



EU Pregnant Workers Directive: Proposals to improve support for breastfeeding mothers

Introduction

The European Union (EU) Pregnant Workers Directive is an important piece of European legislation which outlines minimum legal entitlements for workers across the EU. It covers leave, pay, health and safety, breastfeeding rights and other aspects of work and pregnancy. Amendments to the Directive are currently under discussion within the EU. There is an opportunity to influence the amendments to the Directive and achieve the best possible legal protection for women who are breastfeeding.

About the Directive

The Pregnant Workers' Directive is a European Union directive on pregnant women and new mothers at work. The UK and other EU member states are obliged to implement the Directive.

In March 2010, the Women's Rights and Gender Equality Committee of the European Parliament adopted a report proposing a series of amendments to the Directive. The report will be voted on by the European Parliament, probably in July 2010. It will then be reviewed by the Council which consists of representatives of each of the EU member states. Once adopted, the UK and other EU member states have two years in which to make the necessary changes to national legislation to implement the new Directive.

The Directive sets out minimum legal standards for all EU countries. The UK exceeds these minimum standards in some areas and falls short of them in others. The amendments would improve the rights of breastfeeding women in the workplace.

There are ongoing difficulties in achieving support for the amendments. An earlier version of the amendments was debated in the European

Parliament in 2009 and was returned to the Women's Rights and Gender Equality Committee for redrafting. Debate on the current report has been deferred while a report is prepared on the social and economic impacts of the extension of maternity leave.

Breastfeeding rights (Amendment 71)

The proposed amendments provide for legislated breastfeeding breaks at work. These apply to all workers who are breastfeeding, without limitation on the age of the child. Full time employees are entitled to two separate breastfeeding breaks per day of an hour each, unless some other arrangement has been agreed with their employer. The time available for these breaks increases by 30 minutes for each additional child in the case of multiple pregnancies. Part time workers have reduced entitlements.



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Currently, there is no general entitlement to breastfeeding breaks. An employer is required to undertake a health and safety risk assessment if a woman advises in writing that she is breastfeeding. Women are entitled to breastfeeding breaks if this risk assessment identifies risks to the health of mother or baby if breastfeeding breaks are not provided. This is a complex legal framework which leaves women uncertain about their entitlements prior to return to work. There is limited legal recourse for women whose employers refuse to provide breastfeeding breaks.

Breastfeeding has significant health benefits for mothers and babies. Over their lifetime, breastfed babies have reduced rates of many infectious and immunological diseases, reduced rates of some cancers, better cardiovascular health, and reduced rates of obesity. Mothers who breastfeed have reduced rates of breast and ovarian cancer.¹

The limitations of the current legal protection create barriers to women continuing to breastfeed on return to work. Return to work is one of the main reasons why women give up breastfeeding.² Greater ease of breastfeeding on return to work will impact on duration of breastfeeding and may also impact on commencement rates as breastfeeding becomes normalised.

Health and safety (Amendment 37)

The proposed amendments state that women should not be required to do night work or to work overtime during the entire period of breastfeeding.

Currently, a pregnant woman whose doctor advises against night work on health and safety grounds must be transferred to day work or suspended on full pay. Women who are breastfeeding have no general right not to do night work or overtime and must negotiate this with their employer in the context of a health and safety risk assessment.

The proposed amendments provide breastfeeding women with clear and enforceable rights to refuse night work and overtime. This will enable women at risk of stress and exhaustion to better protect their health and their baby's health.

Other issues

The proposed amendments to the Directive address other rights at work for pregnant women, new mothers and their families. These include protection against unfair dismissal on return from maternity leave, improved maternity pay, better health and safety protection, improvements in flexible working and enhanced leave for parents of premature babies and parents with additional needs.

For more information, see the Maternity Action briefing, [EU Pregnant Workers Directive: Proposed amendments](#).

CONCLUSIONS

The proposed amendments to the Pregnant Workers Directive offer the chance to significantly improve the rights of women who are breastfeeding. Maternity Action calls upon UK MEPs to support the report of the Women's Rights and Gender Equality Committee; and for the UK Government to support the proposed amendments at the Council

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About Maternity Action

Maternity Action is a national charity working to end inequality and promote wellbeing for all pregnant women, new mothers and their families.

For further information on our campaigning work and for detailed information on maternity and parental rights and benefits, see our website at www.maternityaction.org.uk

1 World Health Organisation, 2009, *Infant and young child feeding*, Geneva: WHO

2 K. Bolling, C. Grant, B. Hamlyn, A. Thornton, 2007, *Infant feeding survey 2005*, London: The Information Centre