

# Equal treatment between men and women: self-employed workers and their spouses

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The Committee on Women's Rights and Gender Equality adopted a recommendation for the second reading contained in the report by Astrid LULLING (EPP, LU) on the position of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC.

The Committee recommends that the Council's position in first reading should be amended as follows:

- a new recital recalling that the European Parliament has already stated its position on these matters in its [resolution](#) of 21 February 1997 on the situation of wives of independent workers;
- Members express their reservations regarding the provision that provides for the possibility of Member States to maintain national provisions limiting access to specific social protection schemes, or to a certain level of protection, including special funding conditions, to certain groups of self-employed workers or professions, provided that access to a general scheme is available. They therefore introduced an amendment **to ensure that these provisions to limit access to social protection are not established**;
- Members also deleted the provision according to which Member States could determine if **the economic situation of the person** or family in question should be taken into account when establishing contributions and/or benefits;
- an amendment stipulates that the **length of the period** during which female self-employed workers and female spouses or, when and in so far as recognised by national law female life partners, of self-employed workers, are granted maternity benefits is similar to the duration of maternity leave for employees currently in place at EU level. In case the duration of maternity leave provided for employees is modified at EU level, the Commission should report to the European Parliament and the Council assessing whether the duration of maternity benefits for female self-employed workers and female spouses and life partners should also be modified;
- the Committee does not accept the reference to the **quality and the long-term sustainability of social protection systems**, because the sustainability of these social protection systems does not figure among the objectives of the Directive;
- as far as **social protection** is concerned, Members deleted the provision stipulating that the Member States may provide that this social protection is granted only upon the request of spouses and life partners;
- in regard to **maternity allowances**, an amendment specifies that female self-employed workers and female spouses and life partners in accordance with national law, be granted **a sufficient** ( as opposed to “an adequate”) maternity allowance enabling interruptions in their occupational activity owing to pregnancy or motherhood for at least 14 weeks. Members deleted the provision requiring the Member States could provide that this allowance is granted only upon request of female self-employed workers and female spouses and life partners;
- access to any temporary replacement services or social services existing at national level should not be restricted by a criterion that is neither clear cut nor identifiable;
- Members do not accept that organisations for the promotion, analysis, monitoring and support of equal treatment that monitor the correct application of the Directive should be the same as those entrusted at national level with the defence of human rights. This amendment partially reproduces the substance of Parliament's first-reading amendment which held that it is not desirable to mix the questions of human rights with gender equality issues;

- lastly, Member States should communicate to the Commission all available information concerning the application of this Directive at the latest 5 (instead of 6) years following the entry into force of the Directive. The Commission should submit a summary report at latest 6 (instead of 7) years after the Directive entry into force. This report should take into account any legal change concerning the duration of maternity leave for employees.