

socialplatform

To: Members of the Council

November 3, 2010

Re: Why a vote for the European Parliament report for the Maternity leave Directive is good for the economic development of the EU, for gender equality and for the health and well-being of women and children (*revision of Directive 92/85/EEC*)

Dear Members of the Council,

On November 4, you will discuss the European Parliament report, revising Directive 92/85/EEC that aims to improve the health at work of pregnant workers.

Social Platform represents 43 pan-European social civil society organisations. Our membership includes organisations representing or working with those whom the new directive is explicitly designed to protect: women's organisations, family organisations, children's organisations, women with disabilities and women living in poverty.

We ask you to vote in favour of the following recommendations supported by the European Parliament:

- 1. Let women keep their full salary throughout the period of their maternity leave, without any ceiling** (Amendment: 64, 85, 120)
- 2. Strengthen their legal protection against dismissal and working time arrangements on return to work** (Amendment: 47, 52-53, 55, 63, 75)
- 3. Provide a period of maternity leave of at least 20 weeks** (Amendment: 38)
- 4. Enhance the mobility of women workers in the EU, by ensuring they do not lose their entitlement to paid maternity leave when changing their country of work** (Amendment: 67)

Why?

Because a vote in favour of these articles is a vote for **employment and the economy**

- **Guaranteed paid maternity leave, under universal systems, will raise women's participation in the labour market before and following childbirth¹.** This is confirmed by the OECD²: in countries where maternity leave is longer, female employment rates are higher. In 2006, the employment rate of women was over 80% in Iceland and over 70% in Denmark and Sweden – well above the average of 57%.
- **When women are better paid, governments benefit from higher tax revenues.** When women receive full pay during maternity leave they continue to contribute to social security and taxation systems.
- **Leave substitution is for many unemployed people the way back into the labour market.** Finding a substitution is easier when maternity leave is longer.
- **Removing eligibility criteria for maternity leave in the existing directive would encourage the freedom of movement of working women in the EU, giving a vital long-term boost to the economic competitiveness of the region.** As they stand, the existing eligibility criteria go against EU legislation on freedom of movement, as well as principles on 'Flexicurity'.

Because a vote in favour of these articles is a vote for gender equality

- **On October 26 the Ministers of the EU responsible of Gender Equality stated their clear support for the work of the Commission's new Strategy for Equality between Women and Men (2010-2015).** They supported the five priorities of the Commission, including equal economic independence and equal salaries, emphasised the link of employment of women with the European Employment Strategy. Opposing the proposed directive would contradict the established position of the Ministers governments on the Equality Strategy.
- **Denial of full payment during maternal leave is one of the determining factors of the gender pay gap, which is still on average 18% in the EU³.** One way to neutralise the effect of childbearing on women's employment opportunities and on pay inequalities is to ensure that women are paid their full salary, free from a ceiling or other restrictions, for the entire duration of their maternity leave⁴, as the directive would allow for.
- **The Commission has demonstrated that increasing the level of payment during maternity leave would not create additional burden for the growth of member states.** For an 18-week maternity leave with full pay, the additional cost for Hungary would be 0.006% of GDP. This number drops to 0.02% for the UK, and 0.01% for Spain. Considering that member states already spend an average of 0.7% on childcare and early education

¹ Women's economic opportunity – A new pilot index and global ranking from the Economist Intelligence Unit, June 2010.

² OECD, 2007, Babies and Bosses: Reconciling Work and Family Officer.

³ See the Commission's website on gender pay gap

⁴ A 2009 research made in 20 EU countries found that parenthood causes women's wages to drop and men's wages to increase so that when comparing mothers and fathers we find wage gaps that are even deeper than those observed between the total populations of women and men. The raw wage gap between mothers and fathers varies between 6% in Hungary and 55% in Estonia. In some countries, for example Belgium, women in the public sector continue to be paid their full salary throughout maternity leave.

services, these figures are strikingly low. Additionally, payment during maternity leave of between 80% and 100% is already the standard in the majority of member states⁵.

- **Equality in pay between women and men is one of the oldest rights enshrined in the EU Treaty** (Article 119 of the Treaty of Rome, now Article 157 of the Lisbon Treaty).
- **Equality between women and men in employment is the subject of extensive European legislation and case law.** Various EU laws prohibit discrimination based on sex, including less favourable treatment of women related to/for reasons of pregnancy and maternity. (See Article 2.2.c, [Directive 2006/54/EC](#) and Article 4.a, [Directive 2004/113/EC](#).)

Because a vote in favour of these articles is a vote for the health and well-being of both mother and child

- **According to the WHO and UNICEF, a 24-week maternity leave provides extensive health benefits.** It allows women to breastfeed in the first six months of life, which has significant benefits for both mother and child⁶. Going back to work within the first six months was found to be an important factor in breastfeeding cessation⁷.
- **According to a 2005 study by Columbia University, paid leave significantly decreases infant mortality while unpaid leave has no significant effect.** The study found that in the UK, the benefits of extending job-protected paid leave to twelve months would result in a reduction in infant mortality rates of 6.8%⁸. Unpaid or low-paid leave were not found to have any effect on improving infant health.
- **The Commission's [Impact Assessment](#) of October 3, 2010 shows that ten member states already have a maternity leave of 20 weeks.** In addition, nine member states are in favour of increasing the duration of maternity leave: Austria, Bulgaria, Estonia, Finland, Hungary, Italy, Portugal, Slovakia, Slovenia

We trust that you will give these issues your careful attention in the upcoming negotiations on the directive affecting million of women's lives in Europe.

Yours sincerely,



Conny Reuter
President of Social Platform



Catriona Williams
Vice President of Social Platform

⁵ [Commission impact assessment](#), October 2008

⁶ [WHO/UNICEF Innocenti Declaration](#), 1990

⁷ *Pediatrics*, January 2009, Official journal of the American Academy of Pediatrics; *Juggling Work and Breastfeeding: Effects of Maternity Leave and Occupational Characteristics*.

⁸ *The Economic Journal*, February 2005, [Parental leave and child health across OECD countries](#). Sakiko Tanaka, Columbia University.

Supported Amendments

Listed Amendments Social Platform asks you to support:

1. Let women keep their full salary throughout the period of their maternity leave, without any ceiling

Amendment 120

Proposal for a directive – amending act
Article 1 – paragraph 1 – point 1
Directive 92/85/EEC
Article 8 – paragraph 2

2. The maternity leave stipulated in paragraph 1 shall include compulsory **fully paid maternity** leave of at least six weeks after childbirth, **without prejudice to existing national laws which provide for a period of compulsory maternity leave before childbirth**. The **six-week period of compulsory maternity leave shall apply to all working women regardless of the number of days worked prior to confinement**. The Member States shall take the necessary measures to ensure that workers within the meaning of Article 2 are entitled to choose freely the time at which the non-compulsory portion of the maternity leave is taken, before or after childbirth, **without prejudice to existing national laws and/or practices, which provide a maximum number of weeks prior to the childbirth**.

Amendment 64

Proposal for a directive – amending act
Article 1 – point 3 – point c
Directive 92/85/EEC
Article 11 – point 3

'3. the allowance referred to in point 2(b) shall be deemed **equivalent** if it guarantees income equivalent to the last monthly salary or an average monthly salary. **Workers on maternity leave shall be paid their full salary and the allowance shall be 100% of the last monthly salary or the average monthly salary**. The Member States may lay down the period over which this average monthly salary is calculated.'

Amendment 85

Proposal for a directive – amending act
Article 1 - point 1
Regulation 92/85/EEC
Article 8 - paragraph 4

4. Member States shall take the necessary measures to ensure that additional leave **on full pay** is granted in the case of premature childbirth, children hospitalised at birth, children with disabilities, **mothers with disabilities**, and multiple births. The duration of the additional leave should be proportionate and allow the special needs of the mother and the child/children to be accommodated. **The total period of maternity leave shall be extended by at least eight weeks after the birth in the case of the birth of a disabled child and Member States shall also ensure an additional period of leave of six weeks in the case of a stillbirth**.

2. Strengthen their legal protection against dismissal and working time arrangements on return to work

Amendment 47

Proposal for a directive – amending act
Article 1 – point 1
Directive 92/85/EEC
Article 8 – paragraph 5 a (new)

5a. Member States shall protect mothers' and fathers' rights by ensuring that there are special working conditions so as to help the parents of children with disabilities.

Amendment 52

Proposal for a directive – amending act
Article 1 – point 2
Directive 92/85/EEC
Article 10 – point 1

1. The Member States shall take the necessary measures to prohibit the dismissal and all preparations for a dismissal of workers within the meaning of Article 2 during the period from the beginning of their pregnancy to ***at least six months following*** the end of the maternity leave provided for in Article 8(1). ***Dismissal during that period shall be duly justified in writing***, save in exceptional cases not connected with their condition, which are permitted under national legislation and/or practice and, where applicable, provided that the competent authority has given its consent.

Amendment 53

Proposal for a directive – amending act
Article 1 – point 2
Directive 92/85/EEC
Article 10 – point 3 a (new)

3a. Member States shall take the necessary measures to prohibit discrimination against pregnant women in the labour market by creating equal opportunities for them with regard to recruitment, should they meet all the requirements for the applicable position.

Amendment 55

Proposal for a directive – amending act
Article 1 – point 2
Directive 92/85/EEC
Article 10 – point 4 b (new)

4b. Member States shall be encouraged to adopt measures that ensure that a worker may choose to work part time for a period of no longer than one year, with full protection from the possibility of dismissal and full rights to recover their full-time position and pay at the end of this period.

Amendment 75

Proposal for a directive – amending act
Article 1 – point 5
Directive 92/85/EEC
Article 12 b

Member States shall introduce into their national legal systems such measures as are necessary to protect individuals ***including witnesses*** from any adverse treatment or adverse consequence resulting from a complaint they have lodged or proceedings they have initiated with the aim of enforcing compliance with the rights granted under this Directive.

Amendment 63

Proposal for a directive – amending act
Article 1 – point 3 – point b b (new)
Directive 92/85/EEC
Article 11 – point 2 – point c b (new)

***(bb) In point 2, the following point (cb) is added:
'(cb) a period of maternity leave must not be prejudicial to the worker's pension rights and must be counted as a period of employment for pension purposes, and workers must not suffer any reduction of pension rights through taking maternity leave.'***

3. Provide a period of maternity leave of at least 20 weeks

Amendment 38

Proposal for a directive – amending act

Article 1 – point 1

Directive 92/85/EEC

Article 8 – paragraph 1

1. Member States shall take the necessary measures to ensure that workers within the meaning of Article 2 are entitled to a continuous period of maternity leave of at least **20 weeks** allocated before and/or after confinement.

4. Enhance the mobility of women workers in the EU, by ensuring they do not lose their entitlement to paid maternity leave when changing their country of work

Amendment 67

Proposal for a directive – amending act

Article 1 – point 3 – point c c (new)

Directive 92/85/EEC

Article 11 – point 4

(cc)Point 4 is repealed.