



9.9.2024

## NOTICE TO MEMBERS

**Subject: Petition No 0350/2024 by I. S. (Portuguese) on increasing time off for breastfeeding up to the child's second birthday in the EU**

### 1. Summary of petition

The petitioner complains that the European Parliament only provides mothers with time off for breastfeeding in the first 6 months of the child as a given, with the possibility of extending this for an additional 6 months on an exceptional basis. The petitioner refers to the World Health Organization and UNICEF recommendation according to which children should continue to be breastfed for up to two years of age or beyond to claim that Parliament's rule is unfitting and particularly damaging for children and families. She asks Members of the European Parliament to allow for time off for breastfeeding for all mothers breastfeeding children up to two years of age who work as staff of the EU institutions, and also for all the mothers working in all EU countries.

### 2. Admissibility

Declared admissible on 14 June 2024. Information requested from Commission under Rule 233(6).

### 3. Commission reply, received on 9 September 2024

On 17 June 2004, the Heads of Administration of the EU institutions adopted a Conclusion allowing a staff member returning from maternity leave to be dispensed from work for two hours a day to breastfeed her baby. This Conclusion specifies that this dispensation may be granted until the end of the sixth month following the birth and can exceptionally be granted after these six months if the staff member provides a medical certificate that breastfeeding is necessary for medical reasons specific to the baby. In addition, the Conclusion states that the dispensation cannot be granted beyond the twelfth month following the birth.

The European Parliament's internal rule derives from this Conclusion. It is for the European

Parliament to decide and develop their internal rules. This Conclusion is also the basis for the Commission's internal rule on this matter. However, it should be noted that in practice, the Commission grants this dispensation to staff members up until the ninth month following the birth of the child, based on the consideration that breastfeeding is in general medically advisable until that time. Afterwards, for a prolongation until the twelfth month following the birth, a medical certificate must be submitted to the medical service stating that breastfeeding is medically necessary.

The Commission's Gender Equality Strategy 2020-2025<sup>1</sup> envisions a Europe where women and men, girls and boys, in all their diversity can equally participate in the European society. This Strategy presents the Commission policy objectives and actions to make significant progress by 2025 towards a Union of Equality that supports tackling violence against women, promotes women's economic empowerment and the representation of women in leadership positions.

The Commission is strongly committed to gender equality in the labour market and continues to address all the root-causes of the gender employment, pay and care gaps.

Existing EU legislation grants protection to women who are breastfeeding. In particular, Directive 92/85/EEC<sup>2</sup> protects the health and safety of women in the workplace who are pregnant, have recently given birth or are breastfeeding, which could be considered as providing standards of the minimum protection which should be taken into account by the EU institutions as well. The Directive prohibits to oblige workers who are breastfeeding to perform duties for which the assessment has revealed a risk of exposure to listed agents and working conditions which would jeopardise safety or health. The Directive provides for a minimum of 14 continuous weeks of maternity leave before and/or after birth, including at least two weeks of compulsory maternity leave. It also prohibits the dismissal of women because of their pregnancy and maternity.

Moreover, Directive 2019/1158 on work-life balance for parents and carers<sup>3</sup> grants each parent four months of parental leave of which two are paid and non-transferable. The Directive also provides for ten days of paid paternity leave and five days of carers' leave and a right for parents and carers to request flexible working arrangements which includes reduced hours and remote work options. These legislative measures aim to enable parents and carers to better balance their professional and private lives, promoting gender equality in caregiving responsibilities and improving the participation of women in the labour market. The Commission closely monitors the implementation of the measures by Member States. As part of their system of maternity, paternity, parental and carers' leaves, some Member States and EU institutions have introduced breastfeeding leaves for mothers of several hours per week

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<sup>1</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Union of Equality: Gender Equality Strategy 2020-2025, COM(2020) 152 final, 5 March 2020; [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en)

<sup>2</sup> 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), OJ L 348, 28.11.1992, p. 1.

<sup>3</sup> Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, OJ L 188, 12.7.2019, p. 79.

to facilitate their return to work while continuing to breastfeed.

In autumn 2023, the Commission opened a priority for Citizens, Equality, Rights and Values (CERV<sup>4</sup>) Gender Equality call related to the implementation of the work-life balance Directive<sup>5</sup>. The call supports projects aimed at family-friendly practices in companies encouraging the take-up of related leaves by both women and men. It also supports the prevention and protection against discrimination of working parents and carers who took leaves and flexible work arrangements and promotes awareness raising of the value of care work, also challenging gender stereotypes that perpetuate the traditional division of labour.

### Conclusion

The Heads of Administration of the EU institutions adopted a Conclusion allowing a staff member returning from maternity leave to be dispensed from work for two hours a day to breastfeed her baby based on the importance of breastfeeding for the baby, the duration of which can be prolonged in case of medical needs. In addition, this dispensation facilitates the return to work by female staff members. However, it is for the European Parliament to decide and develop its internal rules.

The Commission remains fully committed to promoting gender equality through, amongst others, the equal sharing of caring responsibilities between women and men across the EU. In that respect, the work-life balance Directive provides different possibilities that parents, including those of breastfeeding children, could use, to enable them to meet both the needs of children and employment. The Commission will continue to closely monitor the implementation of the work-life balance Directive into the national legislation.

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<sup>4</sup> Citizens, Equality, Rights and Values programme (cf. [https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/citizens-equality-rights-and-values-programme/citizens-equality-rights-and-values-programme-overview\\_en#:~:text=The%20CERV%20programme%20has%20four,gender%20and%20non%2Ddiscrimination%20mainstreaming](https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/citizens-equality-rights-and-values-programme/citizens-equality-rights-and-values-programme-overview_en#:~:text=The%20CERV%20programme%20has%20four,gender%20and%20non%2Ddiscrimination%20mainstreaming)).

<sup>5</sup> [https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/cerv/wp-call/2024/call-fiche\\_cerv-2024-ge\\_en.pdf](https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/cerv/wp-call/2024/call-fiche_cerv-2024-ge_en.pdf)