainly of an employment law nature, but social security is closely linked to the area, also with regard to the connection to the national law. Non-binding documents are adopted (e.g. the so-called White Paper and similar documents (European Commission, 2017), the European Pillar of Social Rights (European Commission, 2017)) and binding sources of secondary law, in particular in the form of directives (Svoboda, 2019), as the main legal instrument for harmonization. The legal basis for the adoption of directives in the monitored area is (since the entry into force of the Treaty of Lisbon) mainly Article 153 (2) (b) of the Treaty on the Functioning of the European Union. The Charter of Fundamental Rights of the EU is also important for the monitored issues, especially Articles 21, 23 and 33 of the Charter, which explicitly formulate the interest in maintaining a reconciliation between family and working life.

An important place belongs to those directives that relate directly to the reconciliation of work and family life or are closely related to the area. We currently consider Directive 2019/1158/EU on the work-life balance of parents and carers and on the repeal of Council Directive 2010/18/ EU, which will be the subject of an in-depth analysis, to be the core of EU legislation in this field. Also important are two other directives whose content has already been incorporated into national law, namely Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation treatment and non-discrimination, concerning not only access to employment but also, for example, working conditions. Furthermore, Council Directive 92/85/ EEC on the introduction of measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or

are breastfeeding (hereinafter also "Directive 92/85"). It regulates minimum standards in relation to maternity leave and the safety and health of women at work (Komendová, 2016). The European Commission presented a proposal for its revision in 2008 (The proposal for directive of European Parliament, 2008). The measures envisaged concerned, inter alia, the extension of the length of maternity leave, the amount of the benefit and provided for the introduction of paternity benefits. The proposal was eventually withdrawn, and work began on a completely new directive (Fisherová, 2010).

Other directives related to the issue are, for example, Council Directive 97/81 on the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC, which aims to maintain equal treatment for part-time workers. And Directive 2019/1152 of the European Parliament and of the Council on transparent and predictable working conditions in the European Union seeks to combine the protection of workers with the possibility of maintaining flexible forms of work. One of the requirements of the directive is to extend the range of information that the employer is obliged to provide to employees. The transposition deadline is set for 1 August 2022.

State employment policy seeks to achieve a balance between labor supply and demand, the efficient use of labor resources and provides citizens with the right to employment. Under this policy, a set of different definitions can be imagined, they are the so-called measures, which create the conditions for the balance on the labor market and for the effective use of labor.

It is the result of the efforts of the state, employers, employees and trade unions. Employment policy deals with the development of the labor market. Through a network of specialized institutions (employment offices, employment agencies), it provides information and counseling services. Thanks to this system, jobseekers are better informed about job vacancies (their classification and demands) as well as about the conditions they must meet in order to apply for a given job. They must have the necessary qualifications and meet the requirements of the employer. The effective implementation of active employment policy measures specifically targeted at parents caring for children or other carers of dependent persons makes a significant contribution to carers' participation in the labor market and to the reconciliation of work and family life.

2 ANALYSIS OF DIRECTIVES ON PARENTAL LEAVE AND PATERNITY LEAVE

The three directives that have been adopted since 1996 apply to workers who are employed under an employment contract or are in another employment relationship governed by national law.

2.1 Council Directive 96/34 / EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC

According to Council Directive 96/34/EC, on the Framework Agreement on Parental Leave concluded by UNICE, CEEP and the ETUC (Skupieň, 2010), (hereinafter "Directive 96/34"), parental leave was granted as an individual right of each parent for at least 3 months until the certain age of the child, but not more than eight years, and this right of parents "should in principle be non-transferable", but without further specification of this non-transferability (Clause 2 (2) of the Framework Agreement on Parental Leave, hereinafter "the Framework Agreement"). It was permissible to condition the creation of a claim by working a certain period of time or the duration of employment for a maximum of 1 year and to postpone the start of this leave for justifiable operational reasons on the part of the employer. On the other hand, protection was required of workers against dismissal for and during leave, a guarantee of returning to the same, equivalent or similar job, the preservation of workers' rights on the day parental leave began and their exercise after returning to work, including any changes that have taken place under national law. The special needs of the adopters should have been taken into account. It was also mentioned the support for the introduction of new flexible ways of organizing work and working hours without further details (I, point 6 of the Framework Agreement). The Directive 96/34 made it possible to take leave not only for the whole working time or its part, but also, for example, for individual parts or the system of work loans. In addition, time off from work on grounds of force majeure was enshrined due to urgent family reasons, in which the presence of an employee is indispensable. The right to this leave could be limited by setting a time in individual cases or by determining its maximum length per year. Entitlements to social security benefits were not specifically mentioned. In general, it was only stated: 'All matters relating to social security in relation to this Agreement shall be examined and decided by the Member States in accordance with their national legislation, taking into account the importance of continuity of entitlement to social security benefits under the various schemes, in particular health care." (Clause 2 (8) of the Framework Agreement). This aspect was also addressed in this general justification. Member States were invited to consider entitlement to social benefits even during the minimum period of parental leave (I, point 11 of the Framework Agreement).

2.2 Council Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and the ETUC and repealing Directive 96/34/EC

Above mentioned Directive (hereinafter "Directive 2010/18/EU") (Koldinská, 2018) was namely based on Articles 155 and 153 of the Treaty on the Functioning of the European Union and brought an extension of parental leave to 4 months, specifying its non-transferability between a woman and a man for a minimum of 1 month. In determining parental leave, attention should be taken, inter alia, of the needs of parents of children with disabilities or long-term illnesses (Komendová, 2016) (Clause 3 (3) of the revised Framework Agreement on parental leave, hereinafter "the revised Framework Agreement"). A prohibition of discrimination was formulated together with employment rights. Greater emphasis was placed on reconciling work and parental responsibilities by maintaining contacts between the employee and the employer during parental leave and by providing for the possibility of requesting a change in the length or schedule of working hours for a certain period after returning to work (Clause 7 of the revised Framework Agreement). Time off from work on grounds of force majeure was preserved. As far as social security is concerned, there has been no significant shift here either, although the wording has been longer and supplemented by the role of the social partners. In addition to the current text contained in Directive 96/34, it was stated in particular: "All revenue issues in relation to this agreement must be examined and decided by the Member States or the social partners in accordance with national law, collective agreements or practice, taking into account the role of income as one of the factors in the use of parental leave." (Clause 5 (5) of the revised Framework Agreement).

2.3 Directive 2019/1158/EU of the European Parliament and of the Council on the reconciliation of work and private life of parents and carers and repealing Council Directive 2010/18/EU

The last analyzed Directive (hereinafter also "Directive 2019/1158") is namely based 153 (1) (a).(i) the Treaty on the Functioning of the European Union, which concerns equal opportunities for men and women in the labor market and equal treatment in the workplace. The European Pillar of Social Rights is a non-legislative and non-binding, yet important basis for its adoption (Chvátalová, 2017). Directive 2019/1158 entered into force on 1 August 2019 and the deadline for its transposition expires on 2 August 2022. Directive 2010/18 will be repealed on that date. Unlike the previous two directives, this does not implement the Framework Convention, as no agreement has been reached between the social partners.

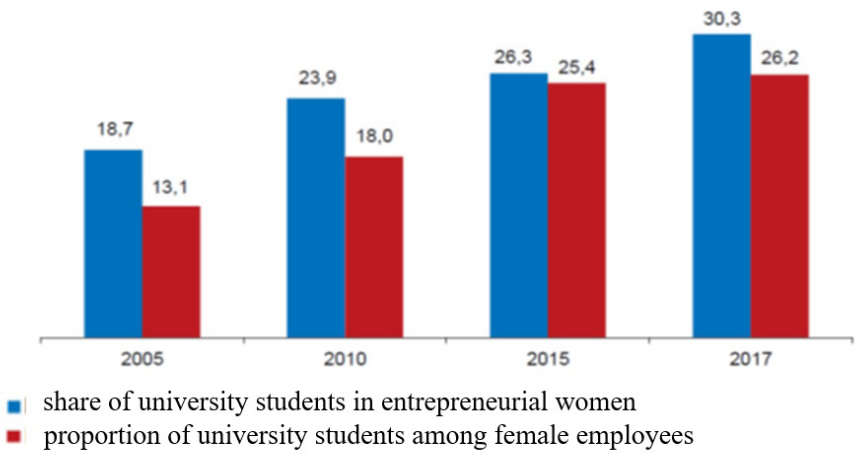
Social and economic benefit of the mentioned Directive Its aim is to reconcile work and parental, paternal and caring responsibilities, to contribute to equal treatment for men and women in the workplace and at the same time to help increase women's representation in the labor market and increase employment. So it takes into account the expected social and economic benefits. As to the employment policy, the state is not interested in voluntary unemployment, if people do not want to work, then they do not have to. That is why we need to define ourselves unemployment measurement. But it must take into account all the financial and social consequences. Only involuntary unemployment is measured, the indicator is the unemployment rate:

$$u = (U/L).100\%$$

U (for the involuntarily unemployed, actively looking for work)
L (economically active population)
L = E + U where E are employed, U involuntarily unemployed.

Therefore, we do not include the long-term sick, the voluntarily unemployed, etc. in the economically active population.
Interestingly, women with a university degree are much more likely to embark on their own projects and businesses than to get a job with an employer.

Figure 1: Proportion of university-educated women by employment status



Source: MESEC.CZ, 2020

The content of the Directive The content of the directive 2019/1158 is based on previous texts, but is more comprehensive. It expands the standards

of parental leave, envisages the introduction of new types of leave related to the care of fathers for the birth of a child, as well as the need to help family members who need it for specified reasons. It also deepens the protection of workers when applying for leave, during the period of its use and after its end. It calls for a more effective reconciliation of work and family life through other flexible forms of work.

The length of parental leave of at least 4 months for each parent is maintained, but the non-transferable part between parents is to be extended to two months. When determining parental leave, the needs of parents with disabilities must also be taken into account (Article 5 of the cited directive). Paternity leave means paid leave for fathers "on the occasion of the birth of a child to care for them" (Article 3 of the Directive) and includes 10 working days, part of which may be taken before the birth of the child. While parental leave may continue to be conditional on the completion of a fixed period or a certain duration of employment, this is inadmissible for entitlement to paternity leave (Article 4 of the Directive). Nursing leave is leave for personal care or assistance to a family member or a person living in the same household who needs such assistance for serious health reasons. The leave is valid for a period of five working days per year, or for an otherwise specified reference period (Article 6 of the cited directive). The nature of leave due to force majeure has remained unchanged, only the limitation of the duration of this leave can be determined by both described methods contained in the Directive (Article 7 of the cited Directive).

Although the preamble states that in many Member States neither parental leave nor paternity leave is paid (Recital 11 of the Directive), the requirement for a minimum benefit is enshrined (as opposed to the original proposals) only in the case of paternity leave. The amount of paternity benefit, whether in the form of "remuneration or allowance", is to be equal to the benefit provided in connection with the state of health. It therefore corresponds to sickness or other payment for illness (Horváthová, Abrhám, Chvátalová, 2015). The right to paternity benefit can be tied to working for a certain period of time, but no longer than 6 months before the birth of the child. The provision concerning the financial amount for parental leave is set out in general terms - the Member State or the social partners are required to make it easier to allow both parents to take the leave for a period of 2 months when the right to such leave is non-transferable (Article 5 (2) and Article 8 (3) of the cited Directive). In addition, by 2 August 2024, national laws, regulations and administrative provisions concerning the granting of remuneration or allowance for the period of non-transferability of entitlement, namely the 'last two weeks of parental leave under Article 8 (3)", must enter into force to comply with the Directive (Article 20 (2) of the cited Directive). It should be noted that it is necessary to support the interest in participating in childcare with a sufficient amount of money, not only among fathers. Otherwise, the non-transferability

provision would put inadequate pressure on parents, rather than facilitating assistance in resolving their situation. There is no mandatory requirement for payment in the case of carers´ leave, but this is recommended to Member States (Recital 32 of the cited Directive). Flexible working arrangements include, for example, teleworking, flexible working hours or shorter working hours (Article 3 of the cited Directive). Member States shall determine the right of parents and carers to request a flexible arrangement, which may be subject to a requirement of hours worked or a fixed period of employment of up to six months and limited to a certain period. Reasons must be given for rejecting an application or postponing a measure. The worker must then have the right to return to the original work schedule (Article 9 of the cited Directive). The employer is also required to ensure that employees return to 'their job or equivalent under conditions which are not less favorable to them after the end of the leave and to benefit from any improvement in working conditions to which they would be entitled if they did not take the leave" (Article 10 (2) of the cited Directive).

3 RECONCILIATION OF WORK AND FAMILY LIFE ACCORDING TO THE LABOR CODE OF THE CZECH REPUBLIC AND THE SLOVAK REPUBLIC WITH A FOCUS ON PARENTAL AND PATERNITY LEAVE IN CONNECTION WITH TRANSPOSITION OF THE DIRECTIVE 2019/1158

For the purposes of comparing the compatibility of national legislation with that Directive, it is important to take into account the provision that any period of family leave and the related remuneration or allowance under national law may be taken into account. This can be used if the minimum standards of both Directive 2019/1158 and Directive 92/85 are met and the protection of workers enshrined in those directives is not reduced (Article 20 (6) of Directive 2019/1158). In addition, consideration should be given to allowing existing national legislation on the financial security of parents on parental leave to be maintained, provided that Member States already provide each parent with 65% of net salary with the possibility of setting a ceiling for at least 6 months of parental leave. (Article 20 (7) of the cited Directive).

It should be noted that the Directive does not impose an obligation to rename the types of leave which are "counted towards compliance with this Directive" (Recital 49 of Directive 2019/1158).

Parental leave Parental leave is regulated in both monitored states. The Czech Republic in § 196 of the Labor Code (hereinafter referred to as the "Labor Code of the Czech Republic") and the Slovak Republic in § 166 of the Labor Code (hereinafter referred to as the "Labor Code of the Slovak Republic"). Parental leave is an "individual and non-transferable right of each parent (Hůrka, 2020)."

In the Czech Republic, an employee has the right to parental leave after maternity leave and an employee from the birth of a child to the required extent, but no longer than three years of age (§ 196 of the Labor Code of the Czech Republic) . This does not affect the specifics of taking a child into alternative care (§ 197 of the Labor Code of the Czech Republic) (Bělina, Drápal, a kol. 2019). Parents can also take a holiday together. There is no special deadline for announcing the day on which employees wish to take parental leave.

In the Slovak Republic, leave usually belongs until the child reaches the age of three, as in the Czech Republic; the specifics of taking a child into care replacing the care of the parents are also regulated (§ 169 of the Labor Code of the Slovak Republic) (Barancová, 2019). In addition, for example, the long-term unfavourable condition of a child requiring personal care is taken into account by determining the employer's obligation to provide leave at the request of a parent until the child reaches the age of six (§ 166 (2) of the Labor Code of the Slovak Republic). There is also a decisive period in which it is possible to take leave under § 166 para. 2 of the Labor Code of the Slovak Republic, if both parties to the employment relationship agree. This decisive period ends when the child reaches the age of five, resp. for a child with a long-term unfavourable health condition of eight years (§ 166 par. 4 of the Labor Code of the Slovak Republic). The provision is significant because it allows the parents to be entitled to "exercise over a longer period of time (Koldinská, Tröster, 2018)." The obligation of employees to notify in writing at least one month in advance, such as the date of commencement and termination of parental leave, is also explicitly stated.

As regards the financial security of the parents during the period of parental leave under social security, they may apply for parental allowance, which is a non-insurance cash social security benefit and is not subject to testing of either property or income. The allowance is due in the Czech Republic (Janková, 2018) up to 4 years of age of the child (i.e. also at the time when parental leave has already ended, Act No. 117/1995 Coll., on State Social Support, as amended, hereinafter referred to as the "State Social Support Act") (Matlák,2012), within three years, or 6 years in cases stipulated by law (Act No. 571/2009 Coll., on Parental Allowance and on Amendments to Certain Acts, as amended, hereinafter referred to as the "Parental Allowance Act"). If the parents take parental leave at the same time, the parental allowance is paid to only one of them in both states. If one of the parents is entitled to a maternity cash benefit, the parental allowance is due provided it is higher than the maternity benefit. And it corresponds to the amount of the difference between the two amounts (for more details see § 30b par. 3 of the State Social Support Act). According to the Slovak legislation, if one of the entitled persons is entitled to a maternity benefit that is higher than the amount of parental allowance, no entitlement to parental allowance arises (see § 3 par. 8 of the Act on Parental Allowance in connection with § 4 (4) of the cited Act,

which concerns the case where the maternity benefit is lower than the parental allowance) (Ibidem).

Paternity and carers´ leave Paternity leave is not stipulated either in the Czech Republic or in the Slovak Republic. However, in the both states fathers can take parental leave if they are interested. Nevertheless, it is appropriate to consider the explicit introduction of paternity leave, as this would contribute to greater clarity of legislation in this area for employees. In addition, it is necessary to think about the financial aspect. According to the directive, a "remuneration or allowance" is to be provided to employees for a period of 10 working days in an amount that corresponds at least to sick pay.

In the Czech Republic, a man is entitled to a paternity benefit for one week and it is necessary to start drawing it at any time within 6 weeks from the date of birth of the child (§ 38a para. 3 and § 38b para. 2 of Act No. 187 / 2006 Coll., on Sickness Insurance, as amended, hereinafter referred to as the "Act on Sickness Insurance of the Czech Republic"). The benefit is the same as the maternity allowance, i.e. 70% of the daily assessment base. This adjustment is in line with the Directive, with the exception of the support period, which needs to be extended to 10 days.

Slovak legislation does not yet provide for paternity benefits. Its amount in 2020 is 270 euros per month, or 370 euros per month if the woman was previously paid maternity benefit for this child (§4 of Act on Paternal Allowance of the Slovak Republic). It is therefore offered to use the parental allowance in the first 10 days. Entitlement to it is governed in some respects by similar rules as in the Czech Republic, as mentioned above, which also applies to the possible concurrence of entitlement to maternity benefit and parental allowance, including the established restrictions under which parental allowance cannot be paid to the father due to overlapping benefits.

In addition to the analysis of parental leave and parental allowance, we note that both Slovak and Czech social security law gives parents the opportunity to agree that a maternity cash benefit will be paid to the child after the 6th week after birth by the insured person who is his father, or by the husband of the woman who gave birth to the child, instead of the mother, on the basis of an agreement with her (§ 32 (1) (e) of the Act on Sickness Insurance of the Czech Republic). Slovak law states that another insured person who took care of a child is, inter alia, "the child's father in agreement with the child's mother, at the earliest after six weeks from the date of birth, and the mother does not receive maternity benefit for the same child or parental allowance" (§ 49, Paragraph 2, Letter d) of Act No. 461/2003 Coll., on Social Insurance, as amended, hereinafter referred to as the "Social Insurance Act of the Slovak Republic"). Maternity benefit belongs in the amount of 75% of the set basis (§ 53 of the Social Insurance Act of the Slovak Republic). This legislation is positive and needs to be taken into account, but the

question is whether the receipt of a maternity cash benefit by the father instead of the mother from the 7th week of the child's age can be considered an adequate replacement for paternity benefit during "paternity leave" within the meaning of the Directive.

The term carers´ leave is not used expressis verbis in either the Czech or the Slovak Labor Code. However, leave is enshrined in both countries due to other important personal barriers at work. These include, among others, cases where the employee is not present due to the care of a household member or the care of a child under 10 years of age for qualified reasons (§ 191 (1) of the Labor Code of the Czech Republic). Slovak law also mentions obstacles at work for reasons of nursing and care (it refers to a special law, see § 141 para. 1 of the Labor Code of the Slovak Republic). In addition, the Czech Republic enshrines the right to excuse the employee's absence from work due to the provision of long-term care. Only in this case is the reservation stated "unless serious operational reasons prevent it" (§ 191a of the Labor Code of the Czech Republic).

In both states, if the legal conditions are met, they are entitled to nursing allowance, which is a sickness insurance benefit (§ 39 of the Act on Sickness Insurance of the Czech Republic and § 39 of the Act on Social Insurance of the Slovak Republic). In the Czech Republic, there is also a benefit called long-term nursing allowance (§ 41a of the Sickness Insurance Act). It is to be introduced in the Slovak Republic with effect from 1.1.2021.

Flexible forms of work Flexible forms of work that would allow parents to participate in the work process after returning from leave are included in both labor codes. From the point of view of Czech legislation, it is mainly a flexible schedule of working hours (§ 85 of the Labor Code of the Czech Republic), shorter working hours (Procházková, 2010) (§ 80 of the Labor Code of the Czech Republic), a shared work (§ 317a of the Labor Code of the Czech Republic) etc. As regards homework, the Labor Code does not use such terms, but briefly states the specifics that apply to an employee who "does not perform work at the employer's workplace" but, in agreement with him, "performs work during working hours, which he/she schedules himself" (§ 317 of the Labor Code of the Czech Republic). In the future, however, it can be assumed that this rather atypical form will become a common standard with regard to the current social situation (currently mainly due to COVID-19).

Slovak legislation includes, for example, flexible working hours (§ 88-89 of the Labor Code of the Slovak Republic), shorter working hours (§ 49 of the Labor Code of the Slovak Republic), a shared work (Morávek, 2015) (§ 49a of the Labor Code of the Slovak Republic), homeworking and teleworking (Olšovská, 2015) (§ 52 of the Labor Code of the Slovak Republic defines telework as the performance of work at home or at an agreed place using information technology). The flexible forms of work are related to the adjustment of special working

conditions of some employees. Designated persons, namely pregnant women or employees caring for a child under the age of 15, or employees who mainly care for a long time for persons dependent on the help of another person for qualified reasons, may ask the employer for shorter working hours or other appropriate working time arrangements. The employer is obliged to comply, unless this is prevented by serious operational reasons (Bělina, Drápal, 2019) (§ 241 of the Labor Code of the Czech Republic). The Slovak regulation has a similar regulation (§ 164 and 165 of the Labor Code of the Slovak Republic). Directive 2019/1158 requires employers to "take into account" the needs of the employee but can assess also their own needs when dealing with employees' requests for flexible working arrangements (which in our view corresponds to some extent to "serious operational reasons" under national law) and possible refusal, or the delay must be justified. The directive also stipulates the employee's right to return to the original work schedule, but even here the employer will consider the needs of both parties to the employment relationship.

We believe that partial amendments to both labor codes should be made as part of further amendments. In particular, a detailed adjustment of work from home, as far as the Czech Republic is concerned. And in both states, it would be appropriate to incorporate the right to homework, telework, or a shared job in the provisions concerning special working conditions of monitored carers. It would also be useful to add in this context the employer's obligation to justify the rejection of a request for flexible working arrangements and to consider the written form of this justification.

Additional employee protection The protection of employees concerning the right to be included in the original job and workplace (especially § 47 of the Labor Code of the Czech Republic and § 157 of the Labor Code of the Slovak Republic) as well as protection in connection with unilateral termination of employment by the employer is a standard part of labor law. And it applies, among other things, to women and men in connection with maternity and parental leave and some other important personal obstacles at work (§ 53 and 55 of the Labor Code of the Czech Republic and § 64 and 68 of the Labor Code of the Slovak Republic).

In the Czech Republic, employees, both men and women, are entitled to be included in the original work and workplace when returning to work after finishing a family member's care or caring for a child for qualified reasons, as well as terminating long-term care or returning a man from parental leave if drawn to the extent to which the woman is on maternity leave (§ 47 of the Labor Code of the Czech Republic). However, after the end of parental leave in cases other than the above, the employer assigns his employee to work in accordance with the employment contract (as generally follows from § 38 paragraph 1 of the Labor Code of the Czech Republic), not the original work and workplace.

Directive 2019/1158 refers to "his" job, i.e. the same or "equivalent" job. One may ask whether the Czech legislation fulfills the above-mentioned requirement of "equivalence" within the meaning of Article 10 (2) of the Directive.

Slovak law (§ 157 of the Labor Code of the Slovak Republic) provides for inclusion in the original work and workplace in both situations mentioned above

4 CONCLUSION

Reconciling family, personal and professional life is an important part of the European Union's social policy and is receiving considerable attention in the Member States. It is a result of many measures in the field of social security, individual employment relationships, employment policy, family policy etc. One of them is to stipulate such legislation that will allow maternity, paternity, parental or carers´ leave of sufficient length, under adequate financial conditions and sufficient protection in labor relations. And then it will allow them to return to the work process using flexible forms of work while simultaneously placing the child in suitable preschool facilities.

Regarding the legal regulation contained in the labor codes and related social security legal regulations in the Czech Republic and the Slovak Republic in the context of the transposition of Directive 2019/1158, we can state in particular the following conclusions. Parental leave can be fully used by each parent, including simultaneous drawing or alternating. The right of both parents to parental leave is individual and non-transferable. The length of parental leave up to three years of age of the child in the Czech Republic and up to three, or up to six years of age of a child in certain cases in the Slovak Republic is extremely long compared to the requirement of the cited Directive.

In the Czech Republic, it would be desirable to add to the Labor Code, in particular, a provision on the relevant period in which parental leave can be used at the latest. And it is also possible to consider enacting an employer's obligation to return employees primarily in the original work and workplace even after the end of parental leave, which is not covered by § 47 of the Labor Code of the Czech Republic. Only if this is not possible, the employer assigns an employee to work under an employment contract. In both countries, it is necessary to supplement the employer's obligation to provide reasons of the rejection of the application when processing employees' requests for flexible work arrangements, and to consider the written form of this justification. We are convinced that partial modifications should affect homeworking in the Czech Republic. And in both states, it would be beneficial to incorporate other "forms of flexible work" in the in the sense of the cited directive, including the shared job, to the provisions, which relate primarily to special working conditions for women and men caring for children.

Paternity leave requires separate attention. It is not explicitly regulated in labor laws, but in both states fathers can apply for parental leave from the birth of a child. Nevertheless, we prefer the explicit introduction of this leave, due to the clarity of the arrangement for employees. However, the provision of social benefits for a period corresponding to paternity leave within the meaning of the Directive, i.e. 10 working days, deserves attention. In the Czech Republic, it is necessary to extend the receipt of the benefit and in the Slovak Republic it would be useful to introduce the benefit.

Mentioned Labor Codes do not contain less favorable procedures, such as the conditionality of the right to parental leave on the length of employment, or the postponement of entry for serious reasons on the part of the employer. Although the directive allows for their introduction.

The changes that will be considered necessary in the Czech Republic and the Slovak Republic in order to properly transpose the Directive into national law must be made by 2 August 2022, when the transposition period ends. However, it can be concluded that the legislation in both countries is already largely in accordance with the Directive, as considerable attention is paid to caring for parents with young children and trying to reconcile work and parental responsibilities.

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