

EU Maternity cover policies

Current Situation

Maternity rights are set out in the 1992 Pregnant Workers Directive. This EU legislation sets the minimum period for maternity leave at 14 weeks, with 2 weeks' compulsory leave before and/or after confinement and an adequate allowance subject to national legislation. A right to 2 weeks' paternity leave was introduced in a new Work-life Balance Directive for parents and carers, which entered into force on 1 August 2019. Member States had until 2 August 2022 to adopt the laws, regulations and administrative provisions necessary to comply with the directive. The right to paternity leave cannot be made subject to a period of work qualification or to a length of service qualification. The European Commission proposed the new Work-life Balance Directive following the withdrawal of an earlier proposal for a maternity leave directive, which would have extended the period of maternity leave. The new directive does not do so, but it is expected to be particularly beneficial for gender equality in the labour market. As part of the European Pillar of Social Rights (Article 9), it aims to address women's under-representation in the labour market, help them balance their work and family lives more easily and encourage a better distribution of caring responsibilities between women and men. As such it takes a broader approach to modernising the existing EU legal framework in family-related leave and flexible working arrangements, to take account of developments in society over the past decade.

Specific Policies

1. **Duration of Maternity Leave:** EU law mandates a minimum of 14 weeks of maternity leave. Employers must allow at least 2 weeks before childbirth and 4 weeks after. However, many EU countries provide longer maternity leave periods. For instance, some countries offer up to a year or more.
2. **Maternity Pay:** EU legislation does not stipulate a minimum requirement for maternity pay, but it requires that pay during maternity leave should be adequate to ensure the health and well-being of the mother and her child. Many EU countries provide maternity pay, often a percentage of the employee's salary.
3. **Job Protection:** EU directives require that women on maternity leave must be entitled to return to the same job or an equivalent position with the same pay and benefits. Employers cannot terminate an employee's contract because of pregnancy or maternity leave.
4. **Health and Safety:** Employers must ensure that pregnant employees and those who have recently given birth are not exposed to any risks to their health or safety. This may involve adjusting working conditions, such as providing ergonomic equipment or allowing more frequent breaks.

5. Flexible Working Arrangements: Employers may need to consider offering flexible working arrangements, such as part-time work or telecommuting, to accommodate the needs of pregnant employees or those returning from maternity leave.

6. Breastfeeding Support: Employers should provide facilities and breaks to allow breastfeeding or expressing milk upon the return to work. This includes providing a private space and adequate break times for expressing milk.

7. Parental Leave: In addition to maternity leave, many EU countries also offer parental leave, which can be taken by either parent to care for a child. This leave is separate from maternity leave and allows parents to take time off work to care for their child.

8. Non-Discrimination: Employers must not discriminate against employees based on pregnancy or maternity leave. This includes decisions regarding hiring, promotion, training, or dismissal.

9. Communication and Information: Employers should communicate maternity leave policies clearly to all employees and provide necessary information and support to those taking maternity leave.

10. Documentation Requirements: Employers may require documentation, such as medical certificates, to verify the pregnancy and the need for maternity leave.

It's essential for employers to familiarize themselves with the specific laws and regulations in their country regarding maternity leave and cover to ensure compliance and support for their employees. Additionally, consulting with legal experts or human resources professionals can provide further guidance on implementing appropriate maternity cover policies.