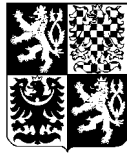


THE PARLIAMENT OF THE CZECH REPUBLIC

SENATE



7th term

142nd RESOLUTION OF THE SENATE

Delivered on the 5th session held on 27 March 2009

**Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/85/EEC 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
(Senate Press no. N 136/06)**

The Senate

I.

1. **Supports** high level of safety and health protection at work of pregnant workers and workers who have recently given birth or are breastfeeding while pointing out the traditionally high level of protection of the above mentioned categories of persons in the Czech Republic;
2. **Perceives** the need to adopt measures which would provide for real possibility of individual choice while reconciling family and private life;
3. **Reminds**, however, of the need to respect the distribution of powers between the Community and the Member States;

II.

1. **Is not of the opinion** that a harmonized extension of maternity leave by four weeks could have the effects mentioned by the Commission in the Proposal, in particular as regards earlier return of the woman to work and her decision not to recourse to parental leave;
2. **Does not agree** with extension of the principle of reversed burden of proof to further areas of the legal order (Article 12a);
3. **Welcomes** that, with the exception of the six weeks after giving birth, the recourse to maternity leave is perceived in the Proposal as the right of the mother, not her duty;
4. **Calls upon** the Government to support such wording of the Proposal the subsequent implementation of which would neither diminish the standard of safety and health protection nor limit the possibility of choice, in particular as regards alternation of care

for the child by mother and father since the beginning of the seventh week after birth, currently enabled by Czech law;

III.

1. **Requests** the Government to inform the Senate about the way this position was taken into account and to provide the Senate with information on further proceeding of negotiations;
2. **Authorises** the President of the Senate to forward this resolution to the European Commission.

Přemysl Sobotka
sign manual
President of the Senate

Václav Koukal
sign manual
Senate Verifier