

Social Affairs

MATERNITY LEAVE

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

Objective

To implement measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

Relevance for the hospitality industry

As the hotel, restaurant and café sector employs a large number of women, this Directive is of particular relevance.

State of progress

The Directive was adopted on 28 November 1992.

Member States had until 19 October 1994 to comply with this Directive.

A new proposal on maternity leave ([COM \(2008\) 637 final](#)) is currently being discussed within the European institutions. This new proposal amends Directive 92/85/EEC.

Content

The Directive guarantees:

- Maternity leave of at least 14 consecutive weeks; and
- The maintenance during leave of payment and of the rights to the employment contract.

The Directive prohibits:

- The dismissal of pregnant workers;
- The exposure of pregnant workers to certain agents and working conditions that could endanger their health and safety.

The Directive defines the terms “pregnant worker”, “worker who has recently given birth” and “worker who is breastfeeding”.

For a summary of the Directive you can visit the [SCADplus](#) website (European Commission)

The Commission proposal on maternity leave ([COM \(2008\) 637 final](#)) amending Directive [92/85/EEC](#), introduces the following changes:

- The extension of the minimum maternity leave to 18 weeks;
- The compulsory leave of at least six weeks after childbirth;
- The right of workers to return to their job or similar post on terms and conditions that are no less favourable to them; and
- The right of women returning to work after maternity leave to ask for flexible working hours. The employer shall be obliged to consider such request, taking employers’ and workers needs into account.

For a detailed overview of the state of progress and related documents of the Commission proposal, you can visit [PreLex](#) (European Commission) or [OEIL](#) (European Parliament)

HOTREC position

HOTREC supports measures on work-life balance and protection of working women who are pregnant, have recently given birth or are breastfeeding. Nevertheless, HOTREC is of the opinion that an excessive regulation in this area will only add financial costs and additional burdens on SMEs.

The compulsory extension of maternity leave to 18 weeks would entail additional burdens in the majority of the Member States, where the maternity leave is currently shorter than 18 weeks.

Official references

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 (tenth individual Directive within the meaning of article 16(1) of Directive 89/391/EEC), O.J. L 348, 28.11.1992.

See also

Proposal [\(COM \(2008\) 637 final\)](#) for a Directive of the European Parliament and of the Council, amending 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

HOTREC* reply to the European Commission's consultation of social partners on reconciliation of professional, private and family life. See HOTREC position in the HOTREC website (D-0707-192-DM)