

Questions and answers about maternity at work

Maternity protection has been a primary concern of the ILO since its creation, in 1919, when the first International Labour Conference adopted the first Maternity Protection Convention No. 3. A new publication on the state of maternity protection in the world ("Maternity at work") has just been released by the ILO. It sheds light on the progress made in the past 15 years in respect of the legal protection of key aspects of maternity protection at work. ILO Online spoke with Manuela Tomei, Director of the ILO Conditions of Work and Employment Programme, about achievements made and persisting challenges for maternity protection, including the impact of the current economic and employment crises.

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ILO Online: The ILO published a review on Maternity Protection in 1994, how would you summarize the progress made since then?

Manuela Tomei: There have been noticeable improvements in maternity protection over the last 15 years and broad recognition that maternity protection matters for both gender equality at work and maternal and newborn health (MDG 4 and 5). We found that all 167 countries monitored by the new "ILO Database of Conditions of Work and Employment Laws" have national legislation on Maternity Protection. 63 ILO member States have adopted at least one of the three ILO maternity protection conventions and 30 per cent fully meet the provisions of Convention No.183, the most recent one. We noticed a shift towards longer leave periods at the time of childbirth. Whilst in 1994, 38 per cent of the countries offered at least 14 weeks of maternity leave, the number rose up to 48 per cent in 2009. The two regions with the greatest number of countries that increased the length of maternity leave over the last 15 years were the Industrialized Economies and the European Union, and the Middle East.

ILO Online: The ILO says a woman on maternity leave should be paid not less than two-thirds of her previous earnings. Does national legislation meet this demand?

Manuela Tomei: We have also registered positive trends on this standard. Out of the 167 countries, 97 per cent provide cash benefits for women during maternity leave and 42 per cent provide at least two-thirds of previous earnings for 14 weeks. What is more important is how countries finance cash benefits during maternity leave. We noticed a shift away from the systems relying entirely on employer responsibility. By 2009, half of the countries financed benefits solely through their social security systems or public funds in order to relieve employers. A share of 17 per cent relied on a mix of payments by employers and social security, while in one-fourth (26 per cent) of the countries payment is still covered entirely by the employer with no public or social security support. These changes are encouraging as they reflect progress towards the kinds of legal provisions called for in ILO Convention No. 183.

ILO Online: What about health and employment protection for pregnant workers and young mothers?

Manuela Tomei: The safeguard of the health of pregnant workers and their babies and the protection against employment discrimination due to motherhood are integral to the notion of maternity protection. Almost all countries for which information is available have some kind of legislation protecting women workers against dismissal during pregnancy, or during the period of maternity leave. Many countries have also adopted legal measures to shield pregnant or nursing women from work-related risks, including by requiring that risk assessments be carried out or that dangerous substances are identified and banned. If a significant risk exists at the workplace, legislation often requires that employers take measures to mediate those risks by transferring a woman to other tasks or allowing her to take leave earlier.

ILO Online: Are there innovative approaches to improve the reconciliation between work and family life along with maternity protection?

Manuela Tomei: Work-family policies and approaches differ significantly from one country to another. We found out that paternity leave provisions are becoming increasingly common around the world, with at least 49 countries providing paternity or parental leave policies that fathers can use around the birth of their child.

This policy pattern which recognizes the father's involvement is an important step towards gender equality. For instance, in Norway parents can take advantage of a "time account" which allows them to take partial parental leave combined with reduced working hours for a period up to two years. In Mongolia, mothers and single fathers are entitled to paid leave until the child is three and to additional breaks for childcare or feeding. Nursing and childcare facilities – publicly funded or subsidized – are also crucial to facilitating the reconciliation of work and family responsibilities. Around one-third of the countries in the database include provisions on nursing and childcare facilities in their legislation whilst other countries, such as Chile and France, have set up innovative workplace modalities of financial support through the introduction of childcare allowances, vouchers and tax savings for both working parents and employers.

ILO Online: What are the upcoming challenges in the field of maternity protection?

Manuela Tomei: This review is a study of maternity protection legislation across the world; it does not tell us if these provisions are all put into practice. There are, nonetheless, a number of areas and countries where maternity protection needs to be strengthened. Coverage – whether *de jure* or *de facto* – remains problematic. In some countries, women in agriculture, domestic work or part-time work are still explicitly excluded from legal coverage and cash maternity benefits. Yet, we have seen some positive developments more recently. For instance, in at least 54 countries, domestic workers are covered by maternity leave legislation, including Guatemala, which has recently extended social security services to these workers, such as maternal and infant health care.

ILO Online: The European Council has now adopted a binding EU directive saying that EU Member States should grant at least 14 weeks of maternity leave for self-employed women and for partners of self-employed workers. What is your evaluation of this decision in the context of the ILO review?

Manuela Tomei: The new EU directive is in line with a number of resolutions adopted by the International Labour Conference, which call for the extension of maternity protection to all employed women, with focus on vulnerable groups such as self-employed women. In a number of ILO member States, including Finland, Libya, Portugal, Spain and Sweden, self-employed women are already included within the scope of maternity benefits. Such extensions have a very positive impact upon the health and productivity of these women workers.

ILO Online: Has the current global economic crisis had an impact on maternity protection?

Manuela Tomei: The evidence is mixed. Countries such as Australia, Bahrain, Guatemala, Kuwait, India, New Zealand, Norway, Malaysia, Peru, Rwanda, South Africa and Spain have expanded maternity and paternity benefit systems even during the current crisis. On the other hand, a number of countries have put policy reforms on hold or reduced cash benefits provisions. In addition, based on data from precedent crises and recent anecdotal evidence, pregnancy-based discrimination at work appears to be a matter of particular concern. What is clear is that these patterns risk jeopardizing the achievement of the Millennium Development Goals and the Global Jobs Pact, which calls for better social protection systems and gender equality. Policy action is crucial to making maternity protection for all workers a reality.