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Parental Rights for Everyone?

A critical gender study of the European Union Directive 2019/1158 on
Work-Life Balance for Parents and Carers

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Abstract

Over the last decade, work-life balance has become an interest in terms of policies attempting to enhance gender equality by reconciling professional life and family life. The purpose of work-life balance policies is for women and men to share equal responsibilities concerning childcare obligations. The goal is to question and in the end eliminate dominant gender stereotypes by the means of sharing care responsibilities equally between women and men. Hence, empowering women in regards to employment helps reduce the current gender gaps prevailing in earnings and pay. This study aims to contribute to this scholarship by examining the newest attempt from the European Union to reconcile work life and family life: The European Union Directive 2019/1158 on Work-Life Balance for Parents and Carers. By the means of Carol Bacchi's 'what is the problem represented to be?' approach as an analytical tool, I examine the European Union's implementation of gender equality policies in regards to work-life balance initiatives, and I examine the impact it has on Denmark and Italy as Member States of the European Union. The study focuses on the European Union Directive 2019/1158 as a legal act with initiatives that intent to promote the participation of women in the labour market and thus, achieve gender-equal distribution of labour market opportunities and caring responsibilities (The European Parliament and the Council of the European Union 2019, 79). My study examines if the initiatives of the Directive contribute to a more even division of parental rights, and if it does so unproblematic. I study the cultural values embedded in the European Union Directive 2019/1158 and compare them to the domestic context of the Member States Denmark and Italy in order to find out if their cultural factors harmonise. The study concludes that cultural factors, which defines what a family is and what role women have in the society, are possible hindrances for the European Union Directive 2019/1158 success. Consequently, the study evaluates potential solutions in terms of overcoming the latter hindrances. One possible outcome is if the European Union in the Directive defines the term 'family' and in addition, presents certain criteria, which parents must fulfil in order to be eligible for parental rights. The second possible outcome focuses on financial disparities and it proposes how equal pay for equal work of equal value might be a way in which the Directive 2019/1158 can achieve its goals.

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1. Introduction

Across the 27 Member States of the Europe Union, more women than men complete an education. However, in the labour market, women remain underrepresented. In regards to positions of leadership, women represent eight per cent of board chairs (The European Commission 2020 a). Additionally, a 12 per cent employment gap occur between women and men, and a gender pay gap of 16 per cent has existed across Member States of the European Union for more than a decade (The European Commission n.d.). The Council of the European Union states that the employment participation rate for women is 11.6 percent lower than men's are. Moreover, only every other woman work fulltime, whereas 71.2 percent of men do. In continuation of this, 31.5 percent of women work part-time, while only 8.2 percent of men do the same (Det Europæiske Råd 2020). Based on the underrepresentation of women in the labour market and in board chairs, the economic loss for the European Union is 370 billion euros, annually (Ibid). The European Commission explains the pattern of underrepresentation of women in the labour market as a cause of gender stereotypes, which imposes a higher responsibility of care obligations to women than to men (The European Commission n.d.). In addition, the gender stereotypes prevailing in the labour market affects women to a higher degree to pursue work with the possibility of working part-time in order to balance professional life and family life more efficiently. Unfortunately, this tendency affects women's life-long income and becomes an impediment for women's employment on several levels (Ibid). This issue of gender equality in the Member States of the European Union has gained visibility in international and national legislation processes. The discussion of the issue is less about whether or not discrimination takes place and more about what obstacles women face in the labour market (International Labour Office 2011, 1). In a recent press release, the President of the European Commission, Ursula von der Leyen, explains that gender equality is a part of the foundation of the European Union, and that the Commission supports achievements contributing to promote equality between women and men (The European Commission 2020 a). With a Gender Equality Strategy for 2020-2025, the European Union will carry out actions, which target gender inequalities. Furthermore, from this day forward, all European Union policies will have incorporated a gender perspective, which for instance aims at ensuring that women achieve their full potential (The European Commission 2020 a).

Over the last decade, work-life balance has become an interest in terms of policies attempting to enhance gender equality by reconciling professional life and family life (International Labour Office 2011, 1). The purpose of work-life balance policies is for women and men to share equal responsibilities concerning childcare obligations. The goal is to question and in the end eliminate

dominant gender stereotypes by the means of sharing care responsibilities equally between women and men. Hence, empowering women in regards to employment helps reduce the current gender gaps prevailing in earnings and pay (The European Commission n.d.). Through various attempts, the European Union has developed work-life balance policies where one of the main focusses has been on parental leave. The policies has included increasing legislative measures concerning minimum requirements for Member States in regards to up take of parental leave for working mothers and fathers (The European Parliament and the Council of the European Union 2010; The European Parliament and the Council of the European Union 2019). Besides minimum standards on parental leave, the policies entails flexible working arrangements, and an equal share of childcare obligations among parents (Europa Kommissionen 2020, 7).

The argumentation in favour of reserved parental leave for fathers is that children, mothers, fathers, families and employers all benefit from it. Children get to spend more time with their father, which allegedly improves the children's development both cognitive and emotional and is good for the children's physical health (Stewart & Janta 2018, 3). In comparison, fathers live longer and healthier lives, when they increase their involvement in their children's lives, and they also develop a greater satisfaction personally and achieve better relationships (Ibid). Mothers benefit from the reserved parental leave for father by obtaining acknowledgement at the labour market, and moreover, employers experience an increase in productivity at the workplace, and a reduction in staff turnovers occurs (Ibid). Lastly, families benefit from the reserved parental leave for fathers by enhancing their possibilities by reconciling work life and family life responsibilities on a more gender equal level (Ibid).

In 2018, all Member States of the European Union offered paternity and/or parental leave in some form or another in their national legislation (Ibid). However, the form of the leave varies substantial from Member State to Member State in terms of length, compensation, and whether the leave applies for the individual parent or if it applies to the family as a unit (Ibid, 2). Across Europe, fathers exercise the few days of paternity leave, which they are entitled to take. However, 90 percent of the European fathers do not allow themselves to exercise their parental rights concerning parental leave (Ibid, 4). In 15 out of 27 Member States, parental leave is entitled as an individual right. Furthermore, nine Member States has reserved leave specific to fathers. However, some of these reserved leaves still allows fathers to transfer the leave to the mothers instead (Ibid).

Across Europe, parental leave is often for a long period and it is often not compensated enough in order for some families to allow themselves to exercise their entitled rights. Additionally, parental

leave is often a family right instead of an individual right, which means that in countries where the mother is perceived as the main caretaker, the father is often excluded from his parental rights concerning parental leave (Eurofound 2019, 23). Thus, the father quite often foregoes his entitlements in countries where the mother is perceived as the prime beneficiary of parental leave (Ibid, 18).

The European Union Directive 2019/1158 on Work-Life Balance for Parents and Carers is a recent attempt from the European Union to enable working parents to reconcile their professional lives with their family lives (The European Parliament and the Council of the European Union 2019). The Council of the European Union announces the latter Directive as a means to target social rights and improve them in order to provide a Europe where there is equal access to the labour market, fair working conditions and a favourable balance between work life and private life (Det Europæiske Råd 2020). The European Union Directive 2019/1158 shall serve as a legal act that promote the balance between work life and private life and it will do so by preserve and build on existing rights and by contributing to new and approved rights for both women and men (Ibid). For some feminist scholars, the Directive 2019/1158 is heaven-sent. The reason for that is the new minimum requirements the Directive sets out in terms of parental rights. The minimum requirements states that parents have an individual right of four months of parental leave whereas two out of the four months are non-transferable. It means that the two out of the four months are reserved to the individual parent, and the leave cannot be shared with or otherwise transferred to a co-parent (The European Parliament and the Council of the European Union 2019, 86-87). The European Union Directive 2019/1158 is one of the legislations the European Union has adopted in terms of achieving gender equality.

1.1. Literature Review

Various literature examine the supranational role of the European Union, and furthermore, how the European Union influences the policies adopted in its Member States. Professor Anna Van der Vleuten examines the European Union's implementation of gender equality legislations (Van der Vleuten 2005, 465). Van der Vleuten utilises data from the three Member States: Germany, France, and the Netherlands. Based on the data, she explains how the European Union as a monitoring system utilises costs, pressure, and prestige to advocate its policy goals concerning gender equality (Ibid, 466-468). Consequently, my study is not the first study made to investigate the European Union legislation process. Likewise, I am not the only one with a focus on women's employment and men's parental rights.

Several scholars study the Nordic countries' welfare model in search for answers concerning the link between fathers' uptake of parental leave and women's representation in the labour market. The Nordic welfare model is praised several times in the literature when it comes to promoting gender equality and implementing policies in favour of parental rights such as parental leave (Eydal & Rostgaard 2018, 257). As an example, Elly-Ann Johansson (2010) examines the Swedish model of parental leave and by the means of Swedish data, she states that father's uptake of parental leave has a positive response on the earnings of women. Consequently, she concludes that an increase in fathers' uptake of parental leave contributes to a reduction in gender wage gaps (Johansson 2010).

Some of the scholars who have called for political actions concerning the underrepresentation of women in the labour market is Tine Rostgaard and Mette Lausten (2015). In their study, they examine the process of quota for fathers in Denmark, and furthermore, how the quota impact Danish women and men's equal share of parental leave (Rostgaard & Lausten 2015, 278). Rostgaard and Lausten highlight that policy instruments and organisational structures constitute an interpretation of how one must behave. Additionally, cultural values and ideas reproduce appropriate behaviour, i.e. in terms of parental leave practices (Ibid 279). In their study, Rostgaard and Lausten declare that labour market agreements and a cultural shift has increased fathers' uptake of parental leave. Furthermore, a change in how to perceive fatherhood and gender quota contributes to a more even division in the uptake of parental leave among women and men (Ibid, 297).

Another scholar who study the field of parental rights is the sociologist Lotte Bloksgaard (2011; 2015). However, instead of examining the rights of the mother, Bloksgaard investigates the parental rights of fathers and the negotiation process, which takes place for fathers in the family as well as in the work place (Bloksgaard 2011, 5; Bloksgaard 2015, 141). Bloksgaard applies Denmark as a starting point and she highlights that fathers' uptake of parental leave is at a minimum, and that the reason for it must be found in the absence of independent rights of leave for men in Denmark (Bloksgaard 2011, 2; Bloksgaard 2015, 141). In her studies, Bloksgaard perceives gender as something one does, and the understanding of gender is constructed and negotiated by social structures in the society (Bloksgaard 2015, 144). Bloksgaard claims that in the Danish act of parental leave, it is the reserved two weeks of paternity, which dictate the behaviour of recurrent fathers and how they practise their leave (Bloksgaard 2011, 9). In addition to her theory of science, Bloksgaard examines the practice of families (Bloksgaard 2011, 15).

In contribution to the previously mentioned literature, my study examines the newest attempt from the European Union to reconcile work life and family life: The European Union Directive

2019/1158 on Work-Life Balance for Parents and Carers. I examine the European Union's implementation of gender equality policies by the means of work-life balance initiatives, and I examine the impact it has on two Member States of the European Union. The study focuses on the European Union Directive 2019/1158 as a legal act with initiatives that intent to promote the participation of women in the labour market and thus, achieve gender-equal distribution of labour market opportunities and caring responsibilities (The European Parliament and the Council of the European Union 2019, 79). My study examines if the initiatives of the Directive contribute to a more even division of parental rights, and if it does so unproblematic. I study the cultural values embedded in the European Union Directive 2019/1158 and compare them to the domestic context of the Member States Denmark and Italy in order to find out if their cultural factors harmonise. My line of reasoning of utilising Denmark and Italy as examples of Member States is based on their on paper alignment and lack of the same with the European Union's policy goals.

1.2. Motivation

Pre-existing studies claims that policies determines what is appropriate for one to do, and I intent to examine that claim by investigating the European Union Directive 2019/1158 for its impact on Member States by utilising Denmark and Italy as examples (Rostgaard & Lausten 2015, 280; Bloksgaard 2011, 10, Van der Vleuten 2005, 464-465). The claim is rather interesting in reference to the European Union Directive 2019/1158, because if the claim is true then the appropriate leave for fathers should increase based on the two non-transferable months of parental leave stated by the Directive. The question is whether this is true. For several scholars studying gender equality, work-life balance and parental rights, the conclusion is that the solution for increasing and promoting fathers' up take of parental leave and women's employment is to improve the parental rights of the father. The motivation for this study arises from this argument and mind-set. For the before mentioned scholars, the European Union Directive 2019/1158 and its non-transferable months of parental leave is a solution for the issues they see in terms of gender gaps in earnings, caring responsibilities and women's underrepresentation in the labour market. The motivation for the objectives of this study arises from the question of whether the Directive 2019/1158 is a solution to all problems regarding women's employment and men's up take of parental leave and furthermore, whether the Directive can be as inclusive as it is represented and desired to be. In order to answer these questions, the study applies Carol Bacchi's 'what is the problem represented to be?' approach as an analytical tool, because the approach allows the study to question the representation the Directive 2019/1158 has of

the problem with gender equality, work-life balance and parental rights. The approach allows the study to question the role the European Union plays in the representations of the ‘problems’ and the implications the representations contain regarding how the ‘problems’ should be thought about and furthermore understood (Bacchi 2009, 2). As a result, the problem formulation and the research questions of this Master’s Thesis is as follows.

2. Problem formulation

How are the ‘problems’ of Gender Equality, Work-Life Balance, and Parental Rights represented in the European Union Directive 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?

2.1. Research questions

1. What is the problem with Gender Equality, Work-Life Balance, and Parental Rights represented to be in the European Union 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?
2. What does the European Union 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 presume and assume in its representation of Gender Equality and Work-Life Balance?
3. How can we understand the European Union's utilisation of Gender Equality and Work-Life Balance policies from a genealogical perspective?
4. What does the European Union 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 not display or discuss in its representation of the problems with Gender Equality and Work-Life Balance? What does the representation of the problems with Gender Equality and Work-Life Balance in the Directive leave unproblematic in regards to Member States of the European Union? How can the limits of the problem representation be critically assessed?

5. In relation to the representation of the problems with , Work-Life Balance, and Parental Rights, what effects are produced in the European Union Member State Denmark by this representation of the problems in the European Union 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?

6. How is the European Union 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 disseminated? How can it be questioned?

3. An introduction to the approach of the analysis

The analysis of this Master's Thesis applies Carol Bacchi's 'what is the problem represented to be?' (WPR) approach as an analytical tool to question the representation of the problem with gender equality, work-life balance and parental rights in the European Union Directive (EU) 2019/1158 on work-life balance for parents and carers (Bacchi 2009, 1; The European Parliament and the Council of the European Union 2019). Henceforth, the study will refer to the latter Directive as the European Union Directive 2019/1158, the Directive 2019/1158 or the Directive.

This chapter explains the utilisation of the WPR approach in the analysis. The approach is a qualitative tool for policy analysis. In her introducing chapter, Bacchi elaborates how policies aim to change specific 'problems' (Bacchi 2009, 1). However, in the process of understanding the 'problems' and in the explanation of how the 'problems' should be thought about, the policies end up constituting the 'problems' implicit (Ibid). The interesting part lies in the constitution of the 'problems' and in the way the 'problems' are represented in the policies. It prescribes how people involved should react to the 'problems' and how they should be aware of themselves and their significance in reference to the 'problems' (Ibid). The WPR approach questions how for instance governments through policies represent 'problems' in certain ways. It further questions how the same governments play an important productive role in the representations of the 'problems' and the implications the representations contain regarding how the 'problems' should be thought about and furthermore understood (Ibid, 2). In continuation of this, the WPR approach withhold that the representations of the 'problems' have an impact on the choices people involved make and hence how they live their lives. The policies affect and control the people who are involved in or have an interest in the adopted policies (Bacchi 2012, 21-22). Additionally, a disproportionate power relation

occur in the policies and their implicit understandings and representations of the ‘problems’. Bacchi thus explains it:

“Since the way in which the ‘problem’ is represented – how the issue is problematized – is so important to the ways we live our lives, I conclude (rather provocatively) that we are governed through problematisations, rather than through policies” (Bacchi 2010, 4).

In order to examine the representations of the ‘problems’, Bacchi has worked out six interrelated questions, which uncover what problems are produced, how they are produced, and what effects they entail (Bacchi and Goodwin 2016, 14). The analysis of this study applies the six interrelated questions of the WPR approach, but in an altered way. Instead of utilising the interrelated questions directly, the interrelated questions are changed into six research questions, which is altered to examine the specific problem representation of the European Union Directive 2019/1158. Similar to the interrelated questions of Bacchi, the research questions aim to uncover the produced problems, the meaning of and the reason for the construction of the problems, and the possible effects associated to the representation of the problems.

Since the aim of this study is to examine the problem representation in the European Union Directive 2019/1158, the latter Directive is the main data utilised in the analysis. The following section presents the six research questions and briefly explains the setup of each question in relation to the problem representation of the European Union Directive 2019/1158.

3.1. The Process of Research Question One

The first research question is; *What is the problem with Gender Equality, Work-Life Balance, and Parental Rights represented to be in the European Union 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?* The research question aims to clarify how the problems represented in the European Union Directive 2019/1158 is thought about (Bacchi 2009, 2-4). As mentioned before, the problems represented in the self-same Directive is the understanding of gender equality, work-life balance, and parental rights, and the first research question attempts to examine what is meant with the implied problem in the Directive. It aims to display how the Directive targets the problem.

3.2. The Process of Research Question Two

The second research question is; *What does the European Union 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 presume and assume in its representation of Gender Equality and Work-Life Balance?* The research question focuses on the presumptions and assumptions that underlies the representation of gender equality and work-life balance, and it questions the presupposed background knowledge regarding the problem representation (Ibid, 5). It examines what knowledge lies underneath the argument for representing the problems in the given way. Bacchi explains it as “[...] a kind of social unconscious [...]” (Ibid), where cultural values are investigated in order to explain how it is possible to talk about the problems represented in the Directive in the specific way. Additionally, the second research question provides a discourse analysis to identify binaries and key concepts in order to find meaning and to explain underlying premises, which the Directive rely upon in its representation of gender equality and work-life balance (Ibid, 7-9).

The analysis in research question two applies theory from Johanna Kantola and Mieke Verloo (2018) to display how the European Union Directive 2019/1158 takes on examples of what Kantola and Verloo describes as ‘Deconstructing Equality’. Furthermore, the analysis examines how the Directive 2019/1158 expresses itself through a Work-Life Balance Approach. Moreover, masculinity theory by Raewyn Connell (1995; Lorentzen 2006) is utilised in the analysis as an attempt to understand the assumptions and presumptions of hegemonic and subordinated masculinities in the European Union Directive 2019/1158. Lastly, the analysis applies theory on parenthood from Anne-Dorthe Hestbæk (1998) to clarify traits of Tradition-influenced parenthood and Modernity-influenced parenthood in the Directive 2019/1158. The research question applies all the above-mentioned theories to examine the social unconscious and the cultural values, which the European Union Directive 2019/1158 relies on.

3.3. The Process of Research Question Three

The third research questions is; *How can we understand the European Union's utilisation of Gender Equality and Work-Life Balance policies from a genealogical perspective?* The research question aims to track the ‘history’ or the genealogy of the problem representation in the latter Directive. It questions how the Directive came about to explain how the understanding of gender equality and

work-life balance policies have come about in the Directive in the way it does (Ibid, 10-11). The research question examines the process and the power relations, which has shaped the representation of the problems in the Directive. Furthermore, the research question investigates what root causes made the particular problem representation in the Directive the dominant one (Ibid).

By the means of research question three, the analysis narrates on the background of the European Union. It unfolds the history of gender equality in the European Union and how the European Union utilises various legal acts to promote gender equality. Subsequently, research question three clarifies the history of work-life balance. The history of work-life balance starts by explaining it as a field of interest and then later by displaying it through work-life balance policies.

In the attempt to examine how the 'common understanding' of gender equality and work-life balance has come about, the research question utilises former surveys and studies conducted by the European Union, the European Institute for Gender Equality, other autonomous bodies of the European Union, and lastly, from studies independent from the European Union.

3.4. The Process of Research Question Four

The fourth research question is; *What does the European Union 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 not display or discuss in its representation of the problems with Gender Equality and Work-Life Balance? What does the representation of the problems with Gender Equality and Work-Life Balance in the Directive leave unproblematic in regards to Member States of the European Union? How can the limits of the problem representation be critically assessed?* The research question focuses on what the Directive does not problematize in its problem representation. It questions the representation of the problem, which research question two identified earlier on, and furthermore, it questions what this representation silences (Bacchi 2009, 12-13). In the representation of the problem, the Directive constrains itself to focus on a specific perspective, and therefore the fourth research question addresses the Directives limits in reference to the latter perspective and furthermore highlights what other perspectives are being left out in the process (Ibid).

As a regional co-operation organisation, the European Union intervenes in the politics of its Member States and it intervenes with the everyday life of the citizens living in the Member States. Among them are families with children. The European Union has various Member States, which all

have different cultural values and histories in relation to parental leave. Consequently, difficulties will occur in reference to implementing a directive, which aims to generalise across Member States.

In the analysis, the silences of the European Union Directive 2019/1158 are examined by the means of Denmark as a Member State of the European Union. Even though Denmark is a Member State of the European Union, Denmark does not necessarily agree with the problem representation, which the latter Directive utilises and the assumptions the Directive has on gender equality, work-life balance, and parental rights. The analysis utilises the Danish act on parental leave under research question four as an example of how Danish legislation and policies are different from the Directive adopted by the European Union. By the means of the clarified binaries and key concept of the Directive from research question two, research question four compares the approach of the European Union Directive 2019/1158 with the approach of the Danish act on parental leave. Firstly, the analysis in research question four outlines the history of the Danish act on parental leave and then it discusses the development of the Danish act. Secondly, research question four discusses how a binary of mother vs. father, hegemonic and subordinated masculinities, and parenthood provide an understanding of how the Directive perceives a “good” mother, a “good” father, and a “good” parenthood, and what the outcome of that can be.

3.5. The Process of Research Question Five

The fifth research question is; *In relation to the representation of the problems with , Work-Life Balance, and Parental Rights, what effects are produced in the European Union Member State Denmark by this representation of the problems in the European Union 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?* The research question develops further on research question four. It focuses on some of the outcomes, which the problem representation creates for the people involved in the Directive (Bacchi 2009, 15). It identifies the effects of the problem representation and investigates them critically. The research question focuses on three interrelated effects: *discursive effects*, *subjectification*, and *lived effects* (Ibid, 15-18). The discursive effects are results of the limits, which are explained by the means of the fourth research questions. It is in the limitations of the problem representation, the Directive prescribes how people involved should think and understand. The representation of the problem allows a certain way of thinking and when implemented it becomes difficult for the people involved to think differently (Ibid, 16). The subjectification focuses on how discourses effect the people involved in the Directive. Bacchi

explains that discourses assign different ‘subjects positions’ to the people involved and through the agency of the subject position the individual person understands the social world. It comprehends how to perceive oneself and others through the position it has been assigned (Ibid). In the comprehension of oneself and others, a ‘dividing practice’ can occur. It is where discourses assign specific groups of people opposing positions (Ibid). The dividing practice can create a power struggle between the two opposing groups. Lastly, the lived effect investigated the impact the problem representation has on the lived lives of the people involved (Ibid, 17).

As mention earlier, the problem representation of the European Union Directive 2019/1158 creates difficulties for its Member States. Through surveys and other studies concerning the field of European Union legislation, the analysis briefly examines how these difficulties comes about.

For instance, the discursive effects unfold in how the representation of gender equality imposes on Member States. Denmark is one of the Member States who agrees with the European Union the most in terms of understanding gender equality. However, difficulties still occur between the European Union Directive 2019/1158 and the Danish act on parental leave. Consequently, the analysis highlights a clash between the European Union and Denmark as a Member State, by the means of legislative proposals proposed by the Danish Parliament. Hereby, the analysis utilises Denmark as an example of a Member State, which on paper should agree with the discourse of the European Union Directive 2019/1158, but who in fact disagree with the approach of the Directive 2019/1158.

The subjectification displays various subject positions and it exposes dividing practices within the European Union Directive 2019/1158’s understanding of gender and families. Hence, the analysis examines who fits into the criteria of a ‘good’ parent, and how the categorisation reduces the positions’ lines of actions for the ones who do not fit into outlined restricted eligibility criteria.

The lived effects unfold in the result of the heterogeneity, which carries on across Member States of the European Union. The discussion involves around the Directive being the root cause to many alternative families’ difficulties in being recognised as a legal parent in the some Member State.

3.6. The Process of Research Question Six

The sixth research question is; *How is the European Union 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 disseminated? How can it be questioned?* It is the last research question and it further builds on research question three, which focuses on the history and

genealogy of the Directive. Research question six questions the process of the problem representations, which brought it about. It questions the means of the Directive, which it is utilising to legitimise the problem representation and making the representation the most dominant (Bacchi 2009, 19).

The European Union highlights the problem representation through a directive, which means that its Member States must follow the legislative act to achieve the requested goal of the European Union. The European Union does not instruct the Member States in how to achieve the goal. However, the European Union imposes the Member States to reach the requested goal within a specific deadline. This can take place through alterations in the Member State's legislation, respectively (European Union, n.d.).

The sixth research question discusses how the European Union could have handled the problem representation in the European Union Directive 2019/1158 differently in reference to the heterogeneity of its Member States. It examines how the European Union could have embraced and involved the dissimilarities of its Member States by presenting the problem representation in a different way. Firstly, the research question highlights the issues concerning cultural factors and Member States' domestic context. The research question utilises Italy as an example of a Member State, which domestic context effects the way it transposes directives from the European Union in to its own national laws. Based on this, the research question six discusses possible hindrances the European Union Directive 2019/1158 might experience on its path to success. Lastly, the research question suggests and discusses potential solution for the Directive to achieve its goals.

3.7. The Reason for Utilising Italy and Denmark as Examples of Member States in the European Union

As explained earlier, this study examines the newest attempt from the European Union to reconcile work life and family life: The European Union Directive 2019/1158 on Work-Life Balance for Parents and Carers. The attention is not the flexible working arrangements, which the Directive offers carers' in terms of carers' leave. Instead, the focus is the parental rights declared in the Directive, and how the Directive represent them. The study examines the initiatives of the Directive for whether they contribute to a more even division of parental rights and if they do so unproblematic. By the agency of this, Denmark and Italy is utilised as examples of Member States who on paper both align and disagree with the European Union's policy goals in different ways.

In Italy, parental leave is an individual right where each parent is entitled to six months of leave, which is non-transferable. However, the total amount of parental leave for a family combined is only ten months. If the father decides to take up at least three months out of his six entitled months of parental leave, he will be rewarded with an additional month, whereas that leaves the family with a combined entitlement of 11 months of parental leave (International Labour Organization 2014, 63). Nevertheless, Italy is one of the Member States in the European Union who have the lowest compensation ration in terms of parental leave compensation. The compensation ratio is 30 percent of the basic remuneration, which means that some families cannot effort to take up too many months of parental leave (Eurofound 2019, 8). In addition, the domestic context of Italy emerges from a strong tradition of a ‘familism’ discourse. The discourse perceives mothers as exclusive caretakers (Doná 2012, 108). Hence, in families where the father is the primary earner and contributor to the income of the family, the price of exercising parental leave becomes too high.

Denmark is one of the countries who are praised for its family and gender equality policies, which support and achieve a high degree of equal treatment of women and men in both their work life and family life. Furthermore, Denmark is credit for its emphasis on a dual earner/dual carer model for families as a contribution to promote equal opportunities for women and men in terms of care responsibilities and work life obligations (Eydal & Rostgaard 2018, 258). However, in terms of father’s quota, Denmark has taken another direction than its fellow Nordic countries. Denmark did implement two weeks of non-transferable parental leave for fathers, in 1999. The weeks were obliged to be utilised in week 25 and 26, which meant that it left no room for families to be flexible in their planning of parental leave. Consequently, the two weeks of father quota was abolished by the Danish Government in 2002 (Ibid, 270). Any further discussions and proposals concerning further reserved parental leave for fathers has been talked down by arguments such as the planning of parental leave must be the families’ decision and their freedom of choice (Folketingstidende 2001; 2006; 2013; 2014; 2015).

Consequently, the line of reasoning to apply the two Member States is their interesting domestic context. Because of it, the study examines how the two Member States would respond to the Directive 2019/1158, and if their argumentation against the European Union’s policy goals will interfere with the success of the Directive.

3.8. Methodological reflections

As mentioned before, the WPR approach of Carol Bacchi is the main approach utilised throughout this thesis. The WPR approach appears as early as in the problem formulation of the Master's Thesis and it utilises the known question of Bacchi "what is the problem represented to be?" (Bacchi 2009, 1). The appliance of the WPR approach as an analytical tool has become useful when aiming to question the representation of gender equality work-life balance, and parental rights in the European Union Directive 2019/1158. However, the WPR approach is no different from other approaches in the sense of pitfalls concerning reliability and validity. When I utilise the WPR approach, I therefore have to be aware of these pitfalls and be as critical as one can be.

In terms of reliability, transparency is the key. The reliability lies in whether or not another researcher would get the same results as mine if she or he utilises the same problem formulation, research questions, and data. Hence, the research of this thesis is questioned whether it can be repeated. As a researcher, I enter my field of interest with specific knowledge, which I have gained throughout my life working with the latter field, and therefore as Bacchi explains: "*[this is] not to suggest that my analysis is in any sense comprehensive or correct. You may produce a very different analysis of the same or related material*" (Bacchi 2009, 21). In other words, even though I attempt to stay critical throughout the research and remain transparent in my explanation of the approach of the research, I cannot ignore my internal positioning. Through my position, I am embedded in and biased by a discursive structure as a researcher of gender studies, as a Danish citizen, and as a citizen of the European Union, and it can therefore be difficult for me to remain absolute critical in relation to the problem representation of the European Union Directive 2019/1158. Thus, my assumptions and former experiences with the field will affect the research of the study and the results herein.

In terms of validity, this study aims to examine the problem representation of gender equality, work-life balance, and parental rights in the European Union Directive 2019/1158 with Denmark and Italy as examples of Member States. By applying the WPR approach, I argue that the research allows me to examine precisely that. The first three research questions assists me in questioning the latter Directive and identify its understanding of gender equality, work-life balance, and parental rights. Additionally, by the means of research question four, five, and six, it is possible for me to examine the effects of the Directive's problem representation in the Member States Denmark and Italy, respectively. Thus, I argue that the validity of the study is of high quality.

In regards to duplicating the result of this study to other Member States of the European Union, there is an issue. Research question four and five utilise Denmark as a Member State and

research question six utilises Italy as a Member State. This affects the result of this study. From a European perspective, Denmark has a special position given its specific history on parental leave arrangements and welfare state regimes. Not all the Nordic states are members of the European Union, but Denmark is. It is important to highlight that the welfare model of the Nordic region have an influence on the Danish legislation on parental leave. Furthermore, it affects the understanding of gender equality, work-life balance and parental leave in the Danish act of parental leave. Likewise, the Catholic Church in Italy and the Italian discourse of ‘familialism’ have an impact on the way Italy transposes reconciliation policies. For instance, if this study utilised Spain as an example of a Member State of the European Union, the result of the study would have come out differently. Cultural factors and cultural values influence the perception of gender equality and parental leave in Denmark and in Italy. The domestic context in Denmark varies from the one in Italy and furthermore, they both varies from other Member States, whereas it becomes difficult to generalise the results of this study to other Member States. What this study ends up concluding might not be the same conclusion if conducted with data from other Member States. The result of this study is therefore not generalizable, and it is not possible to make use of the result in another Member State. However, the approach of the analysis can be applied to examine the effects of the European Directive 2019/1158 in other Member States.

4. Analysis

The following chapter entails the analysis of the study. By the means of the above-mentioned research questions, the analysis is divided into six sections. In the sections, the analysis examines the European Union Directive 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. The first three sections assist on identifying how the Directive understands gender equality and work-life balance policies, and parental rights, whereas the last three sections contribute to examine the effects of the Directive’s problem representation in a Member State. In the analysis, Italy and Denmark is utilised as examples of Member States of the European Union.

4.1. What is the problem with Gender Equality, Work-Life Balance, and Parental Rights represented to be in the European Union 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?

This section is two-folded and it aims to display how the European Union Directive 2019/1158 targets and understands the problems with gender equality, work-life balance, and parental rights. The first subsection utilises a press release from the European Commission and the proposal for a directive addressing Work-Life Balance for parents in order to clarify the causes, which lie at the roots of the problem representation of the Directive 2019/1158. The second subsection elaborates how the Directive targets and understand this representation.

4.1.1. Stating the Numbers

In a press release from March 2020, the European Commission explains how all future European Union policies must entail a gender equality perspective. One of the target areas is “[...] *ensuring equal participation and opportunities in the labour market [...]*” (The European Commission 2020 a). The press statement explains how women on average earns 16 percent less than men do in the European Union, and that only eight percent of the CEO’s in the largest companies in the European Union are women (Ibid). The proposal for a directive on work-life balance for parents and carers explains the same pattern (EUR-Lex 2017). The proposal states that parents are more often subjects to the gender employment gap than others are in the labour market. The proposal explains how:

“On average in 2015, the employment rate of women with one child under 6 years of age is nearly 9% less than women without young children, and in several countries this difference goes over 30% [...] Women are also far more likely to work part-time due to caring responsibilities” (Ibid).

As the quote state, in some countries, the employment rate between women without children and women who have younger children is up to 30 percent and furthermore, women are more likely to take up unpaid work with caring responsibilities (Ibid). By the agency of this, the proposal states that

the pattern contributes to gender gaps in earnings and pay and that it can cause gender gaps in the pension, later on. Consequently, women are more likely to risk poverty based on their gender (Ibid).

The proposal further states that the men's up take of Work-Life Balance arrangements such as parental leave is low all over Europe, and that initiatives targeting this issue can help families to rebalance their responsibilities of work life and family life (Ibid).

In the previously mentioned press release, the European Commission argues that by promoting gender equality in the Member States, the economy across the European Union will thrive. In the light of this, the European Union will implement work-life balance policies with standards that applies to all Member States of the European Union (The European Commission 2020 a).

4.1.2. The Objective of the European Union Directive 2019/1158

The Directive 2019/1158 is concerned with work-life balance for parents and it aims to support and promote any activities, which enhance equality between men and women in the labour market (The European Parliament and the Council of the European Union 2019, 79). The problem represented in the Directive is how gender plays a role in labour market opportunities for men and women and also how it influences the way men and women are treated at work, respectively (Ibid). In the Directive, it is explained how there is a gender gap in earnings and pay between men and women. Therefore, the policies in the European Union Directive 2019/1158 aims to support efforts, which the European Union's Member States make in reference to promoting women's participation in the labour market (Ibid). One of the achievements, which aims to enhance gender equality, is the achievement of "[...] *equal sharing of caring responsibilities between men and women* [...]" (Ibid).

With the Directive 2019/1158, the European Union sheds light on a gender related issue where balancing work life and family life becomes a challenge for some families. The Directive explains how there is a tendency that women who have become mothers are more likely to work fewer hours and undertake unpaid caring responsibilities than first time fathers are. Consequently, some women have to balance work and care responsibilities in the family and it can affect negatively on women's participation on the labour market (Ibid, 80).

By the means of the impact of women's employment, the problem causes gender inequality. As a gender related issue, gender is a continuous problem, which the Directive 2019/1158 targets on every level of the legislative procedure. The problem of gender manifests itself in the inequalities, which occur in the gender gaps at the labour market and in the imbalance of sharing caring responsibilities among mothers and fathers. The problem with gender is target in the Directive

2019/1158 throughout policies that questions gender stereotypes and social patterns of men and women.

4.2. What does the European Union 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 presume and assume in its representation of Gender Equality and Work-Life Balance?

The second research question examines the conceptual logic in the identified problem representation, which the first research question clarified. By the means of research question two, the analysis investigates the Directive 2019/1158 for cultural values and for the social unconscious, which the problem representation emerges from. It examines what presumptions and assumptions underlies the problem representation in order for it to comprehend as intelligibility, externally. The second research question asks what knowledge is taken-for-granted and not questioned (Bacchi 2009, 5). Through the utilisation of the second research question, this subsection studies the discourse, which encompasses the latter conceptual logic of the Directive (Ibid, 7).

The following section entails one subsection and five paragraphs. The subsection describes the Gender Equality Discourse of the Directive 2019/1158. The five paragraphs elaborate on how the Gender Equality Discourse unfolds through a Key Concept and Binaries, a Deconstruction of Equality, a Work-Life Balance Approach, Hegemonic and Subordinated Masculinities, and Parenthood and Family. In addition, some of the paragraphs include subparagraphs in order to explain and elaborate on different terms.

4.2.1. A Gender Equality Discourse

In recital number 2 of the European Union Directive 2019/1158, it prescribes, “[e]quality between men and women is a fundamental principle of the Union” (The European Parliament and the Council of the European Union 2019, 79). This statutory statement is recurrent throughout the Directive and this study argues that the dominant discourse of the European Union Directive 2019/1158 is gender equality. Thus, the European Union holds gender equality in high esteem. When studying the Directive further, the Directive states that Member States of the European Union must support gender

equality. Moreover, the Directive declares that achievements and policies, which contribute to gender equality, must be encouraged (Ibid).

4.2.1.1. A Key Concept and Binaries

The following paragraph entails two subparagraphs, which identify and investigate equality as a key concept and binaries within the European Union Directive 2019/1158, respectively. The paragraph utilises the approach as a support to describe and elaborate on the dominant discourse of the problem representation.

4.2.1.1.1. Equality as a Key Concept

Equality is a key concept, which the Directive 2019/1158 utilises. In the Directive, equality manifests itself in gender equality. In order to understand the concept of equality in the Directive, it is important to understand the key principle of equality between women and men (The European Parliament and the Council of the European Union 2019, 79). As explained in the clarification with research question one, the Directive aims to support any activities, which enhance equality between men and women in the labour market. Thus, it is in the closing of gender gaps in regards to employment, work and pay that explains the presumption and assumption of the concept equality (Ibid). In the Directive, equality is that “[...] *both parents have common responsibilities for the upbringing and development of the child [...]*” (Ibid). Additionally, equality is that women have same opportunities, access, and treatment at the labour market as men have, and it is when there no longer exists “[...] *gender gaps in earnings and pay*” (Ibid).

4.2.1.1.2. Binaries

Binaries are commonly utilised in policies. Often binaries represent an X/not-X interconnection, where one of the sides are more valued than the other one is and as a result, the more valued side is more important than the other side is. Herewith, binaries entail hierarchies, where one of the sides has more privileges than the other side has (Bacchi 2009, 7).

4.2.1.1.2.1. Women vs. Men

One of the binaries, which the European Union Directive 2019/1158 utilises, is a binary with women on one side and men on the other side. By the means of the discourse of gender equality, the binary focuses on the inequality occurring among women and men. The inequality displays in the childcare

responsibilities in women and men's private life, respectively, and it displays in women and men's treatment, access, and opportunities in the labour market. The binary is two-folded. On one hand, the Directive highlights the privileges men have in regards to employment and opportunities in the labour market by explaining the lack of opportunities women have in comparison. The Directive therefore represents the men as the favourable side of the binary of women vs. men (The European Parliament and the Council of the European Union 2019, 79-81). However, on the other hand and in the perspective of striving for enhancing gender equality, the Directive values achievements contributing to promote women's reintegration in the labour market. The Directive values women's participation in the labour force and the focus is more on the women than on the men (Ibid). Furthermore, by highlighting men's low rate of take-up on parental leave and men's high-rate of transferring entitled parental leave to their partner, the Directive expresses cultural values where women have more rights in terms of childcare responsibilities than men does (Ibid, 79-87).

Thus, the binary is in two parts. On one hand, men have more opportunities in reference to the labour market, whereas women have less. On the other hand, women have numerous privileges concerning childcare opportunities, while men only have a few privileges entitled to them.

4.2.1.1.2.2. Mother vs. Father

The understanding of women and men in the binary of women vs. men further displays in the understanding of mothers and fathers in the binary of mothers vs. fathers. The European Union Directive 2019/1158 states that mothers are more likely to take fewer paid working hours when they become a parent than fathers are. Moreover, the Directive makes it known that fathers spend less hours on responsibilities in regard of childcare than mothers do (The European Parliament and the Council of the European Union 2019, 80). It further elaborates "[...] *fathers do not avail themselves of their rights to parental leave [...]*" (Ibid, 81). Instead, fathers tend to hand over their parental leave entitlements to the mothers (Ibid). In this binary, the interpretation is that mothers are the prime caretakers, whereas the fathers are the breadwinners of the families.

Similar to the abovementioned binary of women vs. men, a division occur in the mothers vs. fathers binary. In the perspective of opportunities concerning childcare responsibilities and parental leave, fathers are underprivileged, but with the Directive 2019/1158, the aim is to entitle fathers more parental rights. An encouragement of fathers to utilise their leave occur, and the interpretation of a good father is one who practices parental leave for at least two months, which is the minimum requirement period of parental leave dictated in the European Union Directive 2019/1158. On the

other hand, the understanding of one being a good mother is one who returns to the labour market after one has taken ones “[...] *period of maternity and parental leave*” (Ibid).

4.2.1.2. A Deconstruction of Equality

The two scholars Johanna Kantola and Mieke Verloo (2018) uncover how gender equality is dealt with through political and theoretical relevance. In their article *Revisiting gender equality at times of recession: a discussion of the strategies of gender and politics scholarship for dealing with equality* in the *European Journal of Politics and Gender* (2018), they discuss and differentiate between four strategies, which is applied in gender and political research when studying gender equality (Ibid, 205-206). The mode of action of the gender equality discourse, which the European Union Directive 2019/1158 emerges from, takes on examples of what Kantola and Verloo describes as ‘Deconstructing Equality’ (Ibid, 213-217).

With the Directive 2019/1158, the European Union aims to deconstruct equality by disrupting hierarchies, which takes place in the labour market. The Directive attempts to displace norms and binaries by “[...] *calling into question the normalised usage of terms and opening them up to new usages [...]*” (Kantola & Verloo 2018, 213). The term, the Directive aims to question and reconstruct is the term of parental leave. Through the Directives attempt to deconstruct equality, it seeks to create a new usage of parental leave and be the means of that the Directive aims to question the norms and binaries, which comes with the term. Thus, the aim of the Directive is to deconstruct equality by construct new norms concerning parental leave. The attempt is further to disrupt the hierarchies, which takes place at the labour market and henceforth, enhance the employment of women by offering a chance to share care responsibilities equally among parents (The European Parliament and the Council of the European Union 2019, 79-81).

Equal distribution of childcare responsibilities among parents and equal access and opportunities to the labour market for men and women is a quality, which the European Union values highly, and all Member States must strive to achieve this (The European Parliament and the Council of the European Union 2019, 79-85). Consequently, the dominant discourse with gender equality as an end goal influences the conceptual logic in the problem representation in the Directive 2019/1158. The social unconscious is that by striving and aiming for gender equality, Member States of the European Union will promote human development (United Nations Development Programme n.d.). By implementing policies, which reintegrate mothers in the labour market and increase mothers’

participation rate in labour force, the economies and the societies of the Member States will thrive (World Economic Forum 2019).

4.2.1.3. A Work-Life Balance Approach in the Discourse of Gender Equality

The gender equality discourse of the European Union Directive 2019/1158 expresses itself through a work-life balance approach. The approach further takes on examples of Kantola and Verloo (2018). By the means of a work-life balance approach, the discourse of gender equality displays through what Kantola and Verloo describes as ‘Gender Sensitiveness’ (Ibid, 2010).

In the Directive 2019/1158, work-life balance issues are addressed, and in addition, ‘strategic’ gender needs is formulated. The Directive states that women experience an imbalance in their work life, which is engendered by their position within the labour market and in their family obligations (The European Parliament and the Council of the European Union 2019, 80). Within the specific context of reconciling professional life and family life, there is a strategic gender need for improving women’s position in regards to empower women’s employment (Ibid; Kantola & Verloo 2018, 210; The European Institute for Gender Equality n.d. h).

Moreover, the European Union Directive 2019/1158 aims to promote ‘father-friendly’ policies (Ibid, 81; Chieragato 2020, 10). The Directive entitles non-transferable leave for fathers as an encouragement for fathers to exercise parental leave and family responsibilities, and hereby utilise their rights as a parent (The European Parliament and the Council of the European Union 2019, 81-87; Chieragato 2020, 9- 10). Consequently, the Directive also highlights a ‘strategic’ gender need for fathers in regards to childcare responsibilities.

4.2.1.3.1. Work-Life Balance as a Key Concept

The key concept of work-life balance originates from the discourse of gender equality and the key concept of equality. Good work-life balance is for instance a parent who can balance professional life and private life without compromising so that one of them affects the other one negatively. On one hand, increasing long working hours and tight work schedules must not complicate the family obligations the parent has. On the other hand, increasing childcare commitments must not have a disadvantageous effect on the employment of the parent (The European Parliament and the Council of the European Union 2019, 79-82). In recital number 6, the Directive states:

“[w]ork-life balance policies should contribute to the achievement of gender equality by promoting the participation of women in the labour market, the equal sharing of caring responsibilities between men and women, and the closing of the gender gaps in earnings and pay” (Ibid, 79).

In other words, the aim is to achieve a balance and that balance is the work-life balance, which includes policies that help parents caught in a bind and feeling that they must choose between work-life and family obligations.

4.2.1.3.1. Parental Leave as a Key Concept

Key concepts are of abstract quantity. They are labels grounded in the history and culture of the governmental practice (Bacchi 2009, 8). Another key concept utilised in the European Union Directive 2019/1158 and expressed through an approach of work-life balance is parental leave. Recital number 26 of the Directive explains how studies show that a higher uptake of parental leave by fathers improve the employment rate of mothers (The European Parliament and the Council of the European Union 2019, 82). By the means of this statement, the Directive prescribes policies regarding minimum requirements in terms of parental leave and paternity leave and count them as achievements that enhance gender equality (Ibid, 81). The Directive defines the concept of parental leave as “[...] leave from work for parents on the grounds of the birth or adoption of a child to take care of that child” (Ibid). Prior to this definition, the Directive states that Member States have the right to define who categorises as a parent in reference to the articles in the Directive 2019/1158 (Ibid, 81). Subsequently to the definition of Parental Leave, the Directive makes it known in article 5 what rights each parent is entitled to as a citizen of the European Union (Ibid, 86). The first right, which the Directive entitles a parent concerning parental leave, is “[...] an individual right to parental leave for four months that is to be taken before the child reaches a specified age, up to the age of eight [...]” (Ibid). The Directive further supplies the right with an encouragement for the Member States to ensure that parents are able to utilise their parental leave and preferable practise their leave on an equal basis (Ibid). The second right, which the Directive implements in regards to parental leave, is that the Member States of the European Union must ensure that a parent cannot transfer two out of the four months entitled parental leave to another parent or others (Ibid, 87). The Directive emphasises the right by stating:

“This Directive lays down minimum requirements, thus giving the Member States the option of introducing or maintaining provisions that are more favourable to workers. Allowing one parent to transfer to the other parent more than two months out of the four months of parental leave provided for in this Directive does not constitute a provision that is more favourable to the worker than the minimum provisions laid down in this Directive” (Ibid, 84).

The quote from the Directive states that the Member States of the European Union are allowed to implement policies, which improve the minimum requirement established in the Directive 2019/1158. However, the European Union does not allow a transfer of two out of the entitled four months of parental leave to be a resolution for improving the parental leave.

The policies regarding parental leave aims to encourage mothers and fathers to delegate care responsibilities more equally among them, and is thought of as an assistance for mothers in order to make their return and reintegration to work easier (Ibid, 81).

4.2.1.4. Hegemonic and Subordinated Masculinities

The represented problem in the European Union Directive 2019/1158 displays in a currently occurring gender segregation in the labour market. In terms of employment, earnings and leading positions, women remain underrepresented (The European Commission n.d.; The European Commission 2020 a). When discussing the purpose of the Directive and “[t]he imbalance in the design of work-life balance policies between women and men [...]” (The European Parliament and the Council of the European Union 2019, 80), the Directive displays a world, which it aims to change. In this display, two different kind of masculinities appear. A Hegemonic and a Subordinated Masculinity.

In her book *Masculinities* (1995), Raewyn Connell explains how every society “[...] have cultural accounts of gender [...]” (Ibid, 67). Gender is a social practise, which is creative and inventive, and gender must be understood through its historical process (Ibid, 68; Ibid, 71-72). Connell presents four masculinities, whereas two of them will be utilised in this analysis.

4.2.1.4.1. Hegemony

Every society has a masculinity, which is culturally perceived as more sublime than other masculinities are (Connell 1995, 77). The Hegemonic Masculinity is a term involving a specific group

of men who uphold a leading position in a social system (Lorentzen 2006, 126). The term is a dominant position of men, and it preserves a leading position through a legitimacy of patriarchy in social life (Connell 1995, 77). In a society influenced by institutional power, a combination of power, patriarchy and Hegemonic Masculinity often constitute a cultural ideal of man (Lorentzen 2006, 126).

The Hegemonic Masculinity expresses itself through the European Union Directive's aim to change norms and hierarchies within the labour market. The Hegemonic Masculinity represents the men with institutional power, who uphold subordination of women and dominance of men (Connell 1995, 74; The European Commission n.d.; The European Commission 2020 a). Through the power and legitimacy of patriarchy, the men maintain and reinforce the underrepresentation of women in the labour market through the agency of employment, earnings and leading positions, respectively. Consequently, the men claiming the dominant position of Hegemonic Masculinity contribute to “[...] *the issue of stereotypes in both men's and women's occupations and roles [...]*” (The European Parliament and the Council of the European Union 2019, 80). The men included in the Hegemonic Masculinity are the ones who the Directive aims to divest of power.

4.2.1.4.2. Subordination

The Hegemonic Masculinity represents a position of power, which is inherently relational. It exists in contrast to an inferior masculinity (Lorentzen 2006, 127; Connell 1995, 78). Connell describes the inferior masculinity as subordination or as the Subordinated Masculinity (Connell 1995, 78).

In the European Union Directive 2019/1158, the Subordinated Masculinity expresses itself through the fathers, who “[...] *do not avail themselves of their rights to parental leave or transfer a considerable proportion of their leave entitlement to mothers*” (The European Parliament and the Council of the European Union 2019, 81). Opposite from the Hegemonic Masculinity, the men included in the Subordinated Masculinity is those fathers who find it desirable to exercise parental responsibilities. The Directive speaks in favour of the inferior men, who exercise parental leave for the Directive's required minimum of two months, and the Directive aims to give the same men more power and hereby, achieve an “[...] *early creation of a bond between fathers and children [...]*” (Ibid).

4.2.1.5. Parenthood and Family

In modern societies today, negotiation is a necessity in all families (Hestbæk 1998, 468). Those are the words of Anne-Dorthe Hestbæk, who further argues that there is no guidelines or formulas on

how to behave or interact in the modern social world. By the agency of that, negotiation processes within the social relations of the family affects the construct of parenthood. As everything else, parenthood does not come with ground rules, but instead it emerge from a negotiating process put together by the modern family itself (Ibid, 468). In the following, the two concepts of parenthood and family will be described.

4.2.1.5.1. Tradition-influenced parenthood and Modernity-influenced parenthood

Hestbæk uncovers and presents two concepts and orientations of parenthood. Tradition-influenced parenthood and Modernity-influenced parenthood (Hestbæk 1998, 472). Hestbæk makes an important point, when she explains how the concepts of tradition and modernity is value-free. For that reason, modernity is not valued more than tradition is. Tradition is not inferior to modernity. Instead, Hestbæk utilises the two concepts “[...] *as neutral descriptions of features that characterize certain ways of constructing parenthood*” (Ibid, 469). The concepts are coexisting orientations. Hestbæk argues that all parents have elements from both concepts, but where some parents emphasise most on the idea of no fixed norms, others feel insecure in the strong element of negotiation. Therefore, some couples might prefer some traits from one of the concepts more than the other one (Ibid).

In her article, Hestbæk ascribes specific traits to the traditional and modern parenthood, respectively. Characteristics such as well-mannered, obedience and thrift are assigned to traditional values, whereas tolerance and imagination attribute modern ideals. In regards to how the two orientations of parenthood perceive the world, the Tradition-influenced parenthood adhere to conventionality involving “[...] *situations where actions are determined by norms of what a person ought to do [...]*” (Ibid, 471). In addition, Modernity-influenced parenthood stand by reflexivity entailing “[...] *situations where people deal with matter consciously [...]*” (Ibid).

The following figure displays Hestbæk’s division of the two concepts of Tradition-influenced and Modernity-influenced parenthood. Furthermore, figure explains how the two orientations differ within four areas of parenthood: Children's upbringing, Parental roles and work roles, Potential for action, and Room for negotiation (Ibid, 472).

Tradition-influenced parenthood	Modernity-influenced parenthood
<p>a. Children's upbringing Stress on well-mannered behaviour, obedience and thrift.</p>	<p>a. Children's upbringing Stress on imagination and tolerance. Demarcation lines are discussed and moved.</p>
<p>b. Parental roles and work roles The maternal role has primacy for the woman, her occupational work is predominantly a financial necessity. For the man, the breadwinner role has precedence over the paternal role. Division of tasks: complementary; she is responsible for chores relating to the home and children. He helps out. Ideal occupational situation: he has full-time work, she has short part-time work, or is at home.</p>	<p>b. Parental roles and work roles Both parents identify with both the parental role and the occupational role. Ideologically her work has equal status with his work. Division of tasks: they share equal responsibility for chores relating to home and children. He is actively involved in practical and emotional care of children. Ideal occupational situation: part-time for both parents.</p>
<p>c. Potential for action Much taken for granted, hence perception of little freedom of action. Steered by conventionality or facticity. Perspective relative to own childhood: continuity, here-and-now oriented.</p>	<p>c. Potential for action Perception of wide freedom of action, scope for change in personal life situation. Steered by reflexivity. Perspective relative to own childhood: new thinking; project oriented.</p>
<p>d. Room for negotiation Relative little room for negotiation. Discussion not expected. Outcome of negotiation deviates little from existing practice.</p>	<p>d. Room for negotiation Many decisions are subject to negotiation. Negotiation is frank and the outcome relatively open.</p>

Figure 2: Model on tradition and modernity in parenthood (Hestbæk 1998, 472).

In reference to the Directive 2019/1158, the section in figure 1, which describes Parental roles and work roles, becomes most interesting. The family structure, which the Directive aims to change, takes on examples from the Tradition-influenced parenthood. The mother is the primary caregiver, while the father is the breadwinner of the family. Where the father takes on full-time work, the mother is responsible for family obligations and therefore only take on part-time work (Ibid, 472). The Directive explains this behaviour as an issue in recital number 10 of the Directive:

“[a] major factor contributing to the underrepresentation of women in the labour market is the difficulty of balancing work and family obligations. When they have children, women are more likely to work fewer hours in paid employment and to spend more time fulfilling unpaid responsibilities” (The European Parliament and the Council of the European Union 2019, 80).

In the quote, the Directive displays a concern of traits from Tradition-influenced parenthood. With the mother as prime responsible for family obligations such as childcare and pattern of mothers taking on part-time work occur, which leads to an underrepresentation of women in the labour market.

In addition, the Modernity-influenced parenthood resembles the family structure, which the European Union Directive 2019/1158 aims to promote. The parental roles and work roles in the Modernity-influenced parenthood is involve a shared equal responsibility concerning childcare responsibilities. The father is to the same extent as the mother *“[...] involved in practical and emotional care of the children”* (Hestbæk 1998, 472). Furthermore, the professional life of the mother is equally important as the father's professional life (Ibid.) In the Directive, traits from the Modernity-influenced parenthood is encouraged. With non-transferable parental leave, the Directive aims *“[...] to encourage fathers to make use of their rights to such leave. It also promotes and facilitates the reintegration of mothers in the labour market after they have taken a period of maternity and parental leave”* (The European Parliament and the Council of the European Union 2019, 81).

4.2.1.5.2. Understanding the concept of family

In the European Union Directive 2019/1158, the definition of family status and the definition of who is a mother, a father, and/or a parent is left up to the Member States to consider and decide (The European Parliament and the Council of the European Union 2019, 81). This statement opens up for alternative families. Furthermore, the Directive encourages Member States:

“[...] to assess if conditions of access and [...] detailed arrangements of paternity and carers leave, and flexible working arrangements should also be adapted to special needs, such as those of single parents, parents with a disability or parents of children with a disability or long-term illness, adoptive parents as well as to special situations, such as multiple births and premature births” (Ibid, 83).

The quote is from recital number 37 in the European Union Directive 2019/1158. It expresses the European Union's acknowledgement of families, who are not aligned with gender norms and who have a family arrangement that differs from the nuclear family, which persists of a man, a woman and their biologically-related children (Chieregato 2020, 10-11). With recital number 37, the Directive aims to encourage Member States to accommodate the needs alternative families might have. However, when the Directive attempts to address gender inequalities concerning care facilitations among women and men, the Directive addresses issues between mothers and fathers. Consequently, the contributions of achievements in reference to gender equality becomes to deal with families who have both a mother and a father. Hence, the Directive aims to promote women's employment by addressing the inequalities among men and women. The European Union Directive 2019/1158 prescribes an attempt of this by the means of alter the requirements of parental leave.

4.2.2. Summary of Research Question Two

In conclusion, for research question two, the answer is that a dominant discourse of gender equality is recurrent throughout the European Union Directive 2019/1158. The Directive entails specific assumptions on equality, work-life balance, parental leave, masculinities, parenthood and family. The discourse of gender equality influences the latter assumption and declares that good Member States must enhance women's employment and support achievements, which contribute to equal opportunities in the labour market and equal share of childcare responsibilities. It entails that good mothers return to the labour market after their entitled maternity and parental leave, and good fathers take their equal share of family obligations by practising their entitled parental leave without transferring the majority of it to their partners.

4.3. How can we understand the European Union's utilisation of Gender Equality and Work-Life Balance policies from a genealogical perspective?

As research question three expresses, this section entails the history or the genealogy of the problem representation in the Directive 2019/1158. It does so in order to understand the power relationship, which occurs in the political process of the Directive. Additionally, the analysis in the following paragraphs involves an examination of how the understanding of gender equality and work-life balance policies have come about in the Directive.

4.3.1. The background of the European Union

The European Union is a co-operation union, which operates on a regional level in collaboration with independently nation states (Rüdiger 2017). According to the European Union itself, the Union was established after the Second World War as the European Economic Community. It was a community where countries could trade with each other. The idea was that when the countries traded with each other, then the countries would become economically interdependent. Consequently, the countries would be less encouraged to go into conflict with each other (The European Commission 2020 b, 7). What began as an economic association, who gathered countries with shared interest in trading, soon expanded into a political union, which dealt with migration, health, security, environment, justice, climate, and external relations (Ibid). In 1993, the European Economic Community changed its name to the European Union and today the union entails 27 democratic nation states. Otherwise known as Member States (Ibid; Rüdiger 2017). The parliament of the European Union entails representatives from each Member State, which the citizens of the Member States have voted to represent them and their country (The European Union n.d. b). Thus, the parliament governs through representative democracy (The European Commission 2020 b, 8).

Today, the European Union is a combination of a traditional intergovernmental collaboration and a supranational institute with the authority to make decisions on behalf of the Member States. The Member States are sovereign autonomous, but in some areas the Member States have given up some of their independency in order to give room for a collaboration among Member States. These areas often involves areas where it makes sense to work together with other Member States in order to get the best outcome (The European Commission 2020 b, 8). In that respect, the European Union has the power to implement policies, which overrules or alter the national legislation in the Member States (Rüdiger, 2017). The vision of the European Union is to advocate for peace, prevail discrimination and enhance human dignity, equality, rule of law, freedom, democracy, and human rights, respectively (The European Union n.d. d). In order to achieve the aim and vision of the European Union in the Member States, the union utilises regulations, directives, decisions, recommendations, and opinions as legal acts and instruments (The European Union n.d. c).

4.3.2. The history of Gender Equality in the European Union

The following paragraph entails a subparagraph, which highlights the importance of the Treaty of Rome and Article 119 in the comprehension of the framework surrounding the history of gender equality in the European Union. The paragraph further entails a subparagraph, which introduce the

European Institute for Gender Equality as a monitor the European Union utilises in reference to achieving and monitoring the process of gender equality in the Member States of the European Union. The final subparagraph highlights the European Union's ambitions and intentions in the future concerning gender equality.

4.3.2.1. The Treaty of Rome and Article 119

After the First World War, the Constitution of International Labour Organization (ILO) was established. A claim in the Convention of ILO was that among men and women, work of equal value meant equal pay. Similar to ILO, France implemented rights that focused on equal pay, which arose from a principle of freedom and equality. The country did so before its fellow Member States. The Constitution of ILO and the French government's demands on equal pay manifests itself in Article 119 of the Treaty of Rome (Kantola 2010, 27-28). The Article states, “[e]ach Member State shall during the first stage ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work.” (The European Commission 1957, 43). The quote declares that the Member States of the European Union must ensure and maintain that men and women receive equal pay for equal work. The Article 119 is a social policy and along with the Article, the Treaty places an obligation for the Member States of the European Union and furthermore, it provides a deadline for the implementation of the social policy (Kantola 2010, 27).

However, despite the intentions of the Treaty of Rome and Article 119, the Federal Labour Court did not perceive the work of women as equal to the work of men, at the time. Instead, the Court categorised the labour force into different types of labour whereas the Court defined the work of women as lighter work, which meant that women's work were valued less than men's were. Consequently, women were paid less than men were (Ibid, 28-29).

4.3.2.1.1. The cases of Defrenne

In the late 1960's, a Belgian airline told an airhostess named Defrenne that she had to resign after her 40th birthday. In comparison, the male colleagues of Defrenne was allowed to work until they were 55 years old (Kantola 2010, 29). The incident lead to that the Belgian lawyer Eliane Vogel-Polsky took legal action against the Belgian state on the grounds of the state's aircrew pension scheme. Vogel-Polsky found the pension scheme discriminating in reference to Article 119 in the Treaty of Rome, and she therefore asked for the Belgian state to annul the pension scheme of aircrew. The case

ended with the European Court of Justice ruling in favour of the Belgian state (Ibid, 29-30). The case is otherwise known as the first Defrenne case.

The second case of Defrenne was in 1976 and it focused on how Defrenne in regards of the discriminatory practice of the pension scheme had suffered loss of earnings (Kantola 2010, 32). The case emphasised the importance of that Defrenne as an individual had rights where she was entitled “[...] to equal pay based on the direct applicability of Article 119 and on the Belgian Article 14” (Ibid). This time around, the European Court of Justice ruled in favour of Defrenne and stated “[...] that Article 119 was directly applicable” (Ibid).

The outcome of the second case of Defrenne had a great significance to European social law, and Article 119 affected the future framework of legislative actions of gender equality in the European Union and its Member States throughout the 70s and 80s (Ibid, 32-33). Despite the defeat of the first Defrenne case, the cases of Defrenne made the basis of two new directives: Equal Pay 1975 and Equal Treatment 1976 (Ibid, 30).

4.3.2.1.2. Equal Pay 1975 and Equal Treatment 1976

In the 1970s, several Member States of the European Union responded favourably to the idea of conducting a common standard in terms of policies revolving equal pay and equal treatment within the areas of social security, pension and taxation. This resulted in a joint movement away from national policies and towards collective actions within these areas (Kantola 2010, 31). The movement allowed equal opportunities policies such as Equal Pay 1975 and Equal Treatment 1976.

4.3.2.1.2.1. The 1975 Equal Pay Directive

In the Directive of Equal Pay from 1975, equal pay was redefined to be “[...] equal pay for work of equal value” (Kantola 2010, 33). The Directive erased the former job categories and the scheme classifications of work force as the Directive perceived the two processes as discriminating (Ibid). In addition, the Directive allowed employees to bring matter before the courts if they were violated their rights by their employer. The Directive was the first example of a national social legislation, which the Council had ever approved in a binding form (Ibid).

4.3.2.1.2.2. The 1976 Equal Treatment Directive

The Equal Treatment Directive 1976 allowed women and men an equal access to the labour market in regards to employment, promotion, training, and working condition (Kantola 2010, 34). The

Directive emphasised that it did not tolerate for Member States to discriminate based on material or family status. Especially the latter statement provided assistance for many women. In the agency of this, the Directive made it possible for equal opportunities policies (Ibid).

4.3.2.2. The European Institute for Gender Equality: A Monitor of Gender Equality

Every year the European Union authorises various documents, reports, studies, and surveys in order to support policymaking with informed and evidenced-based data (The European Union n.d. a). The European Institute for Gender Equality (EIGE) is an autonomous body contributing with high quality research to the European Union. Since its establishment in 2006, a priority of EIGE has been to conduct knowledge for key stakeholders at the European Union who aims to promote and strengthen gender equality. For instance, the European Union utilises the knowledge on gender equality issues from EIGE in their policies as a resource for combatting gender based discrimination (The European Institute for Gender Equality n.d. a). Another function of EIGE is to gather statistics in regards to (in)equality between the two sexes. A database called Gender Statistics Database entails the data and the statistics, and it operates as a monitor of policies contributing to achieve gender equality between men and women (The European Institute for Gender Equality n.d. b). EIGE explains the necessity of statistics as:

“Statistics and indicators on the situation of women and men are needed to describe the roles of women and men in society, the economy, and within the family, to provide the basis for the development of SMART policies and establish sound monitoring and evaluation of their effectiveness. They can help us to reflect upon the challenges strict gendered roles in society present, and demonstrate the negative or positive changes in the status of women in comparison to men in areas such as education, work, access to resources, health or decision-making” (Ibid).

In the quote, EIGE explains that the statistics are important in the analysis of for instance European Union directives, which entails gendered perspectives. The statistics provide an overview of any increase or decrease of gender based issues in societies, economies, and families, respectively. Furthermore, the statistics makes it possible to assess and manage any risk assigned gender related political acts. Through an analysis of the statistics, an understanding of how to utilise good practise as a European Union Member State occur (Ibid).

4.3.2.3. Striving for gender equality today

The 5th of March 2020, the European Union released a press release with a strategy of gender equality. The press release contains various actions for equality, which must be applied before the year of 2025. In the document, it is explained how all European Union policy areas must entail an equality perspective the following five years. One of the target areas is “[...] *ensuring equal participation and opportunities in the labour market* [...]” (The European Commission 2020 a). The press statement explains how women on average earns 16 percent less than men do in the European Union. Moreover, the press release argues that by promoting gender equality in the Member States, the economy across the European Union will thrive. In the light of this, the European Union will implement work-life balance policies with standards that applies to all Member States of the European Union.

4.3.3. Legal Acts of the European Union

In order to achieve the ambitions, which the European Union set out in its treaties, several legal acts are utilised. The legal acts vary in their form in regards to what degree they are binding and they vary in whom they apply to (The European Union n.d. c). The legal acts are opinions, recommendations, decisions, regulations, and lastly, directives. The difference between a regulation and a directive is that where a regulation applies in the Member States in its entirety, a directive an act of general applications towards a specific goal, which allows Member States to devise their own national laws in order to achieve the European Union’s policy goals (Ibid). In addition, where Member States apply a regulation directly to their internal law, the Member States transposes the directive before applying it into their national law (EUR-Lex 2018). In reference to the legal acts being binding acts, recommendations and opinions are not binding, whereas directives are. Furthermore, were decisions for instance only apply to a specific Member State, directives on the other hand addresses all Member States of the European Union in order to achieve a joint goal (The European Union n.d. c).

4.3.3.1. Directives as legal acts

When the European Union adopts directives, the Member States of the European Union incorporate the directives into their national law, subsequently (EUR-Lex 2018). In order for the directives to come into effect on national level, the Member States must implement a law, which transposes the directives. In general, directives have a deadline of two years, where the Member States have to transpose the directives into their national law (Ibid). If a Member State does not manage to transpose

the directives before the deadline runs out, the European Commission can take legal action and bring the given Member State to the European Union Court of Justice, where further proceedings against the Member State follows. As a result, the Court of Justice can distribute fines to the Member State (Ibid).

Directives often entails maximum and or minimum harmonisation. In reference to maximum harmonisation, the directives outline general applications that do not allow Member States to implement rules that are stricter than the ones outlined in the directives (Ibid). In regards to minimum harmonisation, the directives establish minimum requirements, which the Member States as a minimum must achieve. However, with minimum requirements the directives allow Member States to implement laws with a higher standard than the ones required in the directives themselves (Ibid).

4.3.4. The History of Work-Life Balance

This subsection elaborates on the history of work-life balance and furthermore, on the policies implemented by the European Union concerning work-life balance. The first paragraph narrates about the term work-family, which is the front-runner for work-life balance. The paragraph narrates on the term in order to provide the history of how work-life balance came to be. Thus, what Kimberly French and Ryan Johnson (2016) describes as a work-family perspective is in this study known and applied as a work-life balance perspective. Subsequent to the paragraph *The Increasing Interest of the Field of Work-Family*, the study addresses the work-family perspective as the perspective of work-life balance.

4.3.4.1. An Increasing Interest in the Field of Work-Family

Since the 1970s, the field of work-family has been a field of interest. Even though, the field of work-family was not established as a specific area of expertise at the time, other disciplines still studied the interest of work-family (French & Johnson 2016, 10). The increasing interest of work-family originated from questions regarding the domains of work and family. The following subparagraphs displays the increase of interest in the field of work-family throughout four decades: the 1970s, the 1980s, the 1990s, and the 2000s.

4.3.4.1.2. Work-Family in the 1970s

The studies on work-family arose from a societal context where middle-class women with children at school age started to enter the labour market and becoming a part of the workforce (French &

Johnson 2016, 10). Single women and racial minority women had already entered the labour market a few years earlier, but it was not until white women from the middle-class entered that the inception of work-family research really began (French & Johnson 2016, 10).

The integration of women into the labour market was a result of the women's liberation movement and was followed by feminists like Betty Friedan, who questioned previously known gender roles and the father's role as a breadwinner (Ibid, 10-11). The movement addressed women's employment, occupation opportunities for women, and women's participation in higher educations. As a result, the role of the mother expanded at the time. Where the mother still had the primary responsibilities of the family obligations, she now also had the opportunity to be a part of the workforce outside the home. It meant fewer hours for the women to spend on the household, but not fewer responsibilities concerning family obligations (Ibid, 11).

In the 1970s, it was still encouraged to keep work life and family life, separately. However, researchers with interest of work-family displayed how employee's professional life and family life were linked to one another and that workplaces with good reason could assist their employees with flexible working arrangements (Ibid). The Ford Foundation was one of the first supporters of work-family research, and in 1988, they launched *Work and Family Responsibilities Achieving a Balance*, which entailed initiatives that exposed the problems related to Work-Family issues. The Ford Foundation highlighted that work-family issues was a societal issue and that workplaces should aid their employees so the employees could facilitate and balance their work life and family life even better than before (Ibid).

4.3.4.1.2. Work-Family in the 1980s

In the late 1980s, a shift in family structure occurred. The birth control, which had been fabricated since the 60s, became easier to access and among other things; it resulted in the latter shift. The dual-earner family model became more and more favourable. The available birth control decreased the birth rates and allowed women to explore their role on the labour market. Furthermore, the father began to involve himself more into the domestic work at home (French & Johnson 2016, 11).

The women's integration into the labour market followed great challenges and changes to the family life than was previously known. The latter challenges and changes was of great interest for some researchers who further studied how working couples dealt with the new transition in their life (Ibid). Additionally, the research of work-family issues was primarily focussing on the negative aspect of balancing professional life and private life. In 1985, some scholars even defined work-

family as a conflict, which was incompatible in regards to time, strain and behaviour. To this day, this understanding of and approach to work-family is still known and applied (Ibid, 12).

Further studies from 1985 indicated that husbands took on a higher proportion of family obligations in the home when their wives were employed. However, the studies further displayed that it was not because the husbands contributed more to the domestic work than they had done earlier. Instead, the studies explained that the example of levelling the proportions of hours on paid and unpaid work, distributed among husbands and wives, was a result of wives contributing less to domestic work due to their new presence at the labour market (Ibid).

Lastly, where former studies had taken an interest in women and how women's employment affected parenting values and child outcomes, new studies in the 80s focused on a fatherhood agenda where “[...] *the importance of men's involvement in child rearing*” (Ibid) became of great interest.

4.3.4.1.3. Work-Family in the 1990s

In the 1990s, work-family studies gained further interest among researchers and even outside the academic world. Various new outlets began to cover the studies of dual-earner families and working mothers (French & Johnson 2016, 13). Furthermore, the attention of working families, which the research and studies of the 1970s and 1980s had provided, set the stage for legislations and policies in favour of working families in the 1990s (Ibid, 14).

In the middle of the 1990s, an individualisation of work-family experiences emerged. A focus on the individual family and its challenges concerning balancing professional life and family life came to be. The research studied families who were more likely to meet challenges and in addition, it examined the important role gender and family obligations played in reference to experience work-family conflicts (Ibid).

Another popular area of interest within work-family issues was dual-earner couples and child outcomes. The studies examined the effects both mothers and father had individually and in addition, how indicators such as family earnings constructed the couple. Moreover, in society a demand concerning work increased and an economic pressure emerged, thus “[...] *nonstandard work and overwork* [...] *became dominant dual-earner issues* [...]” (Ibid 15).

4.3.4.1.4. Work-Family in the 2000s

In the 2000s, work-family issues was a popular topic in the press. The discussion involved the issues concerning the women's continues role as prime caretakers of the family and the assigned

responsibilities. Following this, the discussion questioned whether women could have and manage it all. If they could manage and have both a successful professional life and family life (French & Johnson 2016, 16).

The 24/7 economy established a norm where employees should be reachable all hours of the day. Consequently, the norm influenced the structure of work and family, and the boundaries between professional life and family life became unclear and uncertain (Ibid). Moreover, the dual-earner family also became a norm of the married households (Ibid).

The studies on individualisation of work-family experiences increased in the 2000s and lead to an understanding of how work-family conflicts are influence by “[...] *work and family saliency and values [...] personal characteristics such as age and race [...] coping styles [...] and boundary management [...]*” (Ibid, 17).

New data conducted in the 2000s indicated that even though the mother was still the prime caretaker of the home and the father occupied more paid than unpaid working hours than the mother did, then an equalisation of the labour division concerning domestic work was slowly coming about. Consequently, “[c]ultural attitudes toward gender equality in division of labour follow this trend” (Ibid). In continuation of this, some work-family researchers shifts their focus to work-family interactions such as positive work-family enrichment and neutral work-family balance (Ibid).

4.3.4.2. Work-Life Balance policies

In several occasions, the European Union has implemented various directives, which address the issues of balancing work life and private life (Europa Kommissionen 2020, 7). Thus, one way the European Union attempts to eliminate gender related distortions at the labour market, which has a negative impact on the employment of women, is to improve the balance between professional and family responsibilities (Ibid). As a result, both parents must take on the obligations, which goes along with having a family with childcare responsibilities.

In the 1990s, the European Union releases two essential directives in terms of work-life balance, which focus on family-related leave. The Directive 92/85/EEC and the Directive 96/34/EC (Chieragato 2020, 6-7). The Directive 92/85/EEC entails general applications concerning pregnant workers and it entitles workers, who fit the criteria of article 2 in the directive, at least 14 weeks of maternity leave (EUR-Lex 2019). The intention of the Directive 92/85/EEC is to improve the health and safety pregnant women with employments (Chieragato 2020, 6-7; EUR-Lex 2019). The Directive 96/34/EC concerns parental leave and it sets out minimum requirements for working women and men

(EUR-Lex 1998 a). In 2010, the Directive 96/34/EC was repealed by Directive 2010/18/EU, which set up individual parental leave rights for working women and men (Chierigato 2020, 7).

Moreover, in the end of the 1990s, the European Union adopts a framework agreement concerning part-time work. The framework agreement is also known as the Directive 97/81/EC (EUR-Lex 1998 b). The aim is to eliminate discrimination towards part-time works and enable possibilities concerning flexible working hours for working parents (Ibid; Chierigato 2020, 7). In addition, the Directive 97/81/EC entitles working parents the right to request for part-time work, when wanting to return to the workplace after parental leave (Ibid).

In 2010, the European Union implemented a directive with a framework agreement concerning parental leave (The European Parliament and the Council of the European Union 2010, 13). In recital number 3, the European Union Directive 2010/18/EU explains:

“A Framework Agreement on parental leave was concluded by the European cross-industry social partner organisations (ETUC, UNICE and CEEP) on 14 December 1995 and was given legal effect by Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC (1). [...] Directive 96/34/EC contributed greatly to improving the opportunities available to working parents in the Member States to better reconcile their work and family responsibilities through leave arrangements” (Ibid).

In the quote, the Directive 2010/18/EU narrates how it emerges from a former framework agreement conducted in 1995 by various social partner organisations. The Directive 2010/18/EU originates from and repeals the previous mentioned Directive 96/34/EC, which also aimed to promote a better balance between professional and family responsibilities (Ibid).

In April 2017, the European Commission wants to encourage further improvements in regards to achieving gender equality at the labour market, and it wants to address the already existing but inadequate work-life balance policies (EUR-Lex, 2017). As a result, the European Commission makes a proposal for a directive, which aims at achieving equal treatment and opportunities at the labour market, and its focus is on improving existing rights and creating new ones within this area. The proposal states that the directive is targeting both parents and carers and it is an aid for them to reconcile their work life and their family life (Ibid). Hereby, the proposal states that the aim of the

directive is to “[...] *modernising the existing EU legal framework in the area of family-related leave and flexible working arrangements*” (Chieregato 2020, 8).

After negotiations back and forth for almost two years, the Council and the European Parliament finally adopt the Directive 2019/1158 on work-life balance for parents and carers (Ibid; The European Parliament and the Council of the European Union 2019). The Directive 2019/1158 is adopted in June 2019 as a revised directive on the grounds of the Directive 2010/18/EU (Ibid). The Directive 2019/1158 complements and strengthens the rights conducted in the Directive 2010/18. Moreover, the Directive 2019/1158 introduces new rights in regards to promote gender equal treatment and opportunities at the labour market. (The European Parliament and the Council of the European Union 2019, 81; The European Parliament and the Council of the European Union 2010, 13). The Directive 2019/1158 declares that the Member States shall bring legal actions that comply with the Directive into force by 2 August 2022 (The European Parliament and the Council of the European Union 2019, 91).

A common denominator for the three work-life balance directives is their aim. The aim is for both women and men to thrive personally and at the work place, respectively. For instance, the directives entail policies in regards to minimum standards on parental leave, flexible working arrangements, and an equal share of childcare obligations among parents (Europa Kommissionen 2020, 7).

4.3.5. Summary

In conclusion, the understanding of the European Union's utilisation of gender equality and work-life balance policies from a genealogical perspective is based on concentrated focus on promoting gender equality across Member States in the European Union. The understanding of gender equality and work-life balance has come about through the political role the European Union possesses and the European Union's political goals about supporting achievements contributing to enhancing gender equality. The abovementioned initiatives thus gives rise to the interpretation of the directive 2019/1158's problem representation of gender equality and work-life balance.

4.4. What does the European Union 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 not display or discuss in its representation of the problems with Gender Equality and Work-Life Balance? What does the representation of the problems with Gender Equality and Work-Life Balance in the Directive leave unproblematic in regards to Member States of the European Union? How can the limits of the problem representation be critically assessed?

The fourth research question searches for the silences in the problem representation. It questions what the European Union Directive 2019/1158 have not thought about in its representation of the problems with gender equality.

4.4.1. The European Union Directive 2019/1158 vs. The Danish Act on Parental Leave

In the section concerning research question two, which elaborates on the Directive's binaries of mother vs. father and women vs. men, it becomes evident that men and fathers is a necessary in the process towards improvement of labour market opportunities and treatment at work for women (The European Parliament and the Council of the European Union, 79-81). The same approach displays in the key concept of parental leave. In the Directive's understanding of parental leave, the Directive states that women and men have to work together in order to contribute to achievements promoting gender equality (Ibid, 79; 84). Thus, when comparing the European Union Directive 2019/1158 with the Danish act on parental leave, the Directive focuses on women's rights to reintegrate to the labour market, and the men's responsibility to render assistance to this process by exercising their parental rights in form of parental leave and childcare responsibilities. By the means of the latter binaries and key concept of the Directive, it becomes clear that the Directive has a gendered approach to parental leave. When the Directive encourages fathers to involve themselves in practical and emotional care of the children, the fathers become a necessary aid and has a great impact on the employment of the mother.

In opposition to the Directive's approach on parental leave, the Danish act on parental leave focuses on women's rights to maternity and parental leave (Beskæftigelsesministeriet 2020, 2). The

men are not in focus, because the history of the Danish act is different from the one of the European Union Directive 2019/1158. In comparison, the Danish act on parental leave focuses on the development and opportunities of women, and it does not necessary rely on the aid of fathers.

4.4.1.1. An Overview of the History of the Danish Act on Parental Leave

Denmark is known for its Nordic welfare model, which among other things contains social and family policies such as statutory leave. The statutory leave dates back to the beginning of the 19th century where the Danish Government implanted maternity leave for the first time. The Danish Government implements maternity leave in 1901 as a part of the Health and Safety at Work Act. Because of this, the first legal actions towards parental leave is not maternity leave as an independent law, but it is as a part of another legal act (Hansen 2013). After the revision of the Factories Act in 1913, the Danish Government gradual improves statutory leave for working mothers. However, it is not until 1984 before a legislative proposal also includes fathers in terms of parental rights (Ibid). After that, the statutory leave is throughout the years extended to offer paternity leave and parental leave as well. Now, both mothers and fathers have the rights to leave with cash benefits in relation to childbirth (Ibid; Sørensen 2012). In Denmark today, future mothers are entitled to take a leave from work four weeks prior to childbirth. Subsequently, recent mothers have the right to and are obligated to make use of maternity leave two weeks post childbirth. In addition, recent mothers are entitled to twelve weeks of leave (Beskæftigelsesministeriet 2020, 2). The latter entitled leave for mothers are nonexchangeable. The leave is reserved for mothers only. Recent fathers are entitled to two weeks of paternity leave, which likewise is non-transferable. Lastly, the recent parents are entitled to 32 weeks of parental leave. The parents can share the 32 weeks of parental leave among them as they see fit (Ibid).

Overall, Denmark has a long history of exercising statutory leave such as parental leave, whereas the European Union seems as a novice in comparison. Throughout the history of exercising parental leave, the Danish Parliament has discussed and negotiated terms and rights of leave for mothers and fathers to the extent, which leads up to the rights of parental leave, which Danish families are entitled to utilise today (Folketingstidende 2001; 2006; 2013; 2014; 2015). The ongoing discussion remains the discussion whether the Danish Government shall reserve parts of the parental leave to the father and make them non-transferable like the Directive 2019/1158 states. An argumentation against this approach is that it is not up to the Danish Government to facilitate the

individual family's parental rights (Sørensen 2012). The individual family knows best, what is best for them as a family (Folketingstidende 2001; 2006; 2013; 2014; 2015).

4.4.1.1.1. The Development of the Danish Act on Parental Leave

Throughout the history of the Danish act on parental leave, the Danish Act takes on examples of early work-life balance research. Similar to the studies on work-life balance, the first Danish legal act on parental leave arises from a societal context where middle-class women with children at school age start to enter the labour market and become a part of the workforce (Hansen 2013; Sørensen 2012; French & Johnson 2016, 10-11). The Danish act on parental leave addresses women's employment and their need to balance professional life and private life. The role of the mother expands over time, and even though the mother has the primary responsibilities of the family obligations, she still has the opportunity to be a part of the workforce outside the home. It means fewer hours for the women to spend on the household, but not fewer responsibilities concerning family obligations (Ibid).

In the beginning of the 1990s, the Danish act on parental leave takes on examples from an individualisation of parental rights (French & Johnson 2016, 14). Along with the statutory leave of paternity leave, a focus on the individual family and its challenges concerning balancing professional life and family life as a family came to be (Ibid, Hansen 2013; Sørensen 2012). An ongoing discussion in the Danish Parliament remains focus on families who are more likely to meet challenges if the Danish Government decides to reserve further non-transferable parental leave for fathers than the already reserved two weeks.

4.4.1.2. Missing out

In the Danish approach, the Danish Government acknowledges other family models, which results in the Danish Government argues for the necessity of these families' freedom of choice.

At the same time, it can be argued that with the gendered approach of the European Union Directive 2019/1158 concerning implementing reserved and non-transferable parental leave for fathers, the European Union will intervene with the lives of the families and force policies upon families, which will have a negative impact on the lives of the European families. The approach focuses on families who do not have the resources or privilege to allow the father to leave work for two months. The Directive does not take into account the necessity of individualisation of parental rights. Thus, the approach forgets the families who for instance cannot effort that the father takes two months parental leave and thereby two months of absence from work. Hereby the reserved months of

parental leave can become an economic issue for some families around Europe (Folketingstidende 2001; 2006; 2013; 2014; 2015).

4.4.2. What is a “good” mother, a “good” father, and a “good” parenthood?

By means of the binary of mother vs. father, the masculinity theory with hegemonic and subordinated masculinities, and the theory on parenthood displayed in research question two, an understanding of how to perceive a “good” mother, a “good” father, and a “good” parenthood ensues.

In the binary of mother vs. father in the gender equality discourse, it becomes clear that the preferable father of the Directive 2019/1158 is the father, who avails himself of his rights to parental leave. A “good” father exercises parental leave for no less than the minimum requirement period of parental leave stated in the latter Directive. Thus, a “good” father take up at least his entitled two months of parental leave. Furthermore, in relation to the theory about hegemonic and subordinated masculinity, the Directive aims to promote the values of the inferior man and ascribe these values to the superior masculinity. The Directive 2019/1158 seeks to overturn the existing hegemonic masculinity, which prevails in the society, and the Directive aims to change the norms, which the present hegemonic masculinity carries. Instead, the Directive wants to legitimise values, which allows fathers to exercise parental responsibilities on equal terms with the mother.

In addition to the binary of mother vs. father, the European Union Directive 2019/1158 encourages mothers to reintegrate in the labour market earlier than experienced before. According to the Directive, the “good” mother returns to the labour market after she has taken her entitled maternity and parental leave, and the “good” mother makes room for father to exercise his entitled parental rights.

In reference to “good” parenthood, the Directive 2019/1158 encourages traits from the Modernity-influences parenthood. The Directive aims to promote a parenthood where the father is involved in family obligations to the same extent as the mother and where the employment of the mother is equally important as the employment of the father.

On the facts of all the above and subsection 4.2., the ones who qualify as a “good” father, a “good” mother, and a “good” parenthood are the desired ones according to the Directive. In opposition to the qualified, the ones who do not fit into the criteria are less favourable. An example is the families who exercise more Tradition-influenced parenthood and a subordinated masculinity such as the homosexual man. The Tradition-influenced parenthood becomes an example of non-desired and wrong parenthood, whereas the framework agreement of the European Union Directive

2019/1158 forgets the subordinated position of the homosexual man, altogether. Were the qualified become examples of what to strive for by the Directive then the misfits are stigmatised as less and inferior to the favourable.

Subsection 5.2. on subjectification elaborates on the process and the effects of this.

4.5. In relation to the representation of the problems with , Work-Life Balance, and Parental Rights, what effects are produced in the European Union Member State Denmark by this representation of the problems in the European Union 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?

The fifth research question develops further on research question four. It focuses on some of the outcomes, which the problem representation creates for the people involved in the Directive. It identifies the effects of the problem representation and investigates them critically. In order to do so, the research question focus on three interrelated effects: discursive effects, subjectification, and lived effects. Based on the latter effects, the following section is divided into three subsection, which each highlights one of the effects.

4.5.1. Discursive effects

The discursive effects entails a subsection, which examines how the Member State Denmark still experiences difficulties concerning the European Union Directive 2019/1158, despite it being ranked as a top scoring country by the European Institute for Gender Equality's Gender Equality Index.

4.5.1.1. Coming to terms but still being in conflict

The following paragraph discusses the clash between the European Union and the Member State Denmark. Denmark becomes an example of a Member State who supports a gender equality discourse and a work-life balance discourse. However, in Denmark the Danish act on parental leave supports the individual's freedom of choice in regards to up take of parental leave. With the focus in the European Union Directive 2019/1158, the families' freedom of choice concerning up take of parental leave is neither discussed nor possible.

4.5.1.1.1. Ranking as top scoring country

The European Institute for Gender Equality (EIGE) has developed a tool, which measures the Member States of the European Union on their progress in terms of gender equality. EIGE calls the tool the Gender Equality Index and the index displays where Member States need to improve in order to achieve the European Union's policy goals concerning gender equality. Since 2013, the index has served as an aid for policymakers and provided them with an overview of areas where further measures towards gender equality can be provided (The European Institute for Gender Equality n.d. c).

Together with Sweden and Finland, Denmark is one of the countries who ranks highest on the Gender Equality Index (The European Institute for Gender Equality 2019, 78). Denmark scores 77.5 out of 100 points on the index, which places Denmark as the second highest score in the European Union and almost 10 points higher than the European Union itself (The European Institute for Gender Equality n.d. d).

Through surveys and other studies conducted by EIGE and the European Union, it displays that other member states are struggling more than Denmark in terms of agreeing with the European Union's policy goals concerning gender equality. However, even though Denmark is among the Member States who agree with the European Union's policy framework towards gender equality, then there are still some issues between the European Union and the Member State Denmark.

4.5.1.1.2. A clash between the European Union and Denmark as a Member State

The subsection concerning research question three displays how the European Union is a regional co-operation organisation and the European Union has the authority to influence policies of its Member States. With this power comes a great responsibility, and sometimes the intention of improving and supporting the Member States backfires. Occasionally, the understanding the European Union perceives the world with does not go hand in hand with the understanding some of its Member States might have. A solution, which the European Union find to be the best solution to a specific problem, might not be a solution, which all Member States find adequate to solve the problem they are having in their specific country.

In the remainder of the subparagraph, Denmark is an example of a Member States where tension occur in regards to the European Union's interference in the Danish citizens' everyday life.

By the means of the European Union Directive 2019/1158, the following especially focuses on the Danish families with young children who are effected by the European Union's interference.

4.5.1.1.2.1. A Discussion concerning Reserved Parental Leave in Denmark

The Danish Parliament has discussed the parental right of 32 weeks of parental leave for Danish parents numerous times throughout the years. Some parties of the Parliament argues that the Danish act on parental leave must reserve more weeks of leave for fathers than the two weeks of paternity leave do (Folketingstidende 2001; 2006; 2013; 2014; 2015). The argument is similar to the one the European Union Directive 2019/1158 suggests (The European Parliament and the Council of the European Union 2019; Folketingstidende 2001; 2006; 2013; 2014; 2015). Some parties of the Danish Parliament argues that longer reserved leave for fathers will enhance gender equality (Folketingstidende 2001; 2006; 2013; 2014; 2015). As a counterargument, other parties of the Parliament argues that by reserving more parental leave for fathers, the Danish Government will intervene with the lives of the families and force policies upon families, which will have a negative impact on the lives of the Danish families. The parties, who are against additionally reserved parental leave, argues that the approach does not take into account the families who cannot effort that the father exercises two months parental leave and thereby two months of absence from work. Hereby the reserved months of parental leave can become an economic issue for the families (Ibid). Another argument is that with the aim of achieving gender equality, the implementation of reserved months marks families who are contempt with mothers having long leaves and with fathers not exercising their entitled leave as something wrong and negative (Ibid). Furthermore, the parties against reserved parental leave argues that by implementing policies, which interferes with the everyday life of the Danish families, is sending a signal to the Danish citizens that the Danish Government do not trust the families in regards to facilitating their own lives.

4.5.1.1.2.2. The arguments of the Danish Government applied to the European Union Directive 2019/1158

The latter argumentation can be used in reference to the European Union Directive 2019/1158. The Directive does display concerns in regards to economic issues for families in recital number 31:

“Member States should set the payment or allowance for the minimum non-transferable period of parental leave guaranteed under this Directive at an adequate

level. When setting the level of the payment or allowance provided for the minimum non-transferable period of parental leave, Member States should take into account that the take-up of parental leave often results in a loss of income for the family and that first earners in a family are able to make use of their right to parental leave only if it is sufficiently well remunerated, with a view to allowing for a decent living standard.” (The European Parliament and the Council of the European Union 2019, 82).

In the quote, the Directive states that the Member States must be aware of the consequent of parental leave resulting in families having a smaller income than normally, which can have an effect on some families' living standards. As a result, the Directive suggests that the Member States set out economic support to compensate and balance out what is lost. Under article 8, point 2, the Directive further states that the economic compensation must be equivalent with the payment the parents would receive if the parents needed to take a leave of absence based on health issues (Ibid, 88). On average, women earn 16 percent less than men do (The European Commission 2020 a). Therefore, there will be an unbalance in the economy of the families when the income of the father decreases as he exercises parental leave for two whole months. Consequently, the issue with the Directive's statement is that the compensation might uphold the living standard of the families for a few weeks. However, after some time the income from the compensation will not be enough, which might result in families running into financial trouble, if they exercise the entitled two months of parental leave.

Another result by reserving two months parental leave to each parent is that some families will have to shorten their parental leave overall, because the family is dependent on the higher income of the father. Consequently, the two non-transferable months of parental leave will be lost. It can therefore be argued that the choice the parents are forced to make means that time will be taken away from the children and moreover, result in that less quality time will be spent among the parents and the children.

4.5.1.1.2.3. Freedom of choice

The latter trust issue from the Danish Government's debate on reserved parental leave in Denmark is transferable to the European Union Directive 2019/1158. In the approach of the European Union implementing the Directive, it can be questioned if not the European Union takes away the families' freedom of choice, when implementing non-transferable parental leave. Moreover, with the

implementation, a suspicion of mistrust occur. It can be argued that with the Directive 2019/1158, the European Union does not trust that each individual family knows what is best for themselves. It is a mistrust, which illustrates that the European Union does not consider the individual family to be capable to facilitate its own household and the economy of its own family.

4.5.1.2. Summary of Discursive Effects

What the European Union Directive 2019/1158 does not display or discuss, but instead leave unproblematic in regards to Member States of the European Union, is that what the European Union considers a solution to gender equality might not be what Denmark as a Member State finds useful in order to change their status quo. In some cases, it is more on contrary. Based on other cultural values and history concerning parental leave, parties of the Danish Parliament argue that a reserved parental leave for fathers can make the everyday life of some Danish families rather difficult. Instead, the Danish Government speaks in favour of the families' freedom of choice.

As a result, even though Denmark ranks high in the Gender Equality Index and therefore on paper speaks into the same Gender Equality Discourse as the European Union's policy goals, then the Danish Government acknowledges other family models, which results in the government arguing for the necessity of these families' freedom of choice.

4.5.2. Subjectification

Research question five examines subjectification, which displays various subject positions and it exposes dividing practices within the European Union Directive 2019/1158. The subsection examines how the Directive 2019/1158's representation of gender equality and work-life balance imposes on Member States, and how the Directive creates problems for those who do not fit the criteria of parental rights. The subjectification displays how the Directive unproblematic leaves a negative mark on subject positions who do not fit the criteria of what the Directive perceives as being "good".

4.5.2.1. Fitting into the criteria

The following subsection displays that when the Directive discusses parental leave then it rules out the consideration of parental leave for those who do not fit the criteria.

As pointed out in the section concerning research question two, the recital number 37 in the European Union Directive 2019/1158 attempts to open up for alternative families. In the statement, the Directive encourages Member States:

“[...] to assess if conditions of access and [...] detailed arrangements of paternity and carers leave, and flexible working arrangements should also be adapted to special needs, such as those of single parents, parents with a disability or parents of children with a disability or long-term illness, adoptive parents as well as to special situations, such as multiple births and premature births” (Ibid, 83).

The quote expresses the European Union’s acknowledgement of families with diversity and needs, who are not aligned with gender norms and who have a family arrangement that differs from the nuclear family, which persists of a man, a woman and their biologically-related children (Chieragato 2020, 10-11). With the statement in recital number 37, the Directive aims to encourage Member States to accommodate the needs alternative families might have. However, when the Directive attempts to address gender inequalities concerning care facilitations among women and men, the Directive addresses issues between mothers and fathers. By the means of the discourse of gender equality and the approach of work-life balance, the Directive 2019/1158 displays mothers and father as binaries and in spite of the Directive’s attempt to acknowledge alternative families and their needs, the nuclear family becomes the dominant family in the Directive.

4.5.2.1.1. Subject positions and dividing practices

The favourable subject positions are the ones who fit into the criteria of a “good” father, a “good” mother, and a “good” parenthood/family. In addition, the favourable subject positions are the ones who fit into the criteria the individual Member States have in terms of defining a parent. In opposition to the favourable subject position, the less favourable subject positions are the ones who misfit the criteria. The Directive’s perception on what is right and wrong behaviour have an effect on how the subject positions perceive the world. By the agency of this, the dominant discourse of the Directive divides the different subject positions into dividing practises, where the favourable subject positions becomes examples of desired behaviour. On the other hand, the divide stigmatises the misfit subject positions as less and inferior to the favourable subject positions. Moreover, the dominant discourse look down on the behaviour of the misfit subject positions, even though their behaviour is what makes ends meet for their family. Consequently, the Directive’s division of subject positions reduces the misfit subject positions’ lines of actions.

In regards to alternative families, the latter reduction of possible actions is reflected in the restricted eligibility criteria, which some families do not fit into. As a result, the alternative families is misfit subject positions whose lines of actions are reduced by the means of denying them access to parental rights such as parental leave.

4.5.3. Lived effects

This subsection entails the lived effect and it investigates the impact the problem representation has on the lived lives of the people involved. The subsection discusses the heterogeneity across Member States of the European Union, and it discusses how the heterogeneity has an impact on the outcome of the European Union Directive 2019/1158.

4.5.3.1. The Result of Heterogeneity across Member States of the European Union

Traditionally, work-life balance as a field of interest and as a policy has throughout history maintained a focus on entitling opportunities and rights to nuclear families, and furthermore, paid very little attention towards different family arrangements (Chieregato 2020, 10; See section 4.2.1.3. and 4.3.4. in this Thesis). It can therefore be discussed that the work-life balance approach, which the Directive 2019/1158 utilises, affects the Directive with a heteronormative bias, which prohibits the Directive in embracing and involving families who is not constructed as nuclear families and who do not align with gender norms. Consequently, the Directive becomes the root cause to many alternative families' difficulties in being recognised as a legal parent in the Member State, which the individual parent belong to and is a citizen in. Furthermore, with the Directive's inadequate focus on different family arrangements than nuclear families, same-sex couples, single parent families, reconstituted families, and polyamorous relationships are most likely to experience an exclusion “[...] *from the possibility of accessing parental leave*” (Chieregato 2020, 10).

Despite recital number 37 in the European Union Directive 2019/1158 and the Directive's statement that “*Member States have the competence to define marital and family status, as well as to establish which persons are to be considered to be a parent, a mother and a father*” (The European Parliament and the Council of the European Union 2019, 81), the result is that other family arrangements than the nuclear family has rather limited access to family-related leave. Based on data collected by the European Institute for Gender Equality “*Overall, 11 Member States have policy eligibility rules whereby same-sex parents are not eligible for parental leave, with implications for adoptive parents from same-sex households*” (The European Institute for Gender Equality n.d. g).

The data states that 11 Member States of the European Union do not recognise same-sex parents as eligible for parental leave. Hence, the Directive's statement of leaving the legal recognition of parenthood up to the individual Member State creates great difficulties in reference to alternative families, because the criteria of entitlement of parental leave and flexible working arrangements is unevenly distributed across Member States (Ibid; Chiericato 2020, 11; The European Institute for Gender Equality 2020, 16-18). For instance, only four Member States grant every parent the opportunity of parental leave without categorisation. The four Member States do not divide parents in terms of "[...] *being in employment, the length of time in current work, the type of occupation or whether an individual is in a heterosexual or same-sex partnership*" (The European Institute for Gender Equality n.d. g). Instead, the four Member States decline these restrictive eligibility criteria (Ibid). However, because of the uneven distribution of criteria of entitlement of parental leave and flexible working arrangements, multiple alternative families experience an exclusion from parental rights such as parental leave.

4.5.3.2. Summary

Overall, when the Directive does not define the marital and family status itself, but it instead leave it up to the individual Member States, an exclusion of parental rights for some families occur. The heterogeneity across Member States of the European Union prevents families such as single parents, same-sex couples, extended families, etc. in receiving and accessing parental rights such as parental leave, because the alternative families do not fit the restrictive eligibility criteria set up by the individual Member States.

4.6. How is the European Union 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 disseminated? How can it be questioned?

This is the last research question and it builds on research question three, which focuses on the history and genealogy of the Directive. Research question six questions the process of the problem representations, which brought it about. It questions the means of the Directive, which it is utilising to legitimise the problem representation and making the representation the most dominant (Bacchi 2009, 19).

Throughout history, the European Union adopts various directives for the Member States to transpose onto their national laws. One of the directives are the one, which this study examines. It is the European Union Directive 2019/1158, and it aims to target the:

“[u]nbalanced design of leave between genders, insufficient incentives for men to take leave to care for children and/or dependent relatives, limited possibilities to make use of flexible working arrangements, insufficient formal care services and economic disincentives[...].” (EUR-Lex 2017).

As the quote states, the Directive 2019/1158 outlines general applications concerning the challenges female workers experience at the labour market. This means unbalance between genders, lack of legal action for men to participate in practical and emotional care of the children, missing arrangements concerning paid leave, and limited access to flexible working arrangements (Ibid). Moreover, the Directive is binding and it applies to all Member States. However, the Directive allows the Member States to be creative in the way they decide to transpose the Directive into their national law (EUR-Lex 2018, The European Union n.d. c). This makes room for self-interpretation and subsequently, it can cause political resistance in the transposition stage, when the Member States attempt to implement the reconciliation policies (Doná 2012, 117).

4.6.1. Italy's Domestic Context as a Challenge for Reconciliation Policies

By all accounts, the compulsory obligations of the European Union Directive 2019/1158 gives Member States a chance of domestic change (Doná 2012, 102; 114). However, the receptiveness of the Member States in regards to the demands the European Union presents to the Member States depends on the domestic context of the individual Member State (Doná 2012, 109). Even though each Member State is bound to the European Union's policy goals then each Member State adjust its policies in the transposition process so it agrees with its own history (Doná 2012, 100).

By the agency of reconciliation policies, two discourses prevail in the European Union's policy goal of gender equality. One is a 'sharing discourse', which encourages men to participate in care responsibilities in the family. The other discourse is an 'employability discourse', which promotes flexible working arrangements in favour of working parents (Doná 2012, 104). An increase in female employment is the goal (Ibid, 105). In addition to this, the discourse of the European Union is that women are both mothers and workers, and that one do not rule out the other. In comparison, the

discourse of Italy is strong on family tradition. Even the welfare state in Italy is constructed around strong and loyal families, and the division between men and women is clear. In Italy, the role of the woman is the role of a caregiver (Doná 2012, 108). The Catholic Church is one of the actors, who plays a part in the construct of the discourse of Italy. The Catholic Church has strong momentum in influencing legislative acts that legitimise the family model consisting of a man and a woman (Doná 2012, 115-116). The Catholic Church advocate for the tradition family model and it is a strong opponent to changes. By this, the Catholic Church also has a big influence in the cultural debate on preserving the traditional status quo (Ibid).

According to the Gender Equality Index conducted by the European Institute for Gender Equality, Italy ranks as number 14th. The scores of Italy are lower than the ones of the European Union in almost every domain. Especially the domain of work is critical, since the scores of Italy is the lowest in all the Member States of the European Union (The European Institute for Gender Equality n.d. f).

Nevertheless, in 2000, Italy passes two laws as a contribution to promote the participation of women's employment. The first law is the Legislative Decree 61, which is a reform of part-time work. The framework agreement transposes from the Directive 97/81/CE, which addresses the social partners on part-time work (Doná 2012, 105). The second law is Law 53, which provides support for parental rights such as maternity and paternity leave. The law transposes from the Directive 96/34/EC, which challenges, complements and strengthens former rights on parental leave (Ibid).

In the process of implementing reconciliations policies in Italy, the European Union's discourse of sharing responsibilities is overturned by the Italian discourse, where the mother is centred as the primary caretaker. As a result, measures are made in terms of assisting only women in reconciling work and family responsibilities. The measures target women. (Doná 2012, 112). By contrast, the men and their responsibility in terms of care obligations and their opportunities for parental rights is disregarded (Doná 2012, 112).

Even though the reconciliation policies of Italy is conducted under strong pressure of the European Union and its policy goals towards increasing female employment, the pressure from the domestic discourse of Italy is greater. As a result, the Italian discourse of 'familialism' "[...] *blocks the adoption of real work-family reconciliation policies*" (Doná 2012, 117). Hence, the discourse of Italy where the family remains a traditional position overrules the European Union's policy goals concerning the female caring role and women's employment (Doná 2012, 110).

4.6.2. Possible Hindrances for a Solution

Associate professor Alessia Doná (2012) states that “[...] *cultural factors refer to the consolidated cultural model that defines what family is and what the appropriate role for women in society should be*” (Doná 2012, 103). There is no better way to illustrate this than by the above-mentioned example with Italy. The traditional family model influences the cultural factors of Italy and it centres Italian mothers as primary caretakers. Despite numerous attempts by the European Union, a political resistance in the transposition stage prevails in Member States where the national law diverges too great from the policies of the European Union. The greater the divergence is, the harder it is to reconcile the policies and achieve domestic policy changes (Doná 2012, 100). The cultural factors, which defines what a family is and what role women have in society, are possible hindrances for the European Union Directive 2019/1158 success.

The heterogeneity in cultural values displays across Europe, and each Member State of the European Union has a different understanding and definition on what defines as a family and what responsibilities women and men has, respectively. In addition, each Member State builds on these understandings and definitions to establish specific criteria, which each parent must fulfil in order to be entitled parental rights such as parental leave (The European Institute for Gender Equality n.d. f; The European Institute for Gender Equality 2020). With the European Union’s lack of definition on who has the competencies to qualify as a parent, parents who do not fulfil the criteria set by the individual Member State risk exclusion from the latter rights (Ibid; The European Parliament and the Council of the European Union 2019, 81).

The unbalance on the economy of families is another obstacle for the Directive 2019/1158 to achieve its goals. Even though, the Directive states that Member States must be aware of the consequent of parental leave resulting in families having a smaller income than normally and the effect of this, then there will still be an unbalance in the economy of the families, whose living standards depends a great deal on the income of the father (The European Parliament and the Council of the European Union 2019, 82). This issue will most likely occur in families influenced by a breadwinner model or families where the father’s earnings count for the majority of the family’s joint income. Consequently, the compensation, which the Directive 2019/1158 encourages Member States to make, might only uphold the living standard of the families for a few weeks (Ibid). After some time, the income from the compensation will for some families not be enough, which might result in families running into financial trouble, if the father exercises the entitled two months of parental

leave. As a result, the father might even decline the non-transferable months of parental leave, which leaves the family with inferior parental rights.

All three examples are hindrances for the European Union Directive 2018/1158, and they all result in outcomes where parental rights are reduced instead of optimised as it was meant with the Directive 2019/1158, originally.

4.6.3. Counterbalancing Potential Solutions

The following subsection will evaluate potential solutions in terms of overcoming the hindrances the European Union Directive 2019/1158 might experience when aiming to achieve its goals. The first paragraph evaluates possible outcomes if the European Union in the Directive defines the term ‘family’ and in addition, presents criteria parents must fulfil in order to be eligible for parental rights. The second paragraph examines financial disparities and proposes how equal pay for equal work might be a way in which the Directive 2019/1158 can achieve its goals.

4.6.3.1. Defining ‘family’ and presenting restrictive eligibility criteria

In reference to the latter issue where the Directive decides to leave the definition of what a family is up to the individual Member State and how it based on cultural factors constitutes hindrances for the goal of the European Union Directive 2019/1158, a solution comes to mind. Instead of leaving the definition of a family and of a parent up to each Member State and its domestic context, the European Union could define the two terms, itself. Consequently, the Directive will not be the root cause to many alternative families’ difficulties in terms of being recognised as a legal parent in the Member State. Instead, the European Union will set out the restricted eligibility criteria.

However, the solution would still be insufficient. Even though, the Directive 2019/1158 legitimises nuclear families, same-sex couples, single parents, reconstituted families, polyamorous relationships, etc. as eligible families with parents who are entitled to parental rights, the solution would still be of half measures. The reason for that is two-folded. Firstly, the solution would not be sufficient because new families are constructed everyday around the world. If the European Union were supposed to keep up with the new construction of families, then it would simply find it hard to keep track and might even find it hard to find time for anything else. The Directive would simply have to alter the definition in the Directive every week. Furthermore, some families might not even perceive themselves as one of the categories mentioned in the Directive or they do not find themselves

belonging entirely to a category within the mentioned families, and therefore, the confusion will deteriorate.

Secondly, if the European Union were to define what types of families are eligible and entitled to parental rights, a mistrust might occur between the European Union and the Member States. In the process of establishing restricted criteria, it can be questioned if the European Union makes the basis of a mistrust to its Member States' and their knowledge about the wishes and desires of their own citizens. In the process, a suspicion of mistrust occur. It can be argued that with definition in the Directive 2019/1158, the European Union does not trust that each individual Member State knows what is best for the families who lives in the given Member State. A mistrust illustrating that the European Union does not consider the Member States' to be capable of facilitating legal acts in favour of their own population. With this mistrust, the European Union risks that in Member States where the consolidated cultural model of what defines a family diverges to great from the definition of the Directive 2019/1158 and from the European Union in general, it becomes hard to reconcile the policies and achieve domestic policy changes. If the worst comes to the worst, the Member States, who experience this resistance and difficulties in coming to terms, experience it too often then they might resign from the European Union.

4.6.3.2. Financial disparities

Since the European Union Directive 2019/1158 is a legal act from the European Union towards achieving gender equality in terms of women's employment and parents' caring responsibilities, the solution might be within the area of economic participation and opportunity. According to the World Economic Forum (2019), the dimension of 'Economic Participation and Opportunity' has the second widest gender gap on a global scale (World Economic Forum 2019, 10). One of the reasons are 'Financial disparities' (Ibid, 11). The Worlds Economic Forum explains that "*[o]n average, over 40% of the wage gap (the ratio of the wage of woman to that of a man in a similar position) [...] are still to be bridged*" (Ibid). The quote displays how equal work does not mean equal pay for women. With a wage gap on more than 40 percent worldwide, women almost earn half of what men do who works in a similar position as themselves (Ibid). The same pattern occur in Europe. The European Commission clarifies that on average, women earn 16 percent less than men do, in the European Union (The European Commission 2020 a). The solution for breaking the current wage gap between men and women performing equal work might also be the solution for the Directive 2019/1158 to obtain.

The European Institute for Gender Equality (EIGE) has defined the issue of equal pay for equal work: *“Equal pay for work to which equal value is attributed, without discrimination on grounds of sex or marital status, with regard to all aspects of pay and conditions of remuneration”* (The European Institute for Gender Equality n.d. e). The solution can be found in this definition. The European Union Directive 2018/1158 cannot stand on its own if it wishes to succeed. It needs several legal acts to back up the goal and the discourse of the policy. One of the legal acts is an act addressing the wage gap between women and men who work in similar positions. The legal act must entail an ‘equal pay for equal work of equal value’ discourse. It must inspire from the definition of EIGE and address discrimination based on sex or marital status. In the spirit of Article 119 of the Treaty of Rome and the Directive of Equal Pay from 1975, it must build on the existing rights and policies and introduce new ones in the spirit of ‘equal pay for equal work of equal value’. The purpose of the legal act is to target the issues the Directive 2019/1158 warns the Member States about in terms of unbalance in the economy of families. The legal act’s objective is the families whose living standards depend a great deal on the income of the father, because there is an unbalance in the wages of the mother. The latter wage gap causes the unbalance, and the legal act targets this issue and provides rights for women who are in a similar position. By the means of this, the legal act contributes to the closing of the gender gaps in earnings and pay and thus, helps families who normally would be affected by the general applications of the Directive 2019/1158. Consequently, the legal act will uneven some of the unbalance in the economy, which some families would experience when taking up the two non-transferable months of parental leave.

In conclusion, the legal act will contribute to the achievement of gender equality by acting as a legally binding act and apply to all Member States in the European Union. In addition, the legal act will function as a support to the goals of the European Union Directive 2019/1158 and by the agency of that, it will promote the employment of women and encourage men’s involvement in practical and emotional care in the home.

5. Conclusion

For this study, the problem formulation concerns about how the European Union Directive 2019/1158 on work-life balance for parents and carers represented the problems with gender equality, work-life balance, and parental rights. Thus, the problem formulation for this study is as follows:

How are the 'problems' of Gender Equality, Work-Life Balance, and Parental Rights represented in the European Union Directive 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?

On the basis of the analysis and discussion inspired by Carol Bacchi's WPR approach, I can conclude, that the dominant discourse of the European Union Directive 2019/1158 is gender equality, and that the policies of the Directive aims to support efforts, which the European Union's Member States make in reference to promoting women's participation in the labour market. One of the achievements is an equal share in caring responsibilities between men and women. The Directive 2019/1158 sheds light on a gender related issue where balancing work life and family life becomes a challenge for some families. The Directive explains how there is a tendency that women who have become mothers are more likely to work fewer hours and undertake unpaid caring responsibilities than first time fathers are. Consequently, some women have to balance work and care responsibilities in the family and it can affect negatively on women's participation on the labour market.

In conclusion, the Directive entails specific assumptions on equality, work-life balance, parental leave, masculinities, parenthood and family. The discourse of gender equality influences the latter assumptions and declares that good Member States must enhance women's employment and support achievements, which contribute to equal opportunities in the labour market and equal share of childcare responsibilities. It entails that 'good' mothers return to the labour market after their entitled maternity and parental leave, and 'good' fathers take their equal share of family obligations by practising their entitled parental leave without transferring the majority of it to their partners. In reference, the Directive aims to question and reconstruct the term of parental leave. Through the Directive's attempt to deconstruct equality, it seeks to create a new usage of parental leave and be the means of that the Directive aims to question the norms and binaries, which comes with the term. Thus, the aim of the Directive is to deconstruct equality by constructing new norms concerning parental leave. The attempt is further to disrupt the hierarchies, which takes place at the labour market and henceforth, enhance the employment of women by offering a chance to share care responsibilities equally among parents.

I further conclude that the Directive attempts to encourage Member States to accommodate the needs alternative families might have. However, when the Directive attempts to address gender inequalities concerning care facilitations among women and men, the Directive addresses issues between mothers and fathers. Consequently, the contributions of achievements in reference to gender

equality becomes to deal with families who have both a mother and a father. Hence, the Directive aims to promote women's employment by addressing the inequalities among men and women. Based on this, other family arrangements than the nuclear family has rather limited access to family-related leave. Additionally, the Directive's statement of leaving the legal recognition of parenthood up to the individual Member State creates great difficulties in reference to alternative families, because the criteria of entitlement of parental leave and flexible working arrangements is unevenly distributed across Member States. Thus, I conclude that the Directive fails in embracing and involving families who is not constructed as nuclear families and who do not align with gender norms. Consequently, the Directive becomes the root cause to many alternative families' difficulties in being recognised as a legal parent in a Member State. With the Directive's inadequate focus on other family arrangements than the nuclear families, the Directive ends up reducing alternative families lines of action, and thus, for instance, same-sex couples, single parent families, reconstituted families, and polyamorous relationships experience an exclusion to access parental rights such as parental leave.

At the same time I conclude, that despite the Directive's effort to highlight that an economic compensation is needed for parents exercising parental leave, an unbalance in the economy will still occur in the families who depend on the income of the father. Those families cannot effort the decrease in their income, which occur when the father exercises parental leave for two whole months. The compensation, which the Directive speaks in favour of, might uphold the living standard of the families for a few weeks. However, after some time the income from the compensation will not be enough, which results in families running into financial trouble, if they exercise the entitled two months of parental leave. For those families, the non-transferable months of parental leave is an economic issue.

The causes of this, I conclude, is displayed in the individual cultural factors of each Member States, which defines what a family is and what role women have in society. These cultural factors are possible hindrances for the European Union Directive 2019/1158 success. For instance, even though Denmark is a Member State who on paper supports the European Union's policy goals concerning gender equality, the Danish history and approach on parental leave various from the one of the European Union. As a result, the Danish act on parental leave supports the individual's freedom of choice in regards to up take of parental leave, whereas the families' freedom of choice concerning up take of parental leave is neither discussed nor possible, in the European Union Directive 2019/1158. Furthermore, the cultural values of Italy affects Italy's perception and understanding of the European Union directives. Even though the reconciliation policies of Italy is conducted under

strong pressure of the European Union and the union's policy goals towards increasing female employment, the pressure from the domestic discourse of Italy is greater. As a result, the Italian discourse of 'familialism' becomes a hindrance for work-family reconciliation policies. Hence, the discourse of Italy where the family remains a traditional position overrules the European Union's policy goals concerning the female caring role and women's employment (Doná 2012, 110).

Lastly, I conclude that even if the Directive decides to define the definition of a family and of a parent in the Directive, confusion and mistrust will still occur. Consequently, I conclude that a solution to the hindrances the Directive meets is to support the Directive with another legal act. In the spirit of Article 119 of the Treaty of Rome and the Directive of Equal Pay from 1975, the legal act must build on the existing rights and policies and introduce new ones in the spirit of 'equal pay for equal work of equal value'. The legal act will function as a support to the goals of the European Union Directive 2019/1158 and by the agency of that, it will promote the employment of women and encourage men's involvement in practical and emotional care in the home.

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