



EUROPEAN WOMEN'S  
**LOBBY**  
EUROPEEN DES FEMMES

**Herman Van Rompuy**  
**President of the European Council**

European Council  
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[letter sent by email: ec.president@european-council.europa.eu]

Brussels, 25 October 2013

**Three Years Overdue! – The European Women's Lobby urgently calls for the adoption of the revised Maternity Leave Directive and for the creation of a 'National reconciliation of professional and private life fund'**

Dear Mr Van Rompuy,

The **European Women's Lobby** (EWL) representing over 2000 women's organisations in the 28 EU Member States and three accession countries urgently call on the Council of the European Union to adopt a definitive position on the revised **Pregnant Workers' Directive (92/85/EEC)** referred to as the **Maternity Leave Directive**. **Three years** have passed since the European Parliament adopted its position on the directive for which no formal response has been received from the Council. The Maternity Leave Directive is to be adopted through the **co-decision procedure** which requires two parties to negotiate and agree: namely the European Parliament and the Council. The EWL is deeply concerned that three years have now passed and no progress has been made on the matter, and calls for additional action by establishing a '**reconciliation of professional and private life fund**'.

A poor work-life balance continues to be a major obstacle to achieving gender equality as women are disproportionately responsible for care, especially when education and care services are inaccessible. Not only do women lose valuable time out of the labour market where they could be accumulating and contributing earnings towards social security schemes, men also lose out on the opportunity to spend time with family and participate in the collective responsibility of care. A **reconciliation of professional and private life fund** within national social protection systems could enable women and men to meet and share their caring responsibilities throughout the life-cycle: maternity, parental, paternity, carers' leave. In a similar vein to the children allowance fund, all forms of statutory leave would be paid to women and men and such a fund would be financed by taxes and/or social security contributions taking the financial burden away from employers, as costs would be shared collectively.

Pregnancy and maternity protection is not only necessary for reconciling private and professional life, but it is absolutely essential for achieving gender equality and the protection of women's rights. Maternity leave is not incompatible with parental leave measures which aim to allow both women and men to share caring responsibilities after birth. Maternity leave gives women the right to recuperate after giving birth and to be protected from discrimination during pregnancy, birth and on return to work. Throughout the EU, parenthood continues to have a significant long-term negative impact on women's earnings and their participation in the labour market.

The consequences of parenthood on women are well known: because women withdraw from the labour-market to give birth their life-long earnings are compromised as mirrored in the 16% average EU gender pay gap<sup>1</sup> cumulating in the 39% average EU pension gap<sup>2</sup> leading women to poverty in old age<sup>3</sup>. Furthermore, the current trend of increasing precarious working patterns and conditions impact more on young women leaving them without the possibility of availing of work related social protection rights under which statutory maternity leave falls.<sup>4</sup>

To help encourage the adoption of the parliament's position on the Maternity Leave Directive, the European Women's Lobby stresses the following issues to be taken into account:

### **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, pensions and poverty gaps**. Furthermore, full **pay** also means that women **continue to pay tax and social security contributions** strengthening income to the public purse, crucial in times of austerity.

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

Pregnant workers and mothers returning to work after giving birth are one of the most vulnerable categories of workers on the labour-market, a situation that is being exacerbated in times of austerity. Despite existing legislation that prohibits discrimination against women during pregnancy and return to work after giving birth, this type of discrimination is a common-place violation of rights. There is growing evidence that shows more and more discriminatory cases are simply not reaching the Courts and consequently give a false impression that this problem is not occurring. Therefore, measures to reinforce protection from discrimination must be guaranteed for protection from dismissal for at **least six months** on return to work and also protection from imposed night shifts, overtime and inflexible practices towards breastfeeding mothers.

### **Unconditional right to Maternity Leave to all women in all sectors of the economy**

The right to statutory maternity leave is conditioned in different ways throughout the EU. However, the increasingly changing labour-market, which is resulting in precarious patterns of work (part-time, zero contract hours, fixed term contract, flexible working hours..) is creating a 'liquid labour-market' making it difficult to accumulate work-related social security rights. Pregnancy is specific to all women in all countries and in all sectors of the economy as well as women who have not yet entered the labour-market (for example, students). It is crucial that all women have the same rights with regards to protection against all forms of discrimination during pregnancy and after giving birth and therefore conditionality to avail of this right must be removed.

### **Two-week fully paid paternity leave**

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<sup>1</sup>See [http://ec.europa.eu/justice/gender-equality/gender-pay-gap/index\\_en.htm](http://ec.europa.eu/justice/gender-equality/gender-pay-gap/index_en.htm)

<sup>2</sup> European Commission, *The gender gap in pensions in the EU*, June 2013

<sup>3</sup> 25.2% of women faced a higher risk of poverty in the European Union in 2011. 22% of elderly women are at risk of poverty, see European Commission, Commission staff working document **Report on Progress on equality between women and men in 2012**

*Accompanying the document* 2012 Report on the Application of the EU Charter of Fundamental Rights, 8 May 2013 and European Commission White Paper **An Agenda for Adequate, Safe and Sustainable Pensions** Brussels, COM(2012) 55 final, 16 February 2012

<sup>4</sup> See European Commission, *Starting Fragile Gender Differences In The Youth Labour Market*, final report, April 2013

There is no European directive on paternity leave and provisions vary in the different Member States. The European Parliament proposes to extend the scope of the **Pregnant Workers' Directive (92/85/EEC)** to include gender equality and consequently proposes a two-week fully paid paternity leave which would also be available to same sex couples. The EWL fully supports this provision and considers it to be the first step in facilitating the sharing of care between women and men that starts at birth and continues throughout the life span.

With less than a year before the May 2014 European Parliament elections, the European Women's Lobby urges to put the Maternity Leave Directive on the agenda and to provide a formal response to enable the adoption of the revised Directive before the end of the mandate of the current European Parliament.

Yours sincerely,



Viviane Teitelbaum,  
President  
European Women's Lobby



Cécile Gréboval  
Secretary General  
European Women's Lobby