

## Revision of the Maternity Leave Directive

In December 2014, the Commission gave the Parliament and the Council a further six months to reach agreement on the proposal to revise the Maternity Leave Directive. If no agreement has been reached in that period, the Commission plans to withdraw the proposal. Those six months are now about to expire, yet little progress has been made so far.

### The history of the Maternity Leave Directive

The new Maternity Leave Directive was proposed by the Commission in [2008](#) and was based on Articles 137(2) and 141(3) of the EC Treaty (now Articles 153 and 157 TFEU). Its aim was to improve the protection and employment rights of pregnant workers and those who have just given birth or are breastfeeding, as well as to contribute to a better reconciliation of professional, family and private life. The 2008 Directive was envisaged as a replacement for the current [1992](#) Directive, which sets the minimum period for maternity leave at 14 weeks, with 2 weeks compulsory leave before and/or after confinement and an adequate allowance, in lieu of pay, subject to national legislation. The Commission's proposed revision would set the minimum duration of maternity leave at 18 weeks, with at least 6 weeks compulsory leave after confinement, and provide for an allowance amounting to full salary. The proposed duration follows Maternity Protection Recommendation [191](#) of the International Labour Organization, to extend maternity leave to at least 18 weeks.

The Parliament voted to [accept](#) this proposal in [2010](#), with some amendments, notably prolonging the minimum duration of maternity leave to 20 weeks, and adding 2 weeks of paternity leave under the same conditions as maternity leave. The right to maternity leave would also be extended to adoptive parents, and to workers in any type of contract, including domestic workers. The proposal also emphasises that its provisions are to be without prejudice to Member States' other rules on parental leave and should not undermine them.

After the Parliament's first reading, the proposed directive reached an impasse in the Council and there have been few developments since, resulting in Jean-Claude Juncker's [announcement](#) to withdraw the proposal if no progress were made within six months. The Parliament's amendments have been [criticised](#) in the Council because the proposed minimum duration of leave is considered too long and costly, and some feel that it threatens the subsidiarity principle. The addition of paternity leave has been criticised by some on the grounds that paternity leave should not be addressed within the Maternity Leave Directive, as its purpose is not to reconcile work, family and private life.

### Maternity and paternity leave provisions in Member States

At present, in only 11 Member States is maternity leave already at (at least) the proposed duration of 20 weeks, while 14 have six weeks of compulsory leave after confinement. Moreover, new mothers are paid 100% of salary for the entire duration of maternity leave in 15 Member States.

Paternity leave of at least two weeks currently exists in 13 Member States, but in only seven of these do fathers receive full salary for the duration of this leave. However, it is important to note that the Parliament's first reading position leaves room for some compromise, so that a lack in any of these categories may be compensated by another provision in the law, with, for example, the option that the last four of the 20 weeks of maternity leave be replaced by a scheme of family-related leave at national level.

*Further information on the different national provisions can be found in the EPRS [infographic](#) on maternity and paternity leave in EU Member States, updated in February 2015.*