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The employee's right to the protection of family life in international law and European Union law: between declaratory commitments and effective safeguards

Prawo pracownika do ochrony życia rodzinnego
w prawie międzynarodowym i w prawie Unii Europejskiej:
między deklaracją a realną ochroną

Abstract

The article examines the regulatory framework governing the employee's right to the protection of family life under international law and European Union law. Its objective is to assess the extent to which existing legislative instruments — in particular Article 8 ECHR, the ICCPR, ILO conventions, Council of Europe standards and EU secondary legislation — provide effective protection of workers' family life. The article presents the principal legal regulations and the relevant lines of jurisprudence relating to the protection of the employee's right to family life, indicating both the scope of state obligations and the nature of the rights conferred on workers.

Keywords

family life; employee rights; international law; European Union law; labour law

JEL: K31

Streszczenie

W artykule podjęta została analiza regulacji prawa pracownika do ochrony życia rodzinnego w prawie międzynarodowym oraz w prawie Unii Europejskiej. Celem opracowania jest ustalenie, w jakim stopniu obowiązujące instrumenty prawne – w szczególności art. 8 EKPC, MPPOiP, konwencje MOP, standardy Rady Europy oraz prawo wtórne UE – zapewniają skuteczną ochronę życia rodzinnego pracownika. Przedstawione zostały najważniejsze regulacje prawne oraz linie orzecznicze odnoszące się do ochrony prawa pracownika do życia rodzinnego, ze wskazaniem zakresu obowiązków państwa i charakteru uprawnień po stronie pracownika.

Słowa kluczowe

życie rodzinne; prawo pracownika; prawo międzynarodowe; prawo Unii Europejskiej; prawo pracy

Introduction

The relationship between work and family life has undergone profound transformations in the modern era. For much of human history, the rhythm of work and private life was largely dictated by natural cycles — seasons, days, and nights. A discernible conflict between work and family life emerged in the 1970s, when the growing tendency towards continuous work and the pressure to devote increasing amounts of time to professional activity made reconciling employment and personal life increasingly difficult, particularly for those with family responsibilities. In an increasingly globalised and technologically driven world, professional obligations often extend beyond spatial and

temporal boundaries, intruding upon family life and adversely affecting both individual well-being and social cohesion.

This tension has prompted governments and employers to seek regulatory and organisational solutions that facilitate a more harmonious balance between family commitments and professional obligations. Moreover, persistently low fertility rates and other demographic challenges underscore the need for legal frameworks that enable employees to balance family and work responsibilities while supporting broader social objectives. It is assumed that the fertility rate ensuring generational replacement is approximately 2.1 (Organisation for Economic Co-operation and Development [OECD], 2019, p. 76).

Undoubtedly, contemporary social and economic challenges, such as demographic changes, transformations in the labour market, and the development of information technologies, have a significant impact on the shaping and application of labour law policies. Therefore, determining the *ratio legis* cannot be confined to a narrow legal-dogmatic approach; it must also consider these broader contexts.

The inspiration for such an approach comes from Ronald Dworkin's views, according to which „general reflection on law cannot be limited merely to describing law and defining its concept” (see Zirk-Sadowski, 2022, p. xii).

The protection of family life within employment relations constitutes one of the central axiological and functional challenges of contemporary international and European labour law. The right to respect for family life, recognised as a fundamental human right, is reflected in both universal international instruments and European Union law, including the *Charter of Fundamental Rights of the European Union* and secondary legislation. Within the sphere of employment relations, this right acquires particular importance, as its realisation requires the balancing of two systemic values – the right to respect for family life and the freedom to conduct a business.

The research area of this study is confined to the protection of employees' right to family life within the framework of individual labour law, which governs relations between an employee and an employer, as opposed to collective labour law that regulates group relations between employers and workers' representatives.

The purpose of this study is to examine the scope, content, and effectiveness of international and European labour law provisions safeguarding employees' right to family life, as well as to uncover the *ratio legis* and axiological foundations underlying their adoption. The analysis seeks to identify the legal and social values that shape this protection, to determine how these values have been institutionalised within labour law, and to assess whether the existing regulatory model adequately reflects contemporary social and economic transformations of the labour market. Methodologically, the study relies primarily on the dogmatic legal method, which enables the reconstruction and interpretation of the normative content of binding legal standards and their systemic role within the framework of labour law. Complementarily, the axiological method is employed to identify the ethical premises and value assumptions underlying the analysed provisions, in particular those relating to human dignity, social justice, and equality of treatment in employment.

The research hypothesis adopted in this study assumes that contemporary European and international labour law regulations concerning the protection of employees' family life are, to a considerable extent, declaratory in nature, and that the actual level of their implementation and effectiveness remains limited. It is further assumed that these regulatory frameworks are founded upon an axiological premise according to which family life constitutes an intrinsic element of human dignity and, as

such, requires protection within the sphere of employment relations not merely for social reasons, but also as a manifestation of the principles of social justice and equal treatment in employment.

The right to the protection of family life refers to an individual's ability to maintain and develop family relationships, which aligns with Article 8 of the European Convention on Human Rights, stating that everyone has the right to respect for their private and family life, their home, and their correspondence.

By contrast, the protection of the family as an institution may involve a broader spectrum of social, economic, and legal issues, extending beyond the scope of individual employment relationships. The employee's right to the protection of family life belongs to the category of subjective rights, which entitles the right holder to act or behave in a certain way or to demand specific actions from others.

Although the concept of subjective rights raises considerable controversy in legal sciences and there is still no full agreement on its definition or nature, it can generally be accepted that it represents a sphere of possibilities for acting in a certain way.

A more developed concept sees it as „a sphere of possibilities for acting in a certain way, serving the satisfaction of the interests of legal subjects recognised by the legislator as worthy of protection, and characterised by the fact that these possibilities can be exercised at the will of the entitled subject”. Such a definition was proposed by Malanowski (1972, as cited in Wypych-Zywicka, 2017, p. 1331).

It is thus an entitlement that enables the holder to enjoy certain goods or values, such as property, freedom, health protection, work, or private life. In the context of labour law, the employee's right to the protection of family life focuses on their individual needs concerning the balance between professional duties and family life, the limitation of time devoted to the employer's disposal, parental leave entitlements, and protection against discrimination related to the exercise of family roles. The subject of the protection of the employee's right to family life is precisely their family life itself, and it must be assumed that neither the employee nor a candidate for employment can effectively waive this right. Any declaration by an employee or a job candidate purporting to waive their right to family life cannot effectively deprive them of that right.

This stems from the fact that the right to the protection of family life is a fundamental human right governed by mandatory norms.

The classical maxim *volenti non fit iniuria* (to one who consents, no harm is done) finds only limited application in labour law, being restricted by constitutional guarantees of the right to life, the criminal prohibition of exposing a person to danger, and the fundamental right to family life itself.

This study primarily employs the dogmatic legal method, focusing on the analysis and interpretation of binding norms of international and European labour law concerning the protection of employees' family life.

This method allows for the reconstruction of the normative content of existing legal standards, their systemic role, and their relationship with other principles of labour law. Complementarily, the axiological method is applied to identify the values and ethical assumptions underpinning the analysed regulations, in particular those relating to human dignity, the protection of the family, and the reconciliation of professional and private life. In particular, the analysis focuses on reconstructing the legal norms and interpreting them in the light of the principles of human dignity, social justice, and equality of treatment in employment.

The concept of family life in social sciences

From the perspective of social sciences, human life encompasses both the professional and the personal spheres. Professional life may be defined as the time and energy that an individual, under a contractual arrangement, agrees to devote to another party in exchange for remuneration. Personal life, in turn, constitutes the domain in which individuals pursue goals within diverse contexts — including personal and educational development, interpersonal relationships (such as friendships, partnerships, and parental relations), responsibilities for children and other family members, household management, social engagement, and various forms of leisure that enable the restoration of physical and mental balance. This sphere is fundamental to human well-being, mental health, and the capacity to perform professional duties effectively (see Clutterbuck, 2005, p. 26).

Private life embraces the sphere of autonomous individual existence, within which a person makes choices and acts in accordance with personal beliefs, values, and needs, subject to respect for the rights of others. It also includes the right to privacy, understood as the ability to shield certain aspects of one's life from external interference, surveillance, or control by others, including public authorities. The personal sphere is an important part of every individual's life, forming the space in which they can find a balance between work and private life (see Tomaszewska-Lipiec, 2015, pp. 13–15).

Based on the above definitions, family life is one of the most important elements of private life and can be defined as “the ability to engage in all activities that provide a sense of fulfilment by creating, maintaining, and nurturing bonds and relationships with close and related persons living in the same household” (see Kalinowska, 2008, p. 84). Moreover, it seems that family life is not limited solely to persons living together in the same household, nor is it always restricted to relationships between spouses or parents and children. Family life „refers to a set of interpersonal relationships resulting from a lasting bond of blood or law” (see Garlicki, 2010, p. 518).

There is always a presumption of the existence of family life in relationships between parents and children, regardless of whether the child is raised within a marriage or a non-marital relationship. This presumption is strongest in the case of the mother–child

relationship, but it also applies to the father, irrespective of whether he is in a relationship with the child's mother (as established in *Johnston v. Ireland*, European Court of Human Rights [ECtHR], 1986, paras. 56–57), whether he has acknowledged paternity, or whether he cohabits with the child. Family life also exists between adoptive parents and their children, as well as with children placed with prospective adoptive parents during adoption proceedings.

The concept of family life is thus dynamic due to the evolving contemporary model of the family, traditionally based on the marriage of a man and a woman with children (European Court of Human Rights [ECtHR], 1988, para. 21; European Court of Human Rights [ECtHR], 1999). This concept should be interpreted broadly, encompassing interpersonal relationships arising from marital bonds, kinship, affinity, or adoption ((European Court of Human Rights [ECtHR], 1998, para. 24; European Court of Human Rights [ECtHR], 2007).

The concept of family life is therefore dynamic, due to the evolving modern model of the family, traditionally understood as a marriage between a woman and a man with children. This concept should be interpreted more broadly, encompassing interpersonal relationships based on marital bonds, kinship, affinity, or adoption. It would be unfounded to assume that a person who does not have a spouse or children is devoid of family life. Their family life may include, among other things, relationships with parents, siblings, or more distant relatives.

Universal human rights instruments protecting family life

The right to protection of family life is recognised as one of the fundamental human rights in numerous international legal instruments and in the constitutions of most countries around the world. The realisation of the right to protection of family life is possible when a person has a family with whom they maintain personal ties.

The right to legal protection of family life is guaranteed, among others, in Article 8(1) and (2) of the Convention for the Protection of Human Rights and Fundamental Freedoms, hereinafter referred to as the ECHR, signed in Rome on 4 November 1950 and subsequently amended by Protocols No. 3, 5, and 8 and supplemented by Protocol No. 2. (Journal of Laws, 1993, No. 61, item 284, as amended).

According to this article, everyone has the right to respect for their private and family life, home, and correspondence.

This provision has been interpreted as imposing on the Contracting States not only negative obligations, namely, to refrain from arbitrary interference with private life, but also positive obligations, which require them to ensure effective respect for private and family life. Such positive duties may extend to the adoption of measures that guarantee the protection of this right even in relationships between private individuals (Nowicki, 2019, p. 241; Hofmański, 1995, p. 327).

According to the doctrine and the case law of the European Court of Human Rights, the right to privacy under Article 8 of the Convention encompasses a broad and evolving scope of protection. It covers not only the sphere of personal and family life but also the individual's autonomy, physical and psychological integrity, personal identity, and the right to personal development. Furthermore, it includes the protection of reputation and the right to the confidentiality of personal information (Enqvist & Litins'ka, 2022, pp. 40–42).

Defining and protecting family life in the jurisprudence of the ECtHR

The jurisprudence of the European Court of Human Rights (ECtHR), commonly referred to as the Strasbourg Court, plays a pivotal role in defining and shaping the scope of the right to respect for family life under Article 8 of the European Convention on Human Rights. Through its dynamic and evolutive interpretation of the Convention, the Court has established a rich body of case law that not only clarifies the normative content of this right but also determines the limits of permissible state interference. The ECtHR's judgments serve as a living source of interpretation, progressively adapting the concept of family life to social, cultural, and technological transformations within Europe. This evolving case law provides both theoretical and practical guidance for national courts and legislators, ensuring that the protection of family life remains a cornerstone of human rights in contemporary labour and social relations.

The Strasbourg Court, particularly through its interpretation of Article 8, has adopted a contextual and subjective approach to privacy, attributing decisive importance to the consequences of interference for the individual concerned. The proportionality and necessity of the interference in a democratic society are therefore central to the Court's reasoning and to the determination of whether a violation has occurred.

An interference with an individual's private life may be considered compatible with Article 8(2) of the European Convention on Human Rights only if three cumulative conditions are satisfied. First, the interference must be "*in accordance with the law*"; second, it must pursue a "*legitimate aim*" as defined by the Convention; and third, it must be "*necessary in a democratic society*." The last of these requirements, which reflects the principle of proportionality, demands that the measure of interference be appropriate, necessary, and proportionate to the legitimate aim pursued. In other words, the interference must not exceed what is strictly required to achieve that aim (ECtHR, *Roman Zakharov v. Russia*, 2015; ECtHR, *Halford v. the United Kingdom*, 1997).

The right to respect for family life encompasses both formal and informal family relationships. Whether there is a family life protected under Article 8 of the ECHR depends on the circumstances of the case in question, indicating the existence of close and genuine personal ties (ECtHR, *K. and T. v. Finland*, 2001).

In its judgment of 7 November 2013 in the case of *Vallianatos and Others v. Greece*, the European Court of Human Rights (ECtHR) held that a stable relationship between a same-sex couple falls within the scope of the concept of family life in the same way as a relationship between opposite-sex partners. Any interference in the sphere of family life should be kept to a minimum (Hofmański, 1993, p. 23).

Family life between spouses exists from the moment the marriage is concluded until it is dissolved. The presumption of the existence of family life between spouses may be rebutted if it is demonstrated that the relationship has in fact ceased to exist or if the spouses do not live together (however, the lack of cohabitation does not always exclude the existence of marital family life) (ECtHR, *Berrehab v. the Netherlands*, 1988, para. 21).

The issue of the presumption of family life arises in the case of partnerships and same-sex relationships. It appears that in a situation where a country's legal system recognizes civil partnerships — as is the case in France or the United Kingdom — it should be acknowledged that, in a legal sense, this constitutes family life subject to protection (Pogodzińska, 2005, pp. 161ff.).

In the case of same-sex relationships, however, the matter is less clear-cut. L. Garlicki rightly observes that „while it is evident that the treatment of same-sex relationships by public authorities falls under the requirement to respect ‘private life’, it also cannot be excluded that the issue of redefining the scope of ‘family life’ will come before the Strasbourg Court.” (Garlicki, 2010, p. 524).

There is always a presumption of the existence of family life in the case of relationships between parents and children, regardless of whether the child is raised within a marriage or outside of it.

This presumption is strongest in the case of the mother, but it also applies to the father of the child, regardless of whether he is in a relationship with the mother (ECtHR, *Johnston v. Ireland*, 1986, paras. 56–57), whether he has acknowledged paternity, or whether he lives with the child. This presumption may be rebutted by demonstrating that no genuine relationship ever existed between the father and the child — for example, if the father never attempted to acknowledge the child or maintain contact (ECtHR, *Lebbink v. the Netherlands*, 2004, paras. 37–40). A similar conclusion may be reached when such ties have been irreversibly severed.

Family life also exists between parents and adopted children or children placed with them in adoption proceedings (ECtHR, *Söderbäck v. Sweden*, 1998, para. 24; ECtHR, *J.L. and M.H.-L. v. Poland*, 2007). A fundamental element of family life between parents and children is the mutual joy of spending time together (European Court of Human Rights [ECtHR], 1989, *Eriksson v. Sweden*, para. 58).

As a rule, family life exists between living individuals and ceases upon death. However, the European Court of Human Rights has, in several of its judgments, held that circumstances relating to the funeral of a close relative may also fall within the scope of the right to respect for family life (European Court of Human Rights

[ECtHR], 2001, *Pannullo and Forte v. France*, para. 39; ECtHR, 2002, *Płoski v. Poland*, paras. 30–32; ECtHR, 2006, *Ellī Poluhas Dödsbo v. Sweden*, para. 24).

ILO Convention No. 156 concerning workers with family responsibilities (1981), recommendation No. 165 and Convention No. 183

Following the analysis of the European Convention on Human Rights and the International Covenant on Civil and Political Rights, attention should now turn to the instruments adopted within the framework of the International Labour Organization (ILO), which have played a central role in shaping the global legal standards concerning the reconciliation of work and family life. Unlike the human rights treaties of the UN or the Council of Europe, ILO conventions focus on the normative dimension of labour law, addressing equality, non-discrimination, and access to employment for individuals with family responsibilities. They are grounded in the premise that the protection of family life within employment cannot be limited to maternity protection alone but must also encompass care responsibilities towards other dependent family members.

Adopted on 23 June 1981, ILO Convention No. 156 establishes minimum standards of equal treatment for workers whose family responsibilities limit their ability to engage in, perform, or advance in employment. Under Article 1(1)–(2), family responsibilities include obligations towards dependent children as well as “other members of the immediate family who clearly need care or support,” and the Convention applies to “all branches of economic activity and all categories of workers” ((International Labour Organization [ILO], 1981, Arts. 1–3).

The accompanying Recommendation No. 165 elaborates on practical measures for implementing the Convention, addressing work organisation, family-related leave, care services, and protection against discrimination. Although non-binding, it serves as a valuable interpretative and policy tool for legislators and social partners.

Particularly noteworthy is the equality-oriented nature of Convention No. 156, which in Article 11 requires States Parties to ensure equality of opportunity and treatment in access to employment, advancement, and retention, and to involve employers’ and workers’ organisations in the design of national measures of implementation.

As of May 2025, the Convention had been ratified by 49 States, reflecting a modest but enduring global uptake. Poland has not ratified either Convention No. 156 or Recommendation No. 165, illustrating the continuing gap between normative affirmation and effective protection of workers’ family life within international labour law.

The International Labour Organization addressed the issue of maternity leave in Convention No. 183

concerning the Revision of the Maternity Protection Convention (Revised), 1952, adopted in Geneva on 15 June 2000 (International Labour Organization [ILO], 2000).

Article 4 of the Convention establishes that the minimum period of maternity leave shall be not less than fourteen weeks, of which at least six weeks shall be compulsory, unless otherwise determined at the national level by agreement between the government and representative organisations of employers and workers. This provision therefore sets a global minimum threshold rather than mandating a uniform fourteen-week compulsory leave period.

From a medical perspective, only a six-week period of compulsory leave is justified, corresponding to the postpartum period (puerperium) during which the anatomical, morphological, and physiological changes resulting from pregnancy gradually subside and the woman’s body returns to its pre-pregnancy state (Bręborowicz, 2010, as cited in Kurowska, 2012, pp. 157–158).

Article 6 of Convention No. 183 provides for the financial protection of women during maternity leave. Women who are absent from work owing to maternity shall be entitled to cash benefits set at a level sufficient to ensure that the woman and her child can maintain themselves in proper health conditions and at an adequate standard of living.

Where, under national legislation or practice, such benefits are calculated based on previous earnings, their amount shall not be less than two-thirds of the woman’s former earnings, or of such earnings as are considered for the purpose of calculating benefits.

A woman who does not qualify for cash benefits under existing legislation or regulations, or by any other means consistent with national practice, shall be entitled to adequate social assistance benefits, subject to the fulfilment of conditions prescribed for the grant of such assistance (Art. 6.3). Furthermore, medical benefits shall be provided for the woman and her child, including prenatal, confinement and postnatal care, as well as hospitalisation where necessary.

Pursuant to Article 8 of Convention No. 183, a woman shall have the right to return to the same position or to an equivalent position paid at the same rate after the expiry of her maternity leave. The Convention also requires States Parties to adopt measures preventing discrimination on grounds of maternity and to ensure the provision of breastfeeding breaks during working hours (Articles 9 and 10).

The right of female workers to paid maternity leave or a corresponding social security benefit for a period of at least fourteen weeks is further guaranteed under Article 8 of the Revised European Social Charter.

By April 2023, 44 States had ratified Convention No. 183, with the most recent ratification — Suriname in 2024 (entry into force on 28 November 2025) — demonstrating a slow yet steady expansion of adherence (International Labour Organization [ILO], 2025).

The examination of ILO conventions reveals that, despite their strong axiological foundations, their practical

implementation remains uneven, confirming the broader hypothesis of this study concerning the discrepancy between declaratory norms and effective protection of the right to family life in international labour law.

Regional standards of protection: The European Social Charter and EU instruments

The protection of family life, initially recognised as a fundamental component of private life in universal human rights instruments such as the *International Covenant on Civil and Political Rights*, has also found a distinct expression within the framework of regional international law. Building upon the universal standard enshrined in Article 17 of the Covenant, the *European Social Charter*, adopted in Turin on 18 October 1961 under the auspices of the Council of Europe (*International Covenant on Civil and Political Rights [ICCPR]*, 1966), further elaborates the social dimension of this right. Article 16 of the Charter guarantees the right of the family, as the fundamental unit of society, to social, legal, and economic protection. In pursuit of this objective, the Contracting Parties undertake to promote measures designed to secure the full development of family life, including social and family benefits, fiscal arrangements, access to suitable family housing, benefits for young couples, and other appropriate forms of assistance. Poland ratified the *European Social Charter* in 1997 (Council of Europe, 1999). However, it has not ratified the *Revised European Social Charter* nor the *Additional Protocol Providing for a System of Collective Complaints*.

According to Article 2(1) and (5) of the European Social Charter, in order to ensure the effective exercise of the right to just working conditions, the Contracting Parties undertake to determine reasonable daily and weekly working hours, to gradually reduce the weekly working time to a level permitted by the increase in productivity and other relevant factors, and to ensure a weekly rest period which shall, as far as possible, coincide with the day recognized as a day of rest by tradition or custom in the country or region concerned. The compliance of flexible working time regulations with these provisions in individual countries depends, among other things, on whether employees are guaranteed the right to information (clearly and with appropriate advance notice) about any changes to their working hours (Council of Europe, 2002, p. 114).

At the level of the European Union, continuous efforts have been undertaken for many years to protect the family life of workers, including by supporting them in the performance of their parental functions. The legal basis for supporting and supplementing the activities of Member States — particularly in the field of equality between men and women with regard to employment opportunities and treatment at work — is provided by Article 153 of the Treaty on the Functioning of the European Union (TFEU). This provision constitutes the primary competence of the Union to act in the field

of social policy, including the promotion of work-life balance and equality between the sexes in employment.

Building upon this Treaty foundation, the Charter of Fundamental Rights of the European Union of 30 March 2010 (Official Journal of the European Union, 2010, C 83, item 389), hereinafter referred to as the Charter of Fundamental Rights reaffirms the protection of family life as a fundamental human right.

Building upon this Treaty foundation, the Charter of Fundamental Rights of the European Union, proclaimed on 7 December 2000 and re-proclaimed on 12 December 2007 (*Official Journal of the European Union*, C 202, 7 June 2016, p. 389; hereinafter: “the Charter”), reaffirms the protection of family life as a fundamental human right.

Article 33 of the Charter guarantees every person the right to protection against dismissal on grounds related to maternity, as well as the right to paid maternity and parental leave following the birth or adoption of a child.

According to paragraph one, the family enjoys legal, economic and social protection, whereas paragraph two provides that, in order to reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

The normative content of these provisions has been further developed through secondary Union legislation, which operationalises the principles set out in the Treaties and the Charter. The protection of workers’ family life has been significantly reinforced through the adoption of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers, which repealed Council Directive 2010/18/EU implementing the revised Framework Agreement on parental leave. The 2019 Directive establishes minimum requirements intended to promote gender equality and ensure an effective balance between professional and family responsibilities. It introduces, inter alia, individual rights to paternity, parental, and carers’ leave, as well as the right to request flexible working arrangements for workers with caregiving duties.

This legal framework represents a paradigm shift from the declaratory character of earlier instruments towards a more operational and enforceable standard of protection. Unlike the repealed Directive 2010/18/EU, which primarily sought to facilitate the reconciliation of work and family life through the promotion of social dialogue and minimum parental entitlements, the work-life balance directive explicitly integrates equality and non-discrimination as fundamental legal principles binding upon Member States.

The Directive is the first EU legal act to explicitly employ the concept of *work-life balance* as an independent regulatory objective, understood as the facilitation of the reconciliation between work and family life for workers who are parents or carers. In doing so, it operationalises the rights enshrined in Article 33 of the Charter of Fundamental Rights of the European

Union, which guarantees protection against dismissal on grounds related to maternity, as well as rights to paid maternity and parental leave.

In substance, the Directive aims to advance gender equality by enabling both men and women to share family responsibilities on a more equal basis. It establishes four key individual entitlements: (1) paternity leave, (2) parental leave, (3) carers' leave, and (4) the right to request flexible working arrangements. These rights are designed not only to strengthen the protection of family life in employment relations but also to address persistent gender imbalances in the labour market, including the unequal distribution of unpaid care work, the gender pay gap, and the underrepresentation of women in senior positions.

By recognising *carers' leave* as a new, individual entitlement, the Directive extends protection beyond parents of young children to workers responsible for dependent relatives or other persons in need of substantial care. This broader approach mirrors the inclusive understanding of "family responsibilities" under ILO Convention No. 156 concerning Workers with Family Responsibilities (1981) and aligns EU social policy with the international standards on equal opportunities and treatment. However, the Directive's implementation in Member States, including Poland, continues to face challenges, particularly regarding financial compensation during leave periods, access to flexible work, and changing entrenched cultural norms concerning gender roles in care provision.

From a normative perspective, the Directive builds upon the EU's long-standing efforts to integrate the social dimension of the internal market with the protection of fundamental human rights. It consolidates existing legal instruments — such as the Pregnant Workers Directive (92/85/EEC) and the Part-Time Work Directive (97/81/EC) — into a coherent framework promoting the dignity, autonomy, and equality of working parents and carers. Consequently, the Work-Life Balance Directive stands as a tangible example of how EU secondary legislation contributes to the realisation of the right to family life within employment relations, complementing the broader human rights obligations of Member States under Article 8 of the ECHR and the European Social Charter.

While this normative architecture represents a significant advancement in the EU's social acquis, the Directive's practical implementation raises important questions of effectiveness and transformative potential. Analytically, its provisions align with the overarching aim of achieving substantive gender equality in the labour market by re-designing leave and flexibility in a way that is realistically usable by both parents. However, the prevalence of "rights to request" and the limited hard guarantees on remuneration for carers' leave counsel caution as to its immediate empirical effects (Ludera-Ruszel, 2020, pp. 13–14).

The implementation of Directive (EU) 2019/1158 into Polish law was carried out through the Act of 9 March 2023 amending the Labour Code and certain other

acts (*Journal of Laws* 2023, item 641), which entered into force on 26 April 2023. The amendment aimed to transpose the Directive's minimum standards regarding parental, paternity, and carers' leave, as well as the right to flexible working arrangements for workers with family responsibilities.

The new provisions introduced several significant changes into the Polish Labour Code, particularly in Articles 173¹–173⁴, 182^{1a} § 4–182^{1g}, and 188¹, thereby aligning national regulations with EU standards. Among the most notable changes is the introduction of an individual and non-transferable right to parental leave for each parent.

A new right to carers' leaves (Article 173¹–173³ KP) was also introduced, allowing workers to take up to five days of unpaid leave per calendar year to provide personal care or support to a relative or another person living in the same household who requires significant assistance for medical reasons. Although the Directive allows Member States to decide whether this leave should be paid, the Polish legislator opted for an unpaid model, a choice that has been criticised for potentially undermining the Directive's effectiveness in promoting gender equality and genuine reconciliation between work and family life.

Despite the generally accurate transposition of formal obligations, some elements of the Polish implementation have been assessed as minimalist and insufficiently transformative. In particular, the lack of paid carers' leave and limited incentives for fathers to take parental leave may perpetuate traditional gender roles in caregiving. Therefore, while Poland has met the formal requirements of Directive 2019/1158, the practical achievement of its underlying goals — namely, promoting gender equality and enabling a genuine work-life balance — remains uncertain.

Conclusions

The analysis presented leads to the conclusion that family life today constitutes not only a social and cultural value but also a normative category of fundamental importance for shaping employment relations in the international and European Union context. Within the social sciences, family life is conceived as a vital element of individual identity, rooted in interpersonal bonds and communal structures. This interdisciplinary foundation has facilitated the evolution of a dynamic and inclusive legal understanding of family life, transcending the traditional nuclear model and accommodating diverse social realities.

The examination of international legal instruments — both hard law, such as the European Convention on Human Rights, the European Social Charter, and the Charter of Fundamental Rights of the European Union, and soft law, such as the recommendations of the International Labour Organization — confirms that family life is recognised as a value warranting protection in employment relations. Such protection encompasses not only the negative obligation of states and employers to

refrain from undue interference, but also positive duties to create working conditions that enable the reconciliation of professional and family responsibilities.

From a normative standpoint, this analysis corroborates the hypothesis that, although the protection of workers' family life is now firmly established within international and European Union labour law, it remains characterised by a tension between declaratory affirmation and uneven implementation. The ILO Conventions No. 156 and No. 183, the European Social Charter, and EU secondary legislation such as Directive (EU) 2019/1158 collectively reflect a shared axiological core — dignity, autonomy, and equality — yet their practical application continues to vary across jurisdictions.

At the EU level, the Work-Life Balance Directive represents a pivotal development, translating the value of family life into enforceable rights through non-transferable parental leave, carers' leave, and flexible working arrangements. It thus operationalises Article 33 of the Charter of Fundamental Rights of the EU and gives tangible effect to the principles of substantive gender equality and human dignity. Nevertheless, structural constraints — such as the reliance on “rights to request” and the absence of universal remuneration for carers' leave — limit the Directive's transformative potential. National transpositions, exemplified by the Polish 2023 reform, have achieved formal compliance yet reveal persistent normative minimalism and uncertain social impact.

Analytically, the case law of the European Court of Human Rights remains an essential interpretative source, defining the concept of “family life” in a flexible and contextual manner and ensuring that protection adapts to contemporary realities — ranging from traditional families to partnerships and de facto relationships. These developments underscore the ECtHR's role in bridging normative principles with lived human experience.

More broadly, the protection of family life in employment relations reflects the ongoing “socialisation” of

labour law, whereby this branch of law evolves from safeguarding individual employment interests to realising collective and societal goals. Labour law thus functions not only as a system of contractual rules but also as an instrument for implementing constitutional and axiological values — human dignity, autonomy, social justice, and the protection of family life. See more broadly on this topic (Żołyński, 2022, pp. 815–830).

In conclusion, the hypothesis that international and European Union labour law provisions on the protection of workers' family life remain partly declaratory while advancing towards greater enforceability finds qualified confirmation. Despite significant progress in recent decades, particularly within the EU framework, a clear disparity persists between the axiological commitments expressed in international and regional instruments and their effective realisation in practice. Bridging this gap requires not only stronger substantive entitlements and adequate income-replacement mechanisms but also procedural safeguards that ensure the full *effet utile* of the right to family life within employment relations.

At the same time, contemporary international labour law can no longer be understood merely as a set of technical norms regulating employment and work organisation. It increasingly emerges as an instrument for the implementation of constitutional and axiological values — most notably human dignity, individual autonomy, equality, and the protection of family life. The incorporation of these values into the normative structure of labour law is not accidental; rather, it reflects a deliberate response to profound social transformations, demographic and economic challenges, and the ongoing necessity of humanising labour relations. In this perspective, the protection of family life in employment transcends its declaratory origins and becomes an integral component of a broader paradigm that redefines labour law as a field serving both individual and societal well-being.

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