



**A Centenary event organized by the ILO and the European Commission,
in cooperation with the International Network on Leave Policies & Research**

**A Century of maternity protection:
Transforming leave and care policies for
a better future of work for all**

Friday, 08 November 2019

8:30-17:30

ILO Geneva Headquarters, Room II R3-South

Background

The year 2019 marks both the ILO's first centenary and the 100th anniversary of international labour standards on maternity protection. In fact, protecting maternity at work was one of the primary concerns of the ILO. It was during the first International Labour Conference in November 1919 that the Maternity Protection Convention, 1919 (No.3), the first gender equality international labour standard, was adopted. It recognized the right to paid leave in relation to childbirth with employment protection. This major achievement was the result of strong advocacy, including during the Women's Labour Congress in 1919. The Women's Labour Congress, held just prior to the first International Labour Conference, affected the direction and vision of the newly founded ILO by introducing a focus on gender justice and substantive equality, beyond the protectionist approach to women's rights (ILO, 2019a).

Since then the scope and entitlements of maternity protection and benefits have been expanded progressively by the Maternity Protection Convention (Revised), 1952 (No. 103), and by the Maternity Protection Convention, 2000 (No. 183) in line with the evolving status and recognition of women's rights in the world of work and as indicated in Convention No. 3, which was adopted as an interim instrument to be revisited.

In June 2019, the International Labour Conference adopted the ILO Centenary Declaration for the Future of Work, which calls for "achieving gender equality at work through a transformative agenda", which "enables a more balance sharing of family responsibilities" and "provides scope for achieving better work-life balance". Achieving maternity protection and benefits for all women is at the heart of such a transformative agenda.

Over the years, international labour standards on maternity influenced universal international human rights instruments, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), which all embed these essential labour rights as prerequisites for the achievement of women's right to work and rights at work (ILO, 2014).



International labour standards on maternity have also shaped regional policy frameworks and legislation adopted by the main regional inter-governmental organizations, such as the European Union (EU), the African Union or the Organization of American States.

In particular, a number of EU Directives have defined an advanced common floor of maternity protection and family responsibility provisions. These include, for instance, the Pregnant Workers Directive 1992, the Gender Equality Recast Directive 2006, the Equal Treatment Directive 2010, which extended maternity protection rights to the self-employed, and more recently the Work-Life Balance Directive 2019, which focuses on sharing of care responsibilities between parents and introduces paid paternity and parental leave, with earmarked periods for each of the parents, carers' leave and flexible working arrangements for workers with care responsibilities. These directives are implemented throughout the European Union and represent important references for G7 and G20 declarations, road maps and other documents.

Maternity instruments have both a protection and substantive equality dimension. They ensure that work performed by women, in all its forms and situations, does not pose risks to the right to health of the woman and her child. They also ensure that women's reproductive role does not compromise their right to economic and employment security and subject them to undue discrimination. The introduction of maternity protection has been an important acknowledgement of the deep interrelation between unpaid care work and work for pay or profit and of the need to address potential detrimental consequences of women's reproductive work on their labour market outcomes (ILO, 2018). Therefore, the international labour standards aim to preserve the health of both the mother and newborn, to provide economic and job security, including protection from dismissal and discrimination, maintenance of earnings and benefits during maternity, and the right to resume work after giving birth, and therefore to promote equal opportunities in employment and occupation for women.

A century later, the importance of quality work to the lives of most adult members of society, especially in times of deep demographic, technological and socio-economic transformations, still makes the intersection of work with maternity a particularly critical focal point for efforts to improve health, equality and job quality. In addition, since recent years the focus has extended from maternity protection to the protection of all workers who need to balance professional life with care responsibilities. This is evidenced by the recognition, in many States, of (paid) paternity and parental leaves. These policies increasingly recognize the need to counter the stereotype that women are mainly responsible for caring and to improve the sharing of caring responsibilities between women and men, to the benefit of the health, equality and job quality of all. Maternity protection and, by extension, the protection of all workers taking family leaves and making use of flexible working arrangements to balance professional and care responsibilities, are therefore crucial to the achievement of the 2030 Sustainable Development Agenda and a future of work that is decent by design.

So far, 72 ILO member States have ratified at least one of the maternity Conventions. An additional nine countries have accepted Part VIII of the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), which covers maternity health care and cash benefits. As of June 2019, 38 countries had ratified Convention No. 183. Although this represents the third highest ratification rate among ILO Conventions adopted over the last thirty years (with three new ratifications in 2019), more efforts are needed to increase the ratification rate.



However, whether ratified or not, the Conventions have had a very broad influence, with virtually all countries having adopted maternity protection legislation. Over the last 20 years, there have been noticeable improvements in terms of longer rest periods at the time of childbirth, and the introduction of funding systems of paid maternity leave based on social security instead of employer liability. In 2016, 42 per cent of countries (77 countries out of 184 countries with available data) had laws, which complied with Convention No. 183. This proportion is higher than in 2013, when 34 per cent of countries (57 countries out of 167 with available data) reached or exceeded the requirements on paid maternity leave (ILO, 2018a). An increasing number of countries are also implementing measures to support both mothers' and fathers' care responsibilities, such as paternity, parental and adoption leave, as well as services and facilities to enable nursing and childcare (ILO, 2014).

However, even though maternity protection and benefits are central to advancing the rights, health and economic security of women and their families, only 41 per cent of women with newborns receive maternity cash benefits that provide them with income security around childbirth (ILO, 2018b). Effective access to quality maternal health care is still not universal. Discrimination, violence and harassment based on pregnancy, maternity and family responsibilities is endemic everywhere. Many formal and informal workplaces remain unsafe and unhealthy for all workers, especially pregnant and nursing women.

In 2016, only slightly over half of countries globally (96 out of 174 countries with available data) provided statutory leave entitlements for fathers that were paid as a percentage of earnings or with flat-rate benefits. While this proportion is slowly increasing, many fathers remain without legal entitlements, and in many countries the length of leave remains relatively short. Also fathers' take-up of childcare-related leave is still very low. Care provision for children, dependent older persons and people living with permanent or temporary disabilities or illnesses still lack the accessible, quality and gender-transformative policies and services that recognize, value and support care work – both paid and unpaid – as a “public good” (ILO, 2018a).

Progress has been slow and uneven across ILO member States. In addition, diverse forms of work arrangements require expedited action especially for women in the informal economy and in micro, small and medium-sized enterprises, in order to make maternity protection a reality for all women. “Achieving gender equality at work through a transformative agenda” is urgently needed, as called for by the ILO Centenary Declaration for the Future of Work. Marking the Centenary of the first international labour standards on maternity protection offers a unique opportunity to reflect on the progress and challenges of realizing this crucial right and to call on member States to ratify and implement Convention No. 183 and Recommendation No. 191 (ILO, 2019b, Section IV, part B).

Description

The International Labour Organization and the European Commission, in collaboration with the International Network on Leave Policies & Research (INLPR), an internationally recognized network of national academics and experts on leave policies,¹ will host an expert seminar on maternity protection and care policies with senior policy makers. The seminar will focus on the trends and lessons from a century of international, regional and national labour standards

¹ For more information see INLPR website: <https://www.leavenetwork.org/introducing-the-network/>



on maternity protection and care policies. It will also discuss the future of leave and care policies and their role in accelerating the achievement of gender equality at work, including through the share of care within the family. The seminar will draw on the scholarly expertise of the International Network on Leave Policies & Research, EU and ILO research as well as practices by ILO constituents, G7 and EU Member States as well as middle- and low-income countries. It will gather ILO constituents, EU representatives and participants from other collaborating UN organizations, including WHO, UNICEF and UN Women, NGOs and the academia.

The seminar is a follow up to the ILO major report [“Care work and care jobs for the future of decent work”](#), launched in June 2018 as a key contribution to the Women at Work Centenary Initiative. By adopting a forward looking approach on the topic of leave and care policies and showcasing policy good practices, the seminar is expected to generate a global debate on the topic and encourage the adoption of innovative and gender-responsive policy solutions to maternity and care needs.

Objectives

- a) Draw global political attention to the need to achieve universal maternity protection and gender-transformative care policies, including in the informal economy, with a view to ensure a decent future of work for all;
- b) Raise awareness of the benefits of universal social protection and in particular inclusive and adequate maternity protection and care policies for women, men and their families, employers and societies;
- c) Share experiences, document and disseminate good practices that work in the formal and informal economy, including addressing the realities of micro, small and medium-sized enterprises (MSMEs);
- d) Showcase ILO convening power and leadership role on the topic and raise visibility of the ILO and interagency partnership with potential donors.

Expected outcomes

- ILO constituents and other stakeholders can share experiences, and learn more about the laws and policies of different countries and in the European Union and how to address challenges
- On the eve of the twentieth anniversary of the adoption of Convention No. 183, in 2020, a campaign could be considered, to increase the number of ILO member States ratifying or implementing ILO Maternity Protection Convention, 2000 (No. 183)
- Concrete action on the part of ILO constituents and all stakeholders, public and private sector, to improve maternity protection and care policies design and implementation both in the formal and informal economy
- Increased collaborative dialogue among UN Agencies and stakeholders towards a joint campaign.



Parallel exhibit

The seminar will offer an opportunity to display an expanded version of the photo exhibition “[Portrait of a \(Working\) Mother](#)”, by Marina Cavazza, covering different regional realities. This exhibition will be complemented by pictures of fathers on parental leave in order to raise awareness among ILO constituents and the general public of the importance of leave sharing and an equal distribution of paid work as well as unpaid care work between women and men. The exhibition will run from 7 November until 15 November, 2019.

References

EC. (2017). Communication on An Initiative to support Work-Life Balance for working parents and carers (Brussels).

EC. 2019. Report on equality between women and men in the EU (Brussels).

EU. (2019). Directive on Work-Life Balance for Working Parents and Carers (Brussels).

ILO. 2014. Maternity and paternity at work: Law and practice across the world (Geneva).

ILO. 2018a. Care work and care jobs for the future of decent work (Geneva).

ILO. 2018b. World Social Protection Report 2017-19 (Geneva).

ILO. 2019a. A Quantum Leap for Gender Equality. For a better future of work for all (Geneva).

ILO. 2019b. ILO Centenary Declaration for the Future of Work (Geneva).

