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## TEXTS ADOPTED

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### **P8\_TA(2015)0207**

#### **Maternity leave**

#### **European Parliament resolution of 20 May 2015 on maternity leave (2015/2655(RSP))**

*The European Parliament,*

- having regard to Articles 2 and 3(3), second subparagraph, of the Treaty on European Union (TEU) and to Articles 8 and 294 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding<sup>1</sup> (the Maternity Leave Directive),
- having regard to the Commission proposal for a directive of the European Parliament and of the Council amending the Maternity Leave Directive (COM(2008)0637),
- having regard to its position adopted at first reading on 20 October 2010 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council amending the Maternity Leave Directive<sup>2</sup>,
- having regard to Parliament's repeated statements on the subject, including its resolution of 10 March 2015 on progress on equality between women and men in the European Union in 2013<sup>3</sup>,
- having regard to the interinstitutional agreement on better law-making<sup>4</sup> and to the forthcoming one on the same subject,
- having regard to the questions to the Council and to the Commission on maternity leave (O-000049/2015 – B8-0119/2015 and O-000050/2015 – B8-0120/2015),
- having regard to the European Court of Justice judgment of 14 April 2015 regarding, inter alia, the Commission's right to withdraw a proposal (Case C-409/13),

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<sup>1</sup> OJ L 348, 28.11.1992, p. 1.

<sup>2</sup> OJ C 70 E, 8.3.2012, p. 163.

<sup>3</sup> Texts adopted, P8\_TA(2015)0050.

<sup>4</sup> OJ C 321, 31.12.2003, p. 1.

- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the principle of equal treatment of women and men implies that there must be no discrimination whatsoever, be it direct or indirect, including on account of motherhood, fatherhood and the fact of shouldering family responsibilities;
- B. whereas the Europe 2020 strategy for smart, sustainable and inclusive growth entails ambitious targets, such as a 75 % employment rate and a reduction in the number of people suffering, or threatened by, poverty and social exclusion by at least 20 million by 2020;
- C. whereas there are more women than men living in poverty and exclusion, especially older women, whose average pension level is 39 % lower than that of men, and single mothers; whereas it is more common for women than men to work part-time or on fixed-term or temporary contracts, and whereas women's poverty is due largely to the precariousness of their jobs;
- D. whereas the falling birth rate in the EU has been exacerbated by the crisis, given that unemployment, precarious circumstances and uncertainty about the future and the economy are making couples, and younger women in particular, put off having children, thereby further reinforcing the EU-wide trend towards population ageing;
- E. whereas women spend three times as long as men every week on household chores (including caring for children, elderly people and people with disabilities as well as household tasks); whereas the female unemployment rate is underestimated, given that many women are not registered as unemployed, particularly those who devote themselves exclusively to household tasks and childcare;
- F. whereas the sharing of family and domestic responsibilities between women and men is essential in order to achieve gender equality; whereas a quarter of Member States do not offer paternity leave;
- G. whereas the Council has still not responded officially to Parliament's first-reading position of 20 October 2010 on the proposal for a directive amending the Maternity Leave Directive;
  1. Deplores the deadlock in the Council regarding the Maternity Leave Directive; urges the Member States to resume negotiations;
  2. Deplores the interinstitutional instability resulting from the Council's failure to act, given that Parliament has concluded its first reading, yet the discussions in the Council have been halted, thereby compromising the whole legislative procedure;
  3. Reiterates its willingness to end the deadlock, and calls for the Commission to play its role of 'honest broker' and to engage in a constructive manner with the co-legislators with a view to reconciling the positions of Parliament and the Council, with due regard for the balance between the institutions and the role conferred on it by the Treaties;
  4. Deplores the fact that the proposed revision of the directive may be withdrawn by the Commission as part of the REFIT exercise, and, if this ultimately proves to be the case, asks for a legislative initiative aimed at revising Council Directive 92/85/EEC as an immediate alternative, to be started under the Luxembourg presidency of the Council, in

order to improve the health and safety of pregnant workers and workers who have recently given birth or are breastfeeding, thereby addressing demographic challenges while also reducing inequality between men and women;

5. Notes the European Court of Justice judgment of 14 April 2015 regarding the Commission's right to withdraw a proposal (Case C-409/13), which reaffirms the specific conditions to be fulfilled by the Commission, inter alia that it honour its obligation to state to Parliament and the Council the grounds for the withdrawal and to abide by the principles of conferral of powers, institutional balance and sincere cooperation, as laid down in the TEU;
6. Reiterates its willingness to draft a separate directive establishing paid paternity leave of at least 10 working days and encouraging measures, legislative and otherwise, which enable men, and fathers in particular, to exercise their right to achieve work-life balance;
7. Awaits the final assessment of Council Directive 2010/18/EU on parental leave and, in view of the available interim studies, calls for a revision of that directive as it is not reaching its target of reconciling private and professional life in order to achieve work-life balance for both parents, and especially women, who are impacted by the gender gaps in respect of pay, pensions and poverty;
8. Instructs its President to forward this resolution to the Council and the Commission.