



EUROPEAN WOMEN'S
LOBBY
EUROPEEN DES FEMMES



European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)

Brussels, 27 November 2012

Open Letter to the European Council

Two Years Overdue - Urgent call for European leaders to adopt the revised Maternity Leave Directive

Dear European Union Heads of State and Government,

The **European Trade Union Confederation** (ETUC) representing millions of working women across Europe and the **European Women's Lobby** (EWL) representing over 2000 women's organisations are very concerned that over two years have passed since the European Parliament adopted its first reading position on the European Commission's proposal to revise the Pregnant Workers' Directive (92/85/EEC) and that no official response has been forthcoming from the European Council. In advance of the December European Council, we urgently call on you to reach an agreement so that the issue can proceed to a second reading.

Pregnancy and maternity protection is essential for achieving gender equality and the protection of women's rights. Throughout the EU, parenthood continues to have a significant long-term negative impact on women's earnings and their participation in the labour market which is a serious barrier to attaining the EU's objective of a 75% employment rate for women and men by 2020. Whilst the health and safety of mothers and their babies remains of paramount importance, the Directive also has significant implications for a wider range of policy objectives including: eliminating the gender pay gap, increasing women's access to and equality in the labour market, and also social inclusion, poverty reduction and improving children's early years and life chances. Refusal to adopt a strong maternity directive is sending a negative message to society as a whole.

The ETUC and the EWL believe that the proposals put forward for a revised Directive would make a positive difference to millions of women and their babies. In particular, we reiterate our full and unconditional support for the following two issues:

Full pay: the cornerstone of the legislation

Ensuring that women are paid their full salary, for the duration of maternity leave, is the only way to provide those who have recently given birth with substantive equality and to ensure that they are not economically penalised for having children. The issue of pay during maternity leave cannot be dissociated from the broader issue of **the gender pay gap** as reductions in pay during maternity leave contribute significantly to substantive pay inequality throughout women's lives, as evidenced by the gender **pension** gap.

Payment of women's full salary or equivalent to 100% of their last monthly salary also means that women would **continue to pay tax and social security contributions** which would contribute to the public purse.

Protecting against discrimination: a fundamental principle for equality between women and men

Pregnant women and new mothers are among the most vulnerable workers in the labour market, a situation which is exacerbated in times of recession. Maternity leave provisions must be accompanied by measures ensuring the protection of the rights of expectant and new mothers prior to and on their return to work, including protection from dismissal for at **least six months** and also from imposed night shifts and overtime or inflexibility towards breastfeeding mothers. EWL and ETUC members are increasingly hearing reports of the discriminatory practices that women are experiencing on the labour-market **as a direct result** of pregnancy and/or giving birth, despite legislation that prohibits direct and indirect discrimination against pregnant workers. This illustrates the **urgent need to strengthen the protection** of women during pregnancy and on return to work.

The EU must reaffirm and fulfil its long standing commitments and Treaty obligations to equality between women and men. The debate regarding the revision of the Directive has too often been reduced to one purely of economics and has largely been dominated by the argument that it will impose an excessively high financial burden on employers and the State. The ETUC and the EWL refute that the economic crisis is a reason to stall the adoption of a strong maternity directive. Not only is this a short-sighted approach, it is also misguided. Maternity leave provisions represent a comparatively modest – and undeniably sound – investment in people, the economy and sustainable development.

The European Parliament's position on the revision of the Pregnant Workers' Directive is a major step towards equality between women and men, social progress and economic sustainability. It reflects the view of a large majority of the democratically elected representatives of the European people and the Council's continued failure to adopt a common position on the Directive is unacceptable. The ETUC and the EWL call on all European Heads of State and Government to reach a compromise which would allow progress on this issue.

Yours sincerely,



Bernadette Ségol,
General Secretary
European Trade Union Confederation



Cécile Gréboval
Secretary General
European Women's Lobby

Cc: Employment , Social Policy, Health and Consumer Affairs Council Ministers; Herman van Rompuy, European Council President ; José Manuel Barroso, European Commission President; Martin Schulz MEP, European Parliament President ; Mikael Gustafsson, Chair European Parliament Women's Rights and Gender Equality Committee, Edite Estrela MEP, European Parliament Rapporteur for the Pregnant Workers' Directive