

THE IMPORTANCE OF MATERNITY RIGHT FOR INDONESIAN WORKERS

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Maternity Right

- Maternity right is a form of care services for women related to the reproductive system, pregnancy, childbirth, postpartum, until the baby is 40 days old
- Maternity right focuses on meeting the basic needs of women and their families in adapting, both physically and psychosocially, to achieve prosperity. The issue of maternity right is often found to be a weapon for companies not to re-employ women.

Why Maternity Right is Important

- Maternity right is part of human rights. The right to freedom from discrimination, equality and harassment is a form of basic right that must be fulfilled.
- Protection of women workers. The provision of a legal umbrella for maternity right will make women workers no longer worry about having children during their work activities.

Why Maternity Right is Important

- Protection on employment status. Maternity right regulations provide guarantees for women workers for job and income security for women workers during their maternity leave. On the other hand, maternity right regulations have a decisive stand towards freedom from financial threats and unilateral termination of employment while taking leave.

Why Maternity Right Important

- The government's commitment to upholding the basic principles of human rights in Indonesia. The protection of maternity right provides guarantees for women workers to continue to contribute to the development of the country. Protection of maternity right provides equal space and makes employment opportunities for women workers more real and will affect the development of a healthy population

Indonesian Women Workers/Laborers' Maternity Right and Laws Regulating It

- Article 81 (paragraph 1) Women workers/laborers who feel pain during menstruation and notify the employer shall not be required to work on the first and second day of menstruation.
- Article 82 (1) Women workers/laborers shall have the right to pre-natal rest for 1.5 (one and a half) months before childbirth and 1.5 (one and a half) months after childbirth according to the calculation of an obstetrician or midwife.
- Article 82 (2) Women workers/laborers who experience a miscarriage shall be entitled to rest for 1.5 (one and a half) month or according to a certificate from an obstetrician or midwife.

Indonesian Women Workers/Laborers' Maternity Right and Laws Regulating It

- Article 76 (1) Women workers/laborers who are less than 18 (eighteen) years old shall be prohibited from being employed between 11 PM to 7 AM.
- Article 76 (2) Employers shall be prohibited from employing pregnant women workers/laborers where, according to an obstetrician's certificate, it is dangerous for the health and safety of their wombs and themselves if they work between 11 PM and 7 AM.

Indonesian Women Workers/Laborers' Maternity Right and Laws Regulating It

- Article 83 Women workers/laborers whose children are still breastfeeding shall be given appropriate opportunities to breastfeed their children if it must be done during working hours.
- Article 84 Every worker/laborer who uses the right to rest time as referred to in Article 79 paragraph (2) letters b, c, and d, Article 80, and Article 82 shall be entitled to full wages.

ILO Convention 183 & Recommendation 191

- Maternity Protection Convention, 2000 (No. 183), and Recommendation No. 191 aims to *maintain the health of mothers and children, and to provide job security for mothers (especially from dismissal and discrimination), maintenance of wages and maintenance of benefits during maternity, as well as the right to continue working after giving birth*
- This Convention applies to all employed women,

ILO Convention 183 & Recommendation 191

The Convention and Recommendation consist of five main elements:

1. Maternity leave or rest period from paid work related to pregnancy (at least 14 weeks), childbirth and the postpartum period.
2. Cash and medical benefits during absence for maternity and for health care related to pregnancy, childbirth and postpartum care.

ILO Convention 183 & Recommendation 191

3. Health protection in the workplace for mother and unborn child during pregnancy and for mother and child during breastfeeding.
4. Employment protection and non-discrimination, which is a guarantee of women's job security and the right to return after maternity for the same or equivalent job with the same wage.
5. Breastfeeding arrangements to assist women in the workplace to breastfeed or express milk.

What Protection the ILO Convention 183 Provides

Coverage (who is protected)	All married or unmarried women workers, including those in precarious jobs (contracted/piece-meal workers)
Duration of Leave	➤ Not less than 14 weeks ➤ With the rule of 6 weeks of compulsory leave after childbirth

What Protection the ILO Convention 183 Provides

Cash Benefits

- ❖ Two thirds of the women's previous wages OR
- ❖ Equal to their wages, on average, if an alternative calculation method is used.
- ❖ Social assistance for women workers in case they do not meet the required conditions
- ❖ Social security benefits or public funds or as determined by national laws and practices.
- ❖ Developing countries may provide cash benefits of the same value as benefits for illness or non-permanent disability by reporting to the ILO as measures taken in order to comply with established standards

What Protection the ILO Convention 183 Provides

Medical Benefits	Before, during and after childbirth and hospitalization if needed
Health Protection	Pregnant and nursing women are not required to perform a task that may burden and disturb the mother and child

What Protection the ILO Convention 183 Provides

Protection of employment and non-discrimination

- ❖ Employers are prohibited from dismissing women workers during their pregnancy, maternity leave and under treatment, unless the dismissal has nothing to do with pregnancy and the treatment process
- ❖ Proving of the dismissal is the responsibility of the employer
- ❖ Guaranteed their right to return to work by occupying the same or equivalent position with the same wage
- ❖ Protection from discrimination during employment for maternity reasons
- ❖ Prohibition of pregnancy tests in the recruitment process

What Protection the ILO Convention 183 Provides

Rest for breastfeeding

- ❖ Right to rest once or more a day for breastfeeding/lactation
- ❖ Right to reduce daily working hours for breastfeeding
- ❖ Rest or reduced working hours and still get paid

What Protection the ILO Convention 183 Provides

Parental leave

Parental Leave is a leave given to parents to care for their children. This leave allows them to perform their balanced roles, work and family responsibilities. The leave allows men workers to share roles in child care. In the past, indeed, the role setting was that the father was the head of the family whose duties are, inter alia, leading the family and earning a living, while the mother is responsible for domestic affairs and the children as family members who are prepared to develop in the future. modern LIFE shifts those settings. The role in the family is a balanced responsibility between father and mother. Recommendation No. 191/2000 in Maternity Protection Convention No. 183/2000 provides guarantees for parental leave, including parents who adopt a child (baby). Indeed, the implementation of this leave depends on the national policy of a Country.

Kepri Peduli ASI

10 COUNTRIES WITH THE LONGEST MATERNITY LEAVE

- #1. Sweden, 480 days
- #2. Norway, 365 days
- #3. Bosnia-Herzegovina, 365 days
- #4. Serbia, 365 days
- #5. Australia, 364 days
- #6. UK, 364 days
- #7. Denmark, 364 days
- #8. Croatia, 364 days
- #9. Canada, 350 days
- #10. Macedonia, 270 days

Indonesia, 90 days

The employed nursing mothers

really need our support.

Let's make it work!

★ World Breastfeeding Week 2015 ★

Medical and Cash Benefits in Indonesia

- The Indonesian laws on the social security system do not fully guarantee women workers. For example, Article 1 of National Social Security Law of 2004 states that social security is a form of social protection to ensure that all people can fulfill their basic needs for a decent life. The use of the word “guarantee” means that everyone has full and complete rights to social security and welfare.
- The cost of giving birth to a woman worker or wife of a worker is borne by BPJS Health.

The Importance of Maternitas Benefits

- Not all Indonesian women workers receive benefits or wages during their maternity leave, for example workers whose contract is expired, informal workers, homeworkers, domestic workers, casual daily workers and other vulnerable workers.
- There is no income security for workers when taking maternity leave

The Importance of Maternitas Benefits

- In Indonesia, stunting is still a health problem in quite a large number. Maternity benefits can reduce the number of stunted children.
- Funding or contributions by the government can be taken from the budgets of several ministries (Social affairs, Women and Children, Manpower)



50%

WOMEN GARMENT
WORKERS ARE

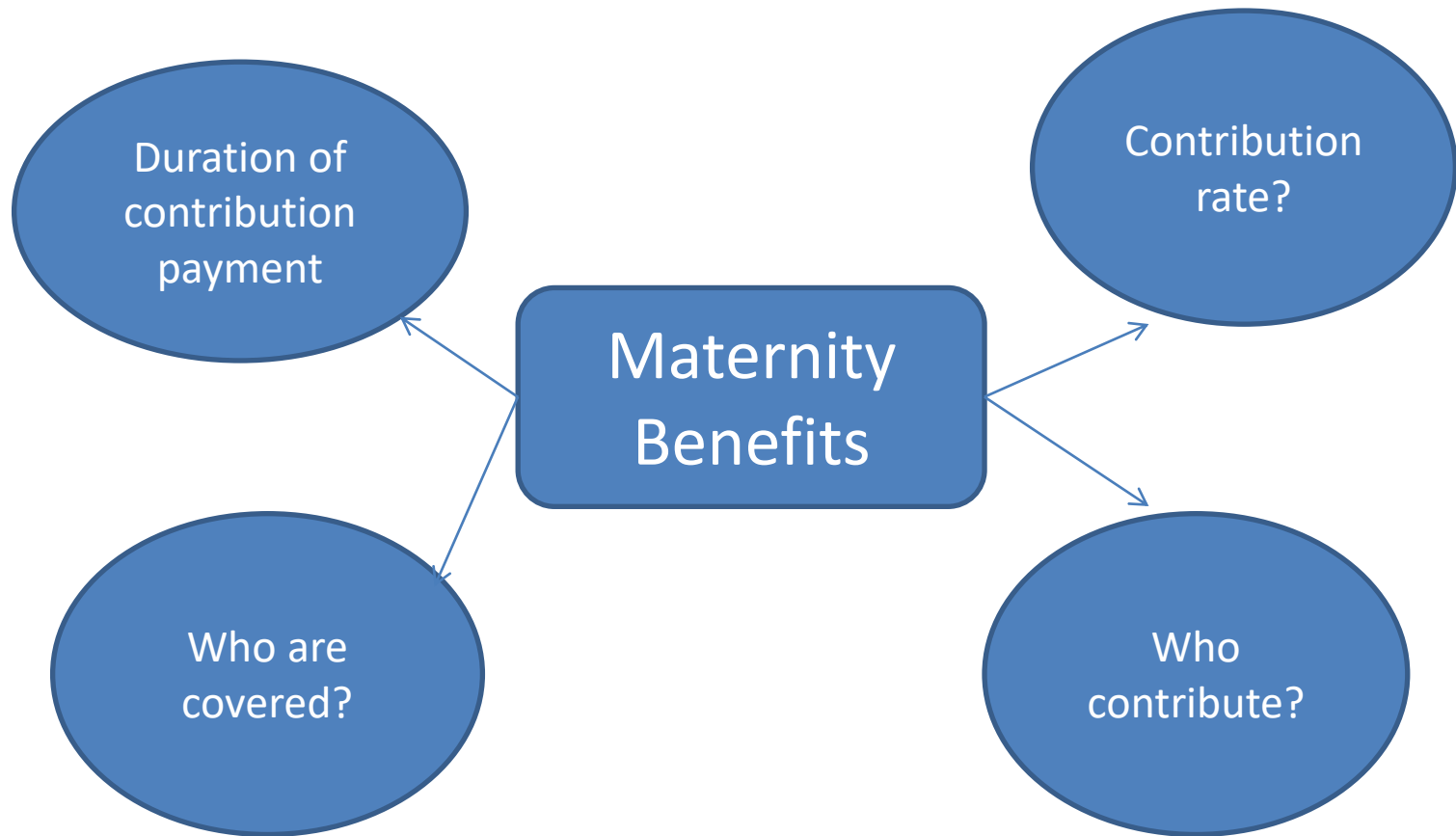
WORRIED
FOR BEING
PREGNANT

WORKPLACES HAVE
NOT BEEN SAFE PLACES
FOR PREGNANT
WORKERS



Mondiaal **FNV**

MATERNITY BENEFITS



What should the trade unions do

Ensuring that the workplace has good maternity protection policies and a family-friendly workplace

Publishing the policies

Lobbying with the government to improve maternity protection and other family-friendly regulations;

Encouraging the government to ratify ILO C183



Thank You