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### Maternity Leave at EU Level and Its Impact on Gender (In)Equality

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# Maternity Leave at EU Level and Its Impact on Gender (In)Equality<sup>1</sup>

Maria Damaskou<sup>2</sup>

## Abstract

Discussions around the issue of maternity leave are timeless and although there has been a great improvement regarding the rights of working mothers, the total policy upgrade remains a challenge. This research focuses on the efforts that have been made at EU level in order for its member states to coordinate their maternity leave policies and establish favorable terms. Furthermore, the impact that maternity leave has on employment rates, gender equality, family roles and generally, on many aspects of people's lives is highlighted. Last but not least, it should not be neglected that the mistreatment of working women affects the whole of society and not only pregnant women, thus for this reason, this situation should be dealt with through pioneering and revolutionary changes.

**Keywords:** Maternity leave; maternity leave policies; EU; working mothers; women; gender equality; employment; fertility

## Introduction

Maternity leave is a field of research that concerns social security and affects people's lives. It is a period off-work for the working mothers from a certain time during their pregnancy and until a certain time after the childbirth. Maternity leave is a way to protect mothers' and children's health and although the existence of an EU legal framework, it is obvious, from the analysis below, that the European states act independently establishing more or less favorable maternity leave policies. Moreover, the issue of maternity leave reminds all people of the challenges around genders, which exist in all societies, in any kind of field, from the family's traditional roles to the working environment (ILO, 2010).

In the first section of the present analysis, an overview regarding the EU legal framework on maternity leave is introduced, presenting all the important acts that have been made at European level. Afterwards, the situation in EU member states is analyzed with an emphasis on weeks and on payment of each state's maternity leave policy, while this data is compared to each other and also to the index of women's participation to the labor market and to the index of fertility. In the third section, the correlation between maternity leave policies and gender issues is highlighted, followed by a critical analysis regarding three case studies and suggested recommendations.

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## **An overview of policy coordination efforts at EU level**

In 1992 the EU issued the Directive “92/85/EEC”: “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”. The 1992 Pregnant Workers Directive is valid until today and sets a minimum period of 14 weeks for maternity leave, with 2 of them for mandatory leave before and/or after the childbirth. At the same time, member states should prohibit the dismissal of the worker during the period of her pregnancy and until the end of the maternity leave (Eur-lex, 1992). In 2008 a new proposal was advanced by the European Commission regarding the extension of the period of maternity leave to 18 weeks with 6 compulsory weeks after confinement. Two years later, in 2010, the European Parliament accepted this proposal but made some amendments. It extended the maternity leave to 20 weeks. However, in 2015 the proposal was withdrawn because of Council’s discrepancy (EPRS, 2019). Regarding the salary of workers, the 1992 Directive set an adequate allowance subject to national legislation, while the 2008 proposal set an allowance amounting to full salary (EPRS, 2015).

The Juncker Commission published in 2015 a Roadmap: “New start to address the challenges of work-life balance faced by working families”. It was focused on the women’s low participation in the labor market and emphasized on equal distribution of care responsibilities between mothers and fathers in order to strengthen women in the workplace (Foubert, 2017). In 2017, a new work-life balance package, proposed by the European Commission, replaced the previous proposal in order to revitalize the EU legislation about the already existing parental leave framework. This included a scheme for paternity and caregivers’ leave and, generally, flexible working settings to all working parents with children up to 12 years old and caregivers with dependent relatives. These measures were about bringing equality between women and men in the workplace but without changing the period of maternity leave. After some amendments that were proposed by the European Parliament and the Council, in 2017 and 2018, the agreement was finally reached in June 2019. On 1<sup>st</sup> of August 2019 the Directive came into force and member states have 3 years to adapt the laws (European Parliament, 2021).

## **The current situation in EU member states**

According to Fallon et al. (2017), great correlation has been found between maternity leave policies and fertility rates. For instance, in Denmark, Sweden and France, the fertility rates are among the highest in Europe, and this happens due to high payment rates (see table 1), which are above the average. As it is obvious from figure 1 below, in these three countries the percentage of fertility

fluctuates approximately between 1.6 and 2. In contrast, the same percentage in three other countries (Slovakia, Hungary, Cyprus) fluctuates approximately between 1.2 and 1.57. In these three countries, according to table 1, the payment rates are between 70% and 75%. Although fertility is not the only indicator connected to maternity leave, it can provide some related results. Nonetheless, there can be other conditions that can affect the percentage of fertility in a country, such as the ageing population. According to Risse (2006), some people when they are arguing about being parents or not, they think in terms of utility theory. It is a cost-benefit analysis which illustrates the advantages and disadvantages of having a child, basically in economic terms. Some other women think how much the level of their career will be affected, or the amount of money that they will earn during maternity leave and if they will be able to afford the costs of raising a child. On the other hand, others think that they will leave a legacy to society, as children supply the next generation of human capital, labor and tax revenue.

**Table 1: Maternity leave in EU member states**

Country	Paid weeks prenatal*	Paid weeks postnatal*	Payment rate
Bulgaria	6	52	90%
Greece	8	12	100%
United Kingdom	11	46	first 6 weeks 90%; next 33 weeks a flat-rate payment of either £145.18 (€169.47) or 90% of average gross weekly earnings (whichever is lower); the remaining 13 weeks are unpaid.
Slovakia	8	26	75%
Croatia	4	24	100%
Czech Republic	8	20	70%
Ireland	2	40	100% for 26 weeks; the remaining 16 weeks unpaid
Hungary	4	20	70%
Italy	4	16	100%
Luxembourg	8	12	100%
Estonia	4	16	100%
Poland	6	14	80 - 100%
Denmark	4	14	up to DKK 4 300 (€576) per week based on former earnings
Cyprus	9	9	72%
Romania	9	9	85%
Malta	8	10	weekly rate of €66.25
Lithuania	10	8	100%
Finland	8	9	the allowance is normally about 70% of income.
Latvia	8	8	80%
France	3	13	100%
Austria	8	8	100%
Netherlands	6	10	100%
Spain	10	6	100%
Belgium	6	9	100%

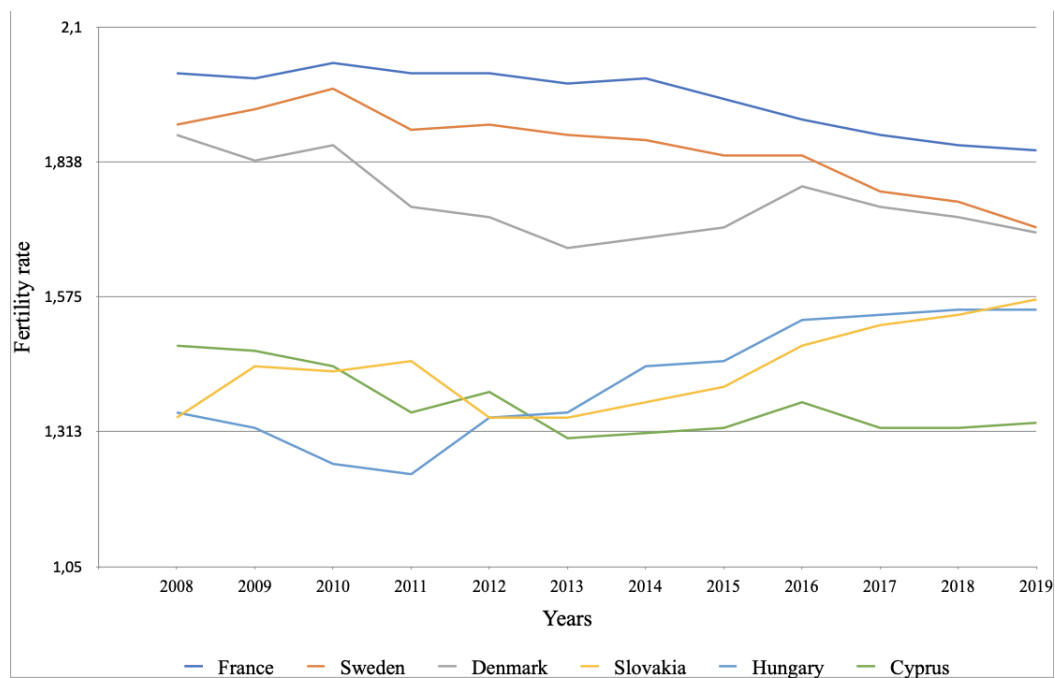
Slovenia	4	11	100%
Germany	6	8	100%
Sweden	2	*1	*1
Portugal	4	6	100%

Source: European Parliament, 2019

\* The paid weeks prenatal and postnatal are estimated by both mandatory and non-mandatory number of weeks.

\*<sup>1</sup> Swedish legislation on this issue is more gender neutral than in other Member States. Rather than maternity leave, parental leave is the most relevant. Each parent is eligible for up to 240 days paid parental leave (all but 90 days of which may be transferred to the other parent), plus unpaid leave until the child is 18 months old. Maternity leave can be taken before or after birth within 60 days of delivery.

**Figure 1: Total fertility rate of 6 EU member states**

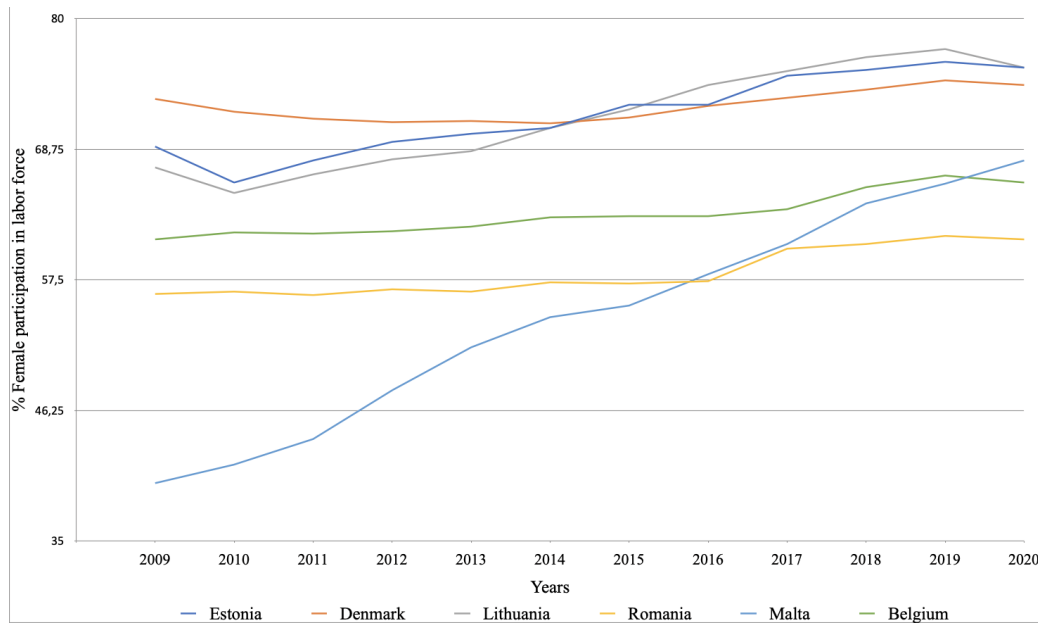


Source: Eurostat, 2021c

According to Shapiro and Mott (1994), a well-structured maternity leave scheme can positively affect the participation of women in the labor market as well as their performance. The duration and the compensation are the two main factors in order to characterize a system as “maternity leave friendly” or not. About the correlation between maternity leave policies and women’s labor force participation, it is obvious from table 1 and figure 2, that in countries such as Romania, Malta and Belgium, the participation of women is very low due to the few paid weeks or to partially (not full) compensation. On the other hand, the other three countries of figure 2, Estonia, Denmark and Lithuania have higher percentages of female participation in the labor force due to a better organized maternity leave framework, which guarantees to working mothers a safer environment. However, it should not be

neglected that there are more factors that can also affect the participation of women in the labor force, except for maternity leave frameworks, such as the economic and educational status, family background, traditions, and the society women live in. For example, for mothers who do not earn a satisfactory salary, it is difficult to afford to take unpaid time off (Mandel, 2012).

**Figure 2: Total employment of females in 6 EU member states**



Source: Eurostat, 2021a

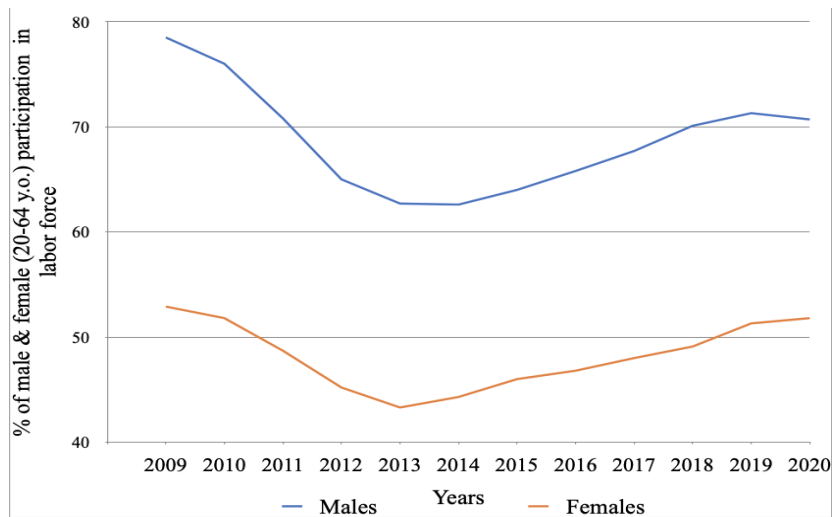
### Gender issues in relation to maternity leave policies

In general, when having a baby, men tend to work more in paid positions while women spend more time on unpaid work ending up working part time or to completely drop out of the labor market, although they would like to continue their previous careers. This situation creates dependent women who may live under poverty conditions. It is also a very common phenomenon that many of them are dismissed and thus, several psychological problems can be caused. Women's participation in the labor market in the EU has not been increased very exponentially since 2006 and the employment rate is still lower than in the other West countries (European Commission, 2015).

The figures below show that there are several differences between men and women in some fields, such as their participation in the labor force. However, it should be mentioned that this gap exists regardless of a certain time period, in other words, it is not affected by factors such as economic crisis, but mostly by policies which discourage women from entering the labor market. For example, in Greece (figure 3), in 2009, only 52.9% of women were working, while the men's percentage was around 78.5% for the same year. During the economic crisis, in 2015, 64% of men participated in the

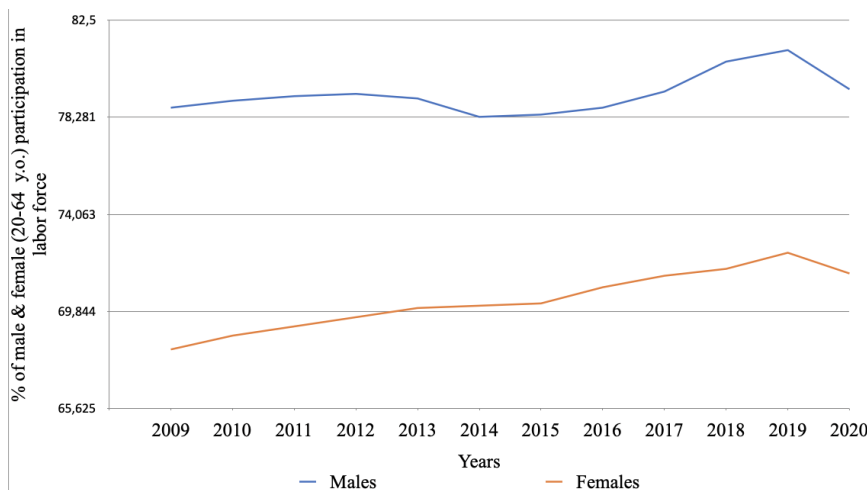
labor force, but only 46% of women. On the other hand, in countries with a more balanced gap between men’s and women’s participation in the labor market, maternity leave policies are more favorable. In Austria, for instance, the percentage of working men was 79.5% in 2020, while women’s was around 71.5% (figure 4). This fact, in combination with the evidence from table 1 (16 paid weeks and 100% compensation in Austria) confirms this common sense.

**Figure 3: women’s and men’s participation in labor force in Greece**



Source: Eurostat, 2021a

**Figure 4: women’s and men’s participation in labor force in Austria**

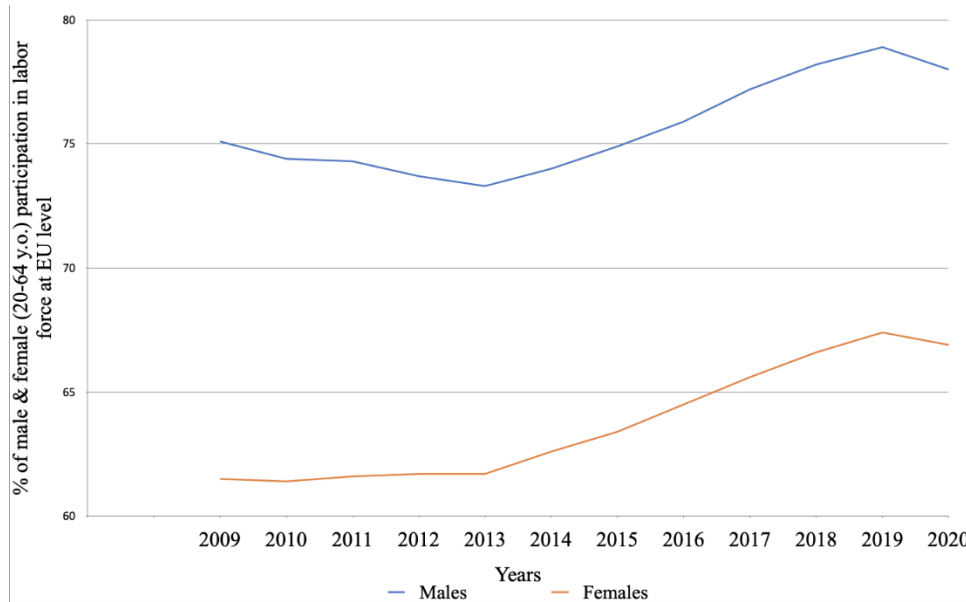


Source: Eurostat, 2021a

Moving broadly to the EU level, the goal that was set in 2015 regarding the EU2020 Strategy for an equal employment rate (75%) of women and men has not been totally achieved. Specifically, the number of working men in the EU-27 in 2020 was 78%, while this number was only 66.9% for women (figure 5). Furthermore, it was proven that the more children a woman has, the lower the

employment rate. In 2020, for example, the average employment rate of women with three children or more was 59.1%. In contrast, men without children had the lowest average employment rate (80.9%), while the number of employed men with two kids was around 92.4% and with three or more children around 86.7% (Eurostat, 2021b).

**Figure 5: women’s and men’s participation in labor force in the EU-27**



Source: Eurostat, 2021a

### Case studies and recommendations

In 2010, in Denmark, the number of women with children (under the age of 12) that were working was higher than the number of women without children that were working. According to ECORYS, Denmark was considered to have a dual earner system, which means that both male and female parents were compensated the same. This amount of compensation was also the highest on average. At the EU level, however, the reconciliation policies of 2011, which supported the parallel occupation in both family and professional level, did not cover the gap between men and women. The International Labor Organization (ILO) supported that maternity leave schemes are a vital part of reconciliation policies and the European Commission emphasized the importance of a long maternity leave period for the health of both the mother and the baby. These policies also help women to have a smoother transition in the workplace as their main goal is to balance the liabilities of parents both in family and in the workplace. For this reason, the example of Denmark is a great opportunity for the EU and its member states to give a push in reconciliation policies or to develop other similar policies, regarding the gender equality, as the Danish system made obvious that father’s active role



in caregiving is a meaningful social progression which positively affects all the members of a family (European Parliament, 2015).

On the other hand, Greece has been an example to be avoided because of the distinction between private and public sector regarding the quality and the duration of maternity leave. While the public sector employees are eligible for five months of paid maternity leave and nine months for childcare leave, the private sector employees receive four months of maternity leave and four months for childcare leave. Regarding compensation, mothers in the first category earn full payment. Conversely, mothers working in the private sector receive allowances from their employer, the social insurance system (IKA), and the Greek Manpower Employment Organization (OAED - part of the federal government) (Ray, 2008, Hatzivarnava-Kazassi & Karamessini, 2020). Nonetheless, the conditions under which a pregnant woman is entitled to these benefits are very complicated, and although they play an important role in this study, the focus should remain on the complexity of the whole process, so their detailed analysis will not be mentioned. Furthermore, in the private sector, adoptive mothers do not have any adoption leave protections, while in the public sector they have the right for three paid months of leave (Ray, 2008, Hatzivarnava-Kazassi & Karamessini, 2020). This situation further intensifies the need for an EU common mandatory action framework for maternity leave policies in order to prevent states from pursuing policies that favor specific situations without taking the mother into account. Regarding this case study, a great injustice to a certain portion of the population (pregnant women in the private sector) will cease to exist under a common legislative framework. The example of Greece is a special case which highlights that in addition to gender inequality, there is also inequality among people of the same gender.

Finally, Ireland has a minimum number of only 2 prenatal weeks, as seen in the table 1 above. Moreover, from the total of 42 weeks, only the 26 are paid, while the rest 16 are unpaid. For the 26 paid weeks, a weekly maternity benefit rate of €245 is received only by the qualifiers. In other words, mothers who are entitled to some social welfare payments are qualified only for half of this amount. In general, a stagnation regarding the number of mothers who receive the maternity benefit prevails. In 2014, there were 22,708 recipients and in 2018 only 21,182. The 1/3 of employed women who participated in a survey declared that they have faced problems with the maternity leave and especially with its duration (Daly & Szelewa, 2020). A legal framework at EU level which will determine the exact number of weeks a pregnant woman is entitled to, before and after the childbirth, should be established. Two months before the childbirth is not an appropriate number for the duration of the prenatal maternity leave period. Taking into consideration the duration of breastfeeding, the financial burdens of hiring a nanny or enrolling the baby to a nursery school, the possible not existence

of third persons to help such as grandparents and the possibility of a single-parent family, it makes more sense that the maternity leave period should last more even from the 14 weeks that have been proposed by the EU and the proportion of weeks before and after the childbirth should be distributed very carefully as the health of both mother and the embryo is of the highest importance, and of course, two weeks before the birth do not guarantee this priority.

## Conclusions

Despite the efforts of the EU to bring equality between men and women in the labor market and to empower the second ones even more with family friendly policies, it is supported that these efforts are not strong enough, as it is clearly proven that there is still room for improvement. Some people criticize these attempts very cynically, arguing that gender stereotypes, which want women to continue to play a leading role in childcare, are still reinforced but at least in a better organized environment with more favorable terms. On the other hand, there is a gap in the policy about the rights of single mothers, a fact which shows that the typical traditional family model is taken as granted while it should not be (Foubert, 2017).

In general, it should be understood that more action at EU level is necessary because competition as well as cooperation among member states are key factors in order for a common framework, in which member states will not act on their own arbitrary rules, to function better (European Commission, 2015). This common framework, although existing, is neither binding nor strong enough to cope with current challenges, and as a result, women are marginalized for one more time, in one more area.

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