



The voice of crafts and
SMEs in Europe



European Centre of
Employers and Enterprises
providing Public services

Ms Jolanta Fedak
Minister of Labour and Social Policy
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Dear Minister,

Following the request from the Belgian Presidency and the follow-up under the Hungarian Presidency, on behalf of the Employment and Social Affairs Council, whilst European employers support the objective of protecting the health and safety of pregnant and breastfeeding workers, we would like to highlight some serious concerns regarding the position taken by the European Parliament on the Commission's proposal for a revised directive on pregnant and breastfeeding workers.

Length of maternity leave: European employers are strongly against extending maternity leave to 20 weeks. This goes beyond the Commission's proposal, which was already problematic for enterprises. Putting overly restrictive and costly conditions on enterprises concerning maternity leave will harm women's employment opportunities and employability. When an employee is absent, the employer is confronted with a lot of challenges in terms of work organisation. With 20 weeks maternity leave, these challenges would be even greater, creating problems in recruiting women, particularly for SMEs, and therefore making this less attractive. It would also make returning to the labour market more difficult. At this time in particular, female employment levels need to be raised, not the opposite. For example, more childcare facilities should be made available at an affordable price. In addition, there is no proof that the current EU minimum entitlement of 14 weeks maternity leave is not appropriate to protect the health and safety of pregnant or breastfeeding workers.

Payment of maternity leave: Maternity leave at full pay would be unaffordable for enterprises and member states. Whilst we have strong reservations regarding the European Parliament's own impact assessment, it does indicate that 20 weeks maternity leave at full pay would cost each year 1.3bn euro in the UK and 1.4bn euro in France. In times of economic recovery and with public finances severely constrained for the foreseeable future, it would not be possible to take on such costs.

"Passerelle clause": European employers agree on the need to take into account the range of other types of family-related leave available in member states. However, this should be done at national level. Any attempt to do this at EU level, for example through a *passerelle clause*, would distort the more clearly delineated national approaches. Taking account of all the factors, including the length, payment, coverage etc, in a way which is clearly understandable, is only possible at national level. The current directive provides the minimum requirements at EU level, allowing member states to implement according to their national circumstances. Moreover, we have serious concerns about the level of pay that is proposed in relation to the *passerelle clause*. Whether 75% or 100% of

full pay, which is not clear, this would be very costly for enterprises. It is also not clear with such a system whether member states would be able to continue to cover payment according to sickness pay.

These are the issues on which we were asked to comment, which are really significant problems in the European Parliament’s report. However, they are certainly not the only issues. Many of the European Parliament’s amendments are either inappropriate or far away from enterprises’ realities. In particular, introducing provisions on **paternity leave and adoption leave** in a Directive which is aimed at pregnant and breastfeeding workers. Not only is this not the right place, it would also have extra cost implications. Whilst acknowledging the shortcomings of the European Parliament’s impact assessment, it points out that 2 weeks paternity leave at full pay would cost 900 million euro in Germany.

Another example of the unrealistic position of the European Parliament is the idea that the Directive should oblige employers to **assess reproductive risks** for male and female workers. This goes beyond the scope of a directive which aims to protect pregnant and breastfeeding workers. The European Parliament has also requested that the risk assessment takes into account not only those workers who are pregnant or who have recently given birth, but also workers “likely to be in one of those situations”. This is unrealistic and would be impractical for enterprises.

In conclusion, European employers believe that the objective of protecting the health and safety of pregnant and breastfeeding workers is already assured through the current EU directive. We emphasise that the position taken by the European Parliament would have seriously negative implications for enterprises, member states, women’s employment opportunities and the economic situation of the EU. Equally disappointing, the position shows a lack of awareness of the challenges facing enterprises and their management on a day-to-day basis.

We hope that this information is taken onboard in any future discussions on this subject and we remain at your disposal for further information.

Yours sincerely,

		
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