

## 'The EU should practise what it preaches regarding parental leave' says the European Ombudsman

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The European Ombudsman, **Mr. Jacob Söderman**, has opened an own initiative inquiry into parental leave (1) in the EU institutions. The inquiry aims to ensure that EU officials enjoy the same right to parental leave as is guaranteed in the Member States. While Council Directive 96/34/EC and the Charter of Fundamental Rights proclaimed in Nice have guaranteed rights to parental leave in the Member States, the institutions have not yet introduced the same rights for their own officials. "The EU institutions' own internal rules should be adapted to ensure equality and to protect the rights of men, women and children," according to the Ombudsman.

The Commission has until 31 January 2002 to respond to the Ombudsman's inquiry.

Council Directive 96/34/EC foresees an individual right for both men and women to parental leave of at least three months on the grounds of the birth or adoption of a child. Article 33(2) of the Charter of Fundamental Rights foresees that "everyone shall have the right to.....parental leave following the birth or adoption of a child."

The existing Staff Regulations fall short of these standards in two areas, namely in the case of adoption and in terms of paternal leave. Although the Commission's Communication from October 2000, entitled "Family-related leave and flexible working arrangements", promised to address these shortcomings, no concrete proposals have yet been adopted for the EU institutions themselves.

The Ombudsman has informed the Commission that its delay in implementation is not acceptable. "It is now two years since Member States implemented Directive 96/34/EC on parental leave and almost one year since the Commission Communication was presented. Almost a year after the Nice Charter was proclaimed, all EU citizens should be enjoying the rights that it guarantees. If the EU institutions cannot even ensure that Community law is respected within their own internal organisations, then they cannot expect to gain the respect of their own staff, let alone the general public," he concluded.

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(1) The term "parental leave" is used in the meaning of leave for parents, both men and women, to take care of their child or children. The term thus covers both maternity leave and paternity leave.