

## EU institutions lock horns in push for maternity leave

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News

MEPs have voted through a resolution calling on the European commission not to withdraw a draft directive on maternity leave, instead urging member states to enter into negotiations.



The draft legislation, which has been deadlocked in the council of ministers for four years, is an update to the 1992 EU maternity leave directive which currently guarantees a minimum of 14 weeks.

Parliament submitted the amended commission proposal to the council in October 2010, calling for this number to be upped to 20 weeks with full pay - also including the introduction of two weeks paid paternity leave - but ministers have yet to offer any position.

The large variation in maternity leave rules between member states has led to durations of between 14 and 52 weeks, with some not being fully paid and differing rules regarding compulsory periods.

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Parliament's rapporteur Maria Arena was highly critical of the lack of progress on the directive, asking, "What kind of Europe are we living in, if those who create life here are penalised? What kind of Europe are we living in, if giving birth is synonymous with poverty?"

"We cannot help mothers by simply throwing away this directive.

"Since 1992, when the maternity leave directive was approved, we have made no progress," she added. "Women can't wait, they deserve, if they so wish, to be women, mothers and workers at the same time without being discriminated".

The commission's announced intention to remove the directive is part of its regulatory fitness and performance programme (Refit), which includes the withdrawal of proposals that are "outdated or do not have the support of the legislator".

In December last year, the commission announced a six month deadline for progress on negotiations between council and parliament on maternity leave or the proposal would be removed.

Almost 400 proposals have been withdrawn since 2006 under Refit, with 2015 seeing the investor compensation schemes and the statute for a European foundation and European tourism quality principles taken off the table.

If the EU executive does move ahead with its plans, then MEPs will push for a fresh legislative initiative on maternity leave before the close of 2015, with Arena saying, "We are asking the commission not to give up on pregnant women".

"Many young women are putting off their plans to have children, while the European population is ageing," warned the S&D deputy.

"We want better maternity leave for women. We want to protect the health and safety of pregnant women when they are at work and we want to protect them after they give birth because they are very often victims of discrimination and dismissal.

"We want pregnant women to receive full protection during their maternity leave because a lot of them are exposed to the risk of poverty.

"In order to improve the conciliation of private and professional life and reduce the gender gap, we are also calling on the commission to present a separate legislative proposal establishing a paid paternity leave. Fathers must also have the right to achieve a work-life balance."

Ahead of the vote, parliament's ALDE group had deplored the "lack of commitment" from the commission and member states, calling on council to respect parliament's position as co-legislator.

ALDE's maternity spokesperson Beatriz Becerra said, "The council deadlock is against the spirit of the EU. In fact, this breaches the spirit of the co-decision process established by the treaties."

Becerra stressed that the parliament has "shown flexibility and a willingness to negotiate", while slamming the commission and council for failing to "fulfil their responsibilities".

"The commission cannot adopt a passive role and arbitrarily discard this proposal just because it is temporarily blocked in the council. It is our responsibility as European institutions to safeguard the European general interest," she added.

Ernest Urtasun, Greens/EFA women's rights spokesperson underlined that this "much-needed and delayed review was aimed to bring EU rules on maternity leave towards the recommendations of the world health organisation".

"The withdrawal of this crucial legislative reform would be a blow to mothers and fathers, whose health and welfare these proposals were aimed at strengthening."

Urtasun also warned that if the commission were to take the maternity leave directive off the table that his political group would "explore the possibility of challenging the decision before the European court of justice".

Gabi Zimmer, chair of parliament's GUE/NGL group, was particularly withering in her assessment of the EU executive's "better regulation" programme, cautioning that, "In future, commission officials and accountants will take political decisions, not the EU's democratically-elected representatives."

"The commission wants to determine on its own whether or not democratic regulations are effective for the internal market. It will even go so far as to let the maternity leave directive, decided by [parliament], to be taken off the table completely.

"So-called independent experts will evaluate European legislation. From past experience we know that those experts are more expert in the costs for business rather than on the benefits to society. Better regulation must give humans, animals and nature better protection, not profits.

For Zimmer, the commission's Refit programme has "unlawfully interfered with the autonomy of collective bargaining".

## About the author

Desmond Hinton-Beales is deputy editor of the Parliament Magazine

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