

Specific amendment of the Implementing provisions for Article 58 of the Staff Regulations and General Conditions of Employment relating to maternity leave for staff performing air traffic control duties at the EUROCONTROL Maastricht Centre

Attachment: Implementing provisions

1. INTRODUCTION

As part of the EUROCONTROL Administrative Reform, which entered into force on 1 July 2008, the Agency has amended Article 58 of the Staff Regulations and of the General Conditions of Employment, concerning maternity leave. These modifications take account of the amendments made to the provisions applicable to officials at the European Communities. The implementing provisions of Article 58 can be found in the **Attachment**.

For your information, the amended version of Article 58 has increased the duration of maternity leave to 20 weeks (previously 16 weeks). It also makes express provision for greater flexibility regarding the date on which such leave commences, which is now no earlier than six weeks prior to the probable date of confinement. These provisions were published in Office Notice No. 31/08 dated 27.6.08, which remain unchanged and are set out below and reproduced in the Attachment.

Since these specific provisions are applicable to staff performing air traffic control duties at the Maastricht Control Centre, they must comply with the European provisions concerning "physical and mental fitness requirements for the exercise of air traffic control duties", as referenced and updated in Rule of Application No. 26. They are set out in paragraph 2.2 below.

2. PURPOSE

- 2.1 The implementing provisions of Article 58 specify in particular the conditions under which the expectant mother is able to delay the start of maternity leave, and the conditions under which an illness or accident may cause maternity leave to be extended.

The present provisions also apply to contract staff under the conditions set out in Article 11 of the Conditions of Employment of Contract Staff at EUROCONTROL.

All of these provisions remain unchanged for staff other than those referred to in paragraph 2.2 below.


2.2 In accordance with the document entitled "Requirements for European Class 3 Medical Certification of Air Traffic Controllers" published by EUROCONTROL and available on the MUAC Intranet under "Operations Division" - "ATCO Certification", female air traffic controllers must cease their duties at the end of the 34th week of their pregnancy. Maternity leave begins on the first day of week 35. Other temporary functions outside the OPS Room may be proposed to staff concerned before they leave.

3. SUPERSESION OF PREVIOUS PROVISIONS

This Office Notice supersedes Office Notice No. 31/08 dated 27.6.08.

4. ENTRY INTO FORCE

The implementing provisions will enter into force on the date of publication of the present Office Notice.

A handwritten signature in black ink, appearing to read "David McMILLAN", with a horizontal line underneath the name.

David McMILLAN
Director General

**IMPLEMENTING PROVISIONS FOR ARTICLE 58 OF THE STAFF REGULATIONS
AND GENERAL CONDITIONS OF EMPLOYMENT RELATING TO MATERNITY LEAVE**

Article 1 – Procedure to be followed and start of maternity leave

An expectant mother must provide the appropriate Human Resources unit, before her maternity leave, with a document drawn up by her doctor giving the expected date of childbirth. The said unit shall pass on this information to the Medical Adviser.

After childbirth, the mother must submit a copy of the birth certificate as soon as possible to the appropriate Human Resources unit, which shall likewise inform the Medical Adviser.

The leave shall start not earlier than 6 weeks before the expected date of confinement. The same shall apply in the case of a multiple birth or the birth of a handicapped child, with the additional four weeks provided for in such cases being added to the period of maternity leave following childbirth.

The expectant mother may, if she so wishes and provided that her state of health permits, continue working beyond the 6th week preceding the expected childbirth and defer the start of her maternity leave. In that case, she must, in her own interest, submit a certificate of fitness to the appropriate Human Resources unit certifying that her state of health permits her to continue working beyond the limit of 6 weeks preceding childbirth either full-time or half-time. If the certificate of fitness submitted certifies that the state of health of the expectant mother permits her to continue working half-time, the starting date of the half-time maternity leave shall coincide with the date of effect of the certificate of fitness.

For servants performing air traffic control duties at the Maastricht Control Centre, maternity leave shall begin on the first day of week 35 of the pregnancy. If service requirements permit and with the agreement of the servants in question, they may be assigned to tasks outside the Maastricht OPS room after the first day of week 35 of their pregnancy, in line with the provisions above.

Article 2 - Illness

Any illness of more than three days' duration, or accident involving incapacitation of more than three days' duration may result in extra time off and hence extension of maternity leave, provided the Medical Adviser approves the detailed medical certificate to be sent to him within 48 hours of the start of the illness or the accident occurring. The Medical Adviser must be warned in advance, by telephone or fax where applicable.

Otherwise, by analogy, the procedure for absence on health grounds during annual leave shall apply.

Article 3 – General provisions

EUROCONTROL public holidays falling within the period of maternity leave shall not result in extra leave.

Annual leave, leave on personal grounds, parental leave or part-time may be taken immediately, without interruption, after maternity leave.

Attachment

If maternity leave is taken outside the place of employment (in the place of origin, for example), the mother must inform the Medical Service accordingly.

The maternity leave is maintained in full if the child dies at birth or soon after.