



## Fresh approach for a maternity leave proposal?

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The withdrawal of the draft Maternity Leave Directive is another European example where practicality takes over vision, staying in the comfort zone takes over aiming for a better world. Most regrettably, the draft has become a symbol of the EU's lack of transformative power. Once at the forefront of progressive legislation on gender equality, the EU once again proved to lose ground on these issues. The original Directive from 1992 is out-dated and out of touch of current realities.

The revision process has been dragging for years. The European Commission presented its proposal in 2008 and among other important improvements, it suggested the extension of maternity leave from 14 to 18 weeks, bringing it in line with the ILO proposed standard. The Commission recommended for Member States to pay full salary for the period of the leave. In the European Parliament, MEP Edite Estrela's report was blocked in May 2009, after which the report was finally adopted in October 2010. This amended the Commission proposal and suggested the extension of maternity leave to 20 weeks (following the WHO proposal), and introduced a non-transferable paternity leave of 2 weeks. The protection against dismissal was also strengthened.

FEPS alongside with other progressive stakeholders warmly welcomed the adoption of the draft in 2010, as it was finally a proposal concerning gender equality where legislation went beyond the mere satisfactory. It shows much about the restrictive political context, that this was already a reason for feminist celebration. But



with the blockage of eight Member States within the Council, the legislation process was stuck.

Several excuses were brought up for blocking the proposal. One of them was that the proposal could lower the protection level in countries where current legislation allows for better provisions. This reasoning ignores that the Directive sets up minimum standards, and explicitly allows for a more favourable legislation. At the same time, it prevents the adoption of worse standards. Another leading reason accused the proposal to be very costly, mainly in times of financial crisis. These voices do not take into account that by erasing gender inequalities on the labour market and by providing for a better division of paid and unpaid work economic growth can be achieved. Thus, the Directive should rather be seen as part of an investment in the future.

Indeed, several studies show, among them the recently published "[Maternity, paternity and parental leave: Data related to duration and compensation rates in the European Union](#)", that well designed leave policies can successfully address the unequal division of paid and unpaid care and house work, a factor that largely contributes to the increased participation of women at the labour market. This study points out again that low compensations rates and very long duration of combined forms of leave lead to negative consequences with regards to labour market and social situation as well as private and professional life reconciliation. The EP's original proposal for a full-paid 20 weeks maternity leave with 2 weeks of full-paid non-transferable paternity leave was offering a viable solution to the findings.

The threat of the European Commission's withdrawal rose against this background, as part of its



Regulatory Fitness and Performance programme. In order to get out of the deadlock, the European Parliament was [determined](#) and ready for a compromise and to lower the demands on full-paid leave. Still, this was not low enough for the European Council. Putting aside its symbolic meaning, the European Commission communicated on 1 July 2015 that “due to lack of progress” the draft would indeed be withdrawn.

One can argue that symbols do not make much for improving the situation of women and men across Europe. The Commission takes a similar stand and tries to give a positive spin to the developments

and states that “(i)n withdrawing the proposal, the Commission wishes to make a clear break from the current stalemate and to open up the way for new initiatives that can be agreed and lead to real improvements in the lives of working parents and carers.” However, this call for new initiatives does not commit to presenting any legislative proposals but merely states that the current draft is not “good enough”.

Following this argumentation, although best practices, proposals and suggestions are very useful, these will not update the current Directive. Hence, they definitely cannot be considered as a fresh approach to

maternity leave and in a more general manner, a fresh approach to gender equality. [The S&D Group and PES Women have put comprehensive proposals forward](#), combining a legislative package on Maternity, Paternity and Parental Leave and reinforcing and adopting non-legislative measures on innovative working time arrangements. Indeed, a forward-looking, inspiring legislative proposal would be necessary to finally deliver on the expectations of millions of European women. Aiming for minimum satisfactory level will not show commitment for the European Commission’s pledge for “real improvement”.

