

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

2008/0192(COD) - 18/05/2010 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the position of the Council at second 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 Parliament adopted its position at second reading under the ordinary legislative procedure (formerly know as the codecision procedure). The main amendments adopted at plenary are the result of a compromise reached between the European Parliament and the Council. They amended the Commission's initial proposal as follows:

Duration of maternity benefits: a recital 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 referred to in Article 2 should also be modified.

Positive action: Member States may maintain or adopt measures within the meaning of Article 157(4) of the Treaty on the Functioning of the European Union with a view to ensuring full equality in practice between men and women in working life, for instance aimed at promoting entrepreneurship initiatives among women.

Social protection: the text provides that where a system for social protection for self-employed workers exists in a Member State, that Member State shall take the necessary measures to ensure that spouses and life partners can benefit from a social protection in accordance with national law. The Member States may decide whether the social protection is implemented on a mandatory or voluntary basis. **Maternity benefits:** Member States shall take the necessary measures to ensure that female self-employed workers and female spouses and life partners may, in accordance with national law, be granted a sufficient maternity allowance enabling interruptions in their occupational activity owing to pregnancy or motherhood for **at least 14 weeks**.

Temporary replacements: Member States shall take the necessary measures to ensure that female self-employed workers and female spouses and life partners have access to any existing services supplying temporary replacements or to any existing national social services. The Member States may provide that access to those services is an alternative to or a part of the abovementioned allowance.

Equality bodies: Member States shall take the necessary measures to ensure that the body or bodies designated in accordance with Article 20 of Directive 2006/54/EC are also competent for the promotion, analysis, monitoring and support of equal treatment of all persons covered by this Directive without discrimination on grounds of sex.

Reports: Member States shall communicate, at the latest five years after the entry into force of the Directive, all available information concerning the application of this Directive to the Commission. The Commission shall draw up a summary report for submission to the European Parliament and to the

Council no later than six years after the entry into force of the Directive. This report should take into account any legal change concerning the duration of maternity leave for employees. Where appropriate, that report shall be accompanied by proposals for amending this Directive.

The text recalls 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.