



To:  
European Parliament, President Schulz  
EMPL Committee Members  
FEMM Committee Members

[Letter sent by e-mail]

## **Call for your support for the revision of the Maternity Leave Directive**

Dear MEP,

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 alarmed that the Commission is considering withdrawing the proposal to strengthen maternity leave and the rights of women who have recently given birth and/or are breastfeeding, commonly referred to as the Maternity Leave or Pregnant Workers' Directive<sup>1</sup>, as part of its 'REFIT' agenda<sup>2</sup>. In view of the Council and Commission statement to be presented at the European Parliament plenary on 15 July we urgently call on you to oppose this proposed withdrawal and to reiterate the Parliament's support for better maternity rights and its full commitment to work towards a compromise with the Council so that the issue can proceed to a second reading.

Pregnancy and maternity security are 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, a new Directive would also have significant implications for a wider range of EU policy objectives including: eliminating the gender pay gap, increasing women's access to and equality in the labour market, protecting their jobs in times of crisis, fostering their social inclusion, reducing child poverty and improving children's early years and life chances.

The ETUC and the EWL believe that the proposals for a revised Directive would make a positive difference to millions of women and their families. Withdrawing the proposal would, on the other hand, undermine the EU's credibility regarding its commitment to gender equality and fostering women's economic engagement.

In particular, we underline our full and unconditional support for the following two issues:

1. Full payment of maternity leave, and
2. Protection against discrimination.

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<sup>1</sup> COM(2008) 637 final -

[http://www.europarl.europa.eu/registre/docs\\_autres\\_institutions/commission\\_europeenne/com/2008/0637/COM\\_COM%282008%290637\\_EN.pdf](http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/com/2008/0637/COM_COM%282008%290637_EN.pdf)

<sup>2</sup> COM(2014) 368 final - [http://ec.europa.eu/smart-regulation/docs/com2014\\_368\\_en.pdf](http://ec.europa.eu/smart-regulation/docs/com2014_368_en.pdf)

## **1. 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: 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 also contribute to the public purse.

## **2. Protection 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 economic difficulty. Maternity leave provisions must be accompanied by measures protecting 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.

The crisis has hit women hard. Austerity measures that result in public sector job losses, wage freezes, reductions and closures in public services, including child, elderly and dependent persons' care, as well as health care impact disproportionately on women both as the majority of public sector workers and as the prime users of public services. If Europe is serious about wanting to reduce poverty and inequalities, particularly affecting European women and children, the full payment of maternity leave must be a part of this strategy.

There is a real and urgent need to strengthen the protection of women during pregnancy and on return to work. EWL and ETUC members are increasingly receiving 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. The practice of having the worker sign an undated letter of resignation at the time of hiring for future use by the employer at his or her convenience and which affects more specifically pregnant women has been become even more widespread since the start of the crisis.

The results of the European elections confirm the malaise that currently exists between Europe's citizens and the European institutions. If Europe is to reconnect with its citizens it needs to demonstrate that it is able to ensure rights, equality and justice for all. Adopting a stronger maternity directive would send a positive message to European citizens and show that European institutions are able to reach consensus on issues that matter to them in their daily lives.

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<sup>3</sup> on the revision of the Pregnant Workers' Directive showed its willingness to take a wider approach taking account of the benefits for women and society in general, rather than merely reducing the issue to one of euros and cents. Following complex negotiations, a large majority of MEPs adopted the Parliament's report. This should not be ignored by the Member States. Despite, the European Parliament's willingness to be negotiate with the Council, this matter has remain blocked due to the opposition of some Member States.

The next five years present an opportunity for European institutions to show that they are not only able to respond to the demands of big business and industry but that Europe can still bring concrete improvements to the living and working conditions of its people.

The European Parliament must play a key role in this. Defending the rights of pregnant workers and new mothers' would demonstrate an important step in that direction.

If you require any further information please contact: Cinzia Sechi, ETUC Adviser ([csechi@etuc.org](mailto:csechi@etuc.org)) or Mary Collins, EWL Policy Officer EWL ([collins@womenlobby.org](mailto:collins@womenlobby.org)).

Yours faithfully,



Bernadette Ségol  
ETUC General Secretary



Joanna Maycock  
EWL Secretary General

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<sup>3</sup> EP Resolution "Improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding" adopted on 20 October 2010 <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0373+0+DOC+XML+V0/EN>