

A global review



International
Labour
Organization

WORKING CONDITIONS LAWS REPORT 2010

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CONTENTS

PREFACE	v	GRAPHS	
INTRODUCTION	1	Graph 1: Normal weekly hours limits by region, 2009 (105 countries)	4
CHAPTER ONE: WORKING HOURS AND ANNUAL LEAVE	3	Graph 2: Maximum weekly hours limits by region, 2009 (106 countries)	8
Weekly normal hours limits	3	Graph 3: Minimum overtime remuneration by region, 2009 (102 countries)	10
Global	3	Graph 4: Minimum annual leave by region, 2009 (106 countries)	12
Regional	3	Graph 5: Minimum duration of maternity leave by region, 2009 (167 countries)	26
World map: Normal weekly hours limits, 2009	6	Graph 6: Maternity leave benefits by region, 2009 (152 countries)	31
Overtime limits	8	Graph 7: Source of maternity leave benefits by region, 2009 (167 countries)	34
Global	8	Graph 8: Monthly minimum wages by region (USD), 31 December 2008 (97 countries)	44
Regional	8	Graph 9: Minimum wage-fixing mechanisms by region, 2009	49
Overtime remuneration	10	Graph 10: Minimum wage-fixing levels by region, 2009 (102 countries)	52
Global	10		
Regional	10		
Overtime remuneration	12		
Global	12		
Regional	12		
<i>Methodology: Working hours and annual leave</i>	14		
Annex to Chapter One: Working hours and annual leave laws, 2009	15		
CHAPTER TWO: MATERNITY PROTECTION	25	TABLES	
Duration of maternity leave	25	Table 1: Normal weekly hours limits by country and region, 2009	5
Global	26	Table 2: Maximum weekly hours by region and country, 2009	9
Regional	26	Table 3: Minimum overtime remuneration by country and region, 2009	11
World map: Length of maternity leave, 2009	28	Table 4: Minimum annual leave by country and region, 2009	13
Maternity leave benefits: Amount	30	Table 5: Duration of maternity leave by country and region, 2009	27
Global	30	Table 6: Maternity leave benefits by country and region, 2009	32
Regional	30	Table 7: Source of maternity leave benefits by country and region, 2009	34
Maternity leave benefits: Source	33	Table 8: Monthly minimum wages by country and region, 31 December 2008	45
Global	33	Table 9: Minimum wage-fixing mechanism by region and country, 2009	50
Regional	33	Table 10: Minimum wage-fixing levels by country and region, 2009	53
<i>Methodology: Maternity protection</i>	35		
Annex to Chapter Two: Maternity protection laws, 2009	36		
CHAPTER THREE: MINIMUM WAGES	43		
Minimum wage rates	44		
Global	44		
Regional	44		
World map: Monthly minimum wages, 31 December 2008	46		
Minimum wage fixing: Mechanisms	48		
Global	48		
Regional	48		
Minimum wage fixing: Levels	51		
Global	51		
Regional	51		
<i>Methodology: Minimum wages</i>	54		
Annex to Chapter Three: Minimum wage laws, 2009	55		

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PREFACE

Since its establishment in 1919, the International Labour Organization (ILO) has been concerned with improving the working and employment conditions of workers across the world, and has adopted international standards to provide guidance and assistance to national policy-makers in this domain. The first ILO standards addressed three of the most significant conditions of work, namely working hours, maternity protection and wages. Over decades, they have proven to be central in improving the quality of working life, enhancing productivity and advancing social objectives, such as preserving workers' health and safety, reconciling work-life and work-family balance, and promoting equality.

Because of the significance of working conditions laws towards realizing decent work, it is crucial to trace their development in national legal regimes. However, comprehensive and comparative information on key features of working conditions legislation across the world has not been generally available until recently. Recognizing this gap, the ILO Conditions of Work and Employment Programme set up in 2004 the Database of Conditions of Work and Employment Laws,¹ which provides information on the laws on maternity protection, working time and minimum wages in more than 100 countries across all regions. The database is updated periodically.

In 2008, the report *Working Conditions Laws 2006-2007: A global review* (ILO, 2008) was first published, which drew on the information contained in the database. In view of the interest it generated, we have decided to issue an update of that report. The present edition offers a succinct and easy-to-read review of national legal developments in the above-mentioned fields.

The database and this report demonstrate that, in most countries, minimum standards for working conditions have been defined in law. While laws do not *per se* guarantee better working conditions in practice, if carefully crafted and backed by effective enforcement mechanisms, they can help narrow the gap between legal standards and actual working conditions.

It is hoped that the report will nurture further discussions between policy-makers and the social partners on the role of legal standards on working conditions in making decent work a reality for all.

Manuela Tomei
Chief
Conditions of Work and Employment Programme,
Social Protection Sector

¹ The database is available at <http://www.ilo.org/dyn/travail/>.

INTRODUCTION

Working conditions laws apply to core elements of the employment relationship and of workers' protection, and may be defined as all the legislated conditions that shape workers' experience on the job. Working conditions have been a major concern of the ILO since it was established in 1919. In that year, two of the first Conventions adopted dealt with the regulation of working time [Hours of Work (Industry) Convention, 1919 (No. 1)] and maternity protection [Maternity Protection Convention, 1919 (No. 3)]. The first standard on minimum wages followed in 1928. Subsequently, some of these standards have been modified and a number of other international standards relating to working conditions have been adopted. They now form a corpus of international labour standards and underpin the ILO's Decent Work Agenda, which aims at combining access to full and productive employment with rights at work, social protection, and the promotion of social dialogue and tripartism.

While a definition of working conditions as seen above may well incorporate a broad range of labour and employment issues, the present report focuses on legislation in three key types of working conditions: working time (Chapter One), maternity protection (Chapter Two), and minimum wages (Chapter Three).¹ In doing so, it draws on the ILO Database of Conditions of Work and Employment Laws, as updated in the course of 2009 (see Box 1 below). The report does not intend to mirror the huge amount of legal information presented in this database, given the complexity of most domestic legislation and differences in legal systems. Rather, it is meant to provide a comparative overview for some main working conditions standards for over 100 ILO member States around the world,² to the extent that they are reflected in legislation, and within the framework of related international Conventions and Recommendations.³ It presents an update of the first edition of this report, which was published in 2008.⁴

The present report shows that working conditions laws remain central in most countries, with an overwhelming majority of countries having adopted legal standards, most of them at levels designed to ensure some degree of protection. States also continue their efforts to improve legislative protection, and several have recently amended their legislation in the reviewed domains. This would appear to contradict statements that globalization yields a retreat from a commitment to legal minimum standards. In addition, chapters of this report also illuminate remaining differences in form and content of such legal standards in different regions of the world.

As with the first edition of this report,⁵ the present report cannot and is not intended to offer an assessment of the quality of regulation in different countries, nor of the relationship between labour law and actual working conditions. It also does not mean to suggest that there is a single set of legal norms that can best protect workers or guarantee full and productive employment. However, it is built around relevant provisions included in the ILO's international labour standards with their components of inherent social justice serving as a guidance framework.

While the important protective role of labour regulation is increasingly recognized by ILO constituents, still all too often the potential of domestic labour law regimes is being called into question by those seeking to diminish regulatory action. They suggest labour regulation to be an obstacle to business activities, a position most prominently advocated by the World Bank's Doing Business Indicator (DB) and its Employing Workers Indicator (henceforth, EWI).⁶

The subjects covered by the EWI overlap with the subjects covered by this report, especially in the areas of working time and minimum wages. However, its ap-

¹ Each section includes a different selection of countries. Variations of the number of countries in tables within a chapter are due to a lack of information on the respective subject or due to problems of categorizing a country. Where applicable, this has been explained in the relevant subsection. Additionally, please consult the respective annexes at the end of each chapter.

² The designations of countries used in this report, which are in conformity with United Nations practice, and the presentation of material therein, do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

³ The report includes the legislation of countries that may not have ratified ILO standards on these issues.

⁴ E. Evain: *Working Conditions Laws 2006-2007: A global review* (Geneva, ILO, 2008).

⁵ *ibid.*

⁶ World Bank: *Doing Business 2010: Reforming through Difficult Times* (Washington, DC, 2009).

proach, which ranks countries according to the 'ease of doing business', raises serious concerns when basing policy advice on it.⁷

In April 2009, following the critiques of EWI, the World Bank announced that it will make changes to the EWI. It issued a guidance note stating that the EWI "does not represent World Bank policy and should not be used as a basis for policy advice or in any country program documents that outline or evaluate the development strategy or assistance program for a recipient country".⁸ It convened a Consultative Group for the purpose of revising the indicators and to develop a new worker protection indicator (WPI).⁹ Results are expected by mid-2010.

Meanwhile, it may be worth noting that the present report as well as the Database on Conditions of Work and Employment Laws are based on an understanding of

labour regulation not as an obstacle to economic development, but as a tool to advance both economic and social goals, such as health protection, improved work-life and work-family balance, and increased productivity and firm performance. Protective legislation is central to most workers, and for workers outside unionized sectors, legislation often remains the main recourse to protection. The material further aims to contribute to debates on the role and content of domestic and international labour standards and forms a basis from which the question of the role of legal standards may be further explored. This has been done, for example, within the Research and Policy Unit of the Conditions of Work and Employment Programme by profile reports on working conditions on specific countries, providing labour market policy advice from an integrated, country-based approach.¹⁰

Box 1: The ILO Database of Conditions of Work and Employment Laws

Comprehensive information on working conditions legislation around the globe has been unavailable until very recently, in particular in developing countries.

In response to the dearth of information and in order to feed into one of the ILO's principle objectives of *inter alia* monitoring national law and practice and allowing countries to make their own informed policy decisions, the International Labour Office's Conditions of Work and Employment Programme (TRAVAIL) set up in 2004 an online database with summaries of compiled and translated national legislation. In 2009, this database was redesigned and is, in its new format, now available at <http://www.ilo.org/dyn/travail/>.

The Database is the most comprehensive available source of information on the regulatory environment of minimum wage, maternity protection and working time laws at national level. It covers more than 100 countries around the world and allows customized research on a specific country, to compare the legislation of several countries or regions on a particular subject, or to perform searches by text. For selected issues, a historical comparison is possible. The Database is updated as of 2009.

Note: The present report uses a different grouping of countries than found in the Database of Conditions of Work and Employment Laws. This is due to decisions to standardize how this information is presented to ILO constituents, policy-makers and others to encourage a better understanding of the information presented.

⁷ J. Berg and S. Cazes: *The Doing Business Indicators: Measurement issues and political implications*, Economic and Labour Market Paper No. 2007/6 (Geneva, ILO). For a comprehensive review of empirical studies on the EWI, see S. Lee, D. McCann and N. Torm: "The World Bank's 'Employing Workers' index: Finding and critiques – A review of recent evidence", in *International Labour Review*, Vol. 147, No. 4, 2008, pp. 416-432.

⁸ World Bank: *Guidance Note*, 3 October 2009, http://www.doingbusiness.org/documents/EWI_guidance_note.pdf (accessed: 13 May 2010).

⁹ World Bank: *Doing Business Employing Workers Indicator Consultative Group, Terms of Reference*, 2009, <http://www.doingbusiness.org/MethodologySurveys/EWIConsultativeGroup.aspx> (accessed: 13 May 2010).

¹⁰ See ILO: *National Profile of Working Conditions in the United Republic of Tanzania*, Conditions of Work and Employment Programme (Geneva, 2009); ILO: *National Profile of Working Conditions in Mozambique*, Conditions of Work and Employment Programme (Geneva, 2009).

Working hours and annual leave

The regulation of working hours and leave periods are considered central to preserving workers' health and workplace safety. The importance of limiting working time is raised in the preamble of the ILO Constitution and has been addressed by several international labour standards, dating back to the very first of its kind, the Hours of Work (Industry) Convention, 1919 (No. 1). In addition, working time arrangements are increasingly regarded as promoting social objectives, such as positively impacting on the well-being of workers and their daily lives by allowing the reconciliation of work-family and work-life balance.

This chapter provides an overview of working time legislation in 106 countries around the world. It focuses on normal hours of work, the maximum weekly working time, overtime remuneration and annual leave.¹¹ Most of the countries surveyed regulate these issues; only in a few countries are there no generally applicable provisions. Additional information regarding national working time legislation provisions, such as weekly rest and night work, is accessible through the ILO Database on Conditions of Work and Employment Laws.

Box 2: Working time concepts

- **Normal weekly working hours:** For the purpose of this report, normal (or regular) weekly hours of work are understood as the hours of work fixed as such by laws and regulations. They are taken to mean the number of hours per week in excess of which any time worked is remunerated at overtime rates. If the law allows normal hours of work to be averaged over a specified period, and therefore for an increase of weekly working time for individual weeks (as, for example, in Austria), the mandated average is reported.
- **Overtime:** Overtime limits for the purpose of this report are understood as hours worked in excess of normal weekly working hours, which normally give right to overtime compensation. Overtime limits may be set by day, week, year and/or any other reference period.
- **Maximum weekly hours limits:** Maximum weekly hours limits are those limits either directly stipulated as such by law or indirectly by stipulating an overtime limit. If the law mandates overtime limits for different periods (e.g. per week and year), the longer period has been chosen and the overtime hours averaged and rounded to a week. For example, Finland mandates an overtime limit of 138 hours over a four-month period and 250 hours per year. Therefore, the yearly maximum guarantees a weekly maximum of 45 working hours in average.

For further information on the applied methodology, see the section on methodology at the end of this chapter.

¹¹ For details, see Box 2 and the section on methodology at the end of this chapter.

1. Weekly normal hours limits

Daily and weekly hours limits are the most obvious measures to reduce the negative effects of excessive hours. Relevant international standards have first addressed a 48-hour limit [Hours of Work (Industry) Convention, 1919 (No. 1); Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)], further reducing it, soon afterwards, to 40 hours [Forty-Hour Week Convention, 1935 (No. 47)].

GLOBAL

Most of the countries surveyed regulate normal weekly hours. Globally, a large number of countries have reduced their statutory normal hours of work from 48 hours to 40 hours in recent decades. Consequently, a large group (41 per cent) provides for a regular 40-hour workweek. However, a norm exceeding 40 hours is still maintained by another 44 per cent of countries, of which more than half (22 per cent of the total sample) have regulated a 48-hour limit.

Only two countries have legislated weekly standards which exceed the 48-hour limit (Kenya and partly Switzerland). Similarly, very few countries (Belgium, Chad, France) provide for a regular weekly working time of less than 40 hours. For around 12 per cent of reviewed countries, no universal national weekly limit is set.

REGIONAL

In **Africa**, a large number of countries have endorsed the 40-hour limit (40 per cent). However, nearly half of the

countries exceed this limit. Of those, two-thirds have mandated a limit between 42 and 45 hours, with the remaining countries providing for 48 hours; only Kenya has a limit exceeding 48 hours per week. No universal national limit could be identified for Nigeria and Zimbabwe.

In **Asia and the Pacific**, the 48-hour limit is dominant (46 per cent), followed by a number of countries which provide for a 40-hour limit (31 per cent). However, there are important exceptions; for example, no universal national weekly limit applies in India and Pakistan.

The highest incidence of countries adopting a 40-hour limit can be found in the reviewed **Central and South-Eastern European** states, where only Turkey has legislated a higher limit (45 hours).

The majority of **developed economies** and **EU countries** analysed have also stipulated a statutory 40-hour weekly limit (67 per cent). Only Switzerland has legislated a higher limit (45 or 50 hours, depending on industry), while France and Belgium have reduced weekly hours limits (35 and 38 hours, respectively). However, a considerable group of countries (21 per cent) has not legislated any universal national limit. Very often this is due to a statutory limit that only provides for the maximum weekly working time, which includes overtime, such as in Denmark, Malta, the Netherlands and the United Kingdom (see Annex 3).

Among **Latin American and Caribbean** countries, only the Bahamas and Ecuador mandate a 40-hour limit. A relative majority of reviewed countries (48 per cent) limit their weekly working time to 48 hours, while another large group (36 per cent) have set a limit between 42 and 45 hours. For Grenada and Jamaica, the law does not set a universal national limit.

Graph 1: Weekly hours limits by region, 2009 (106 countries)

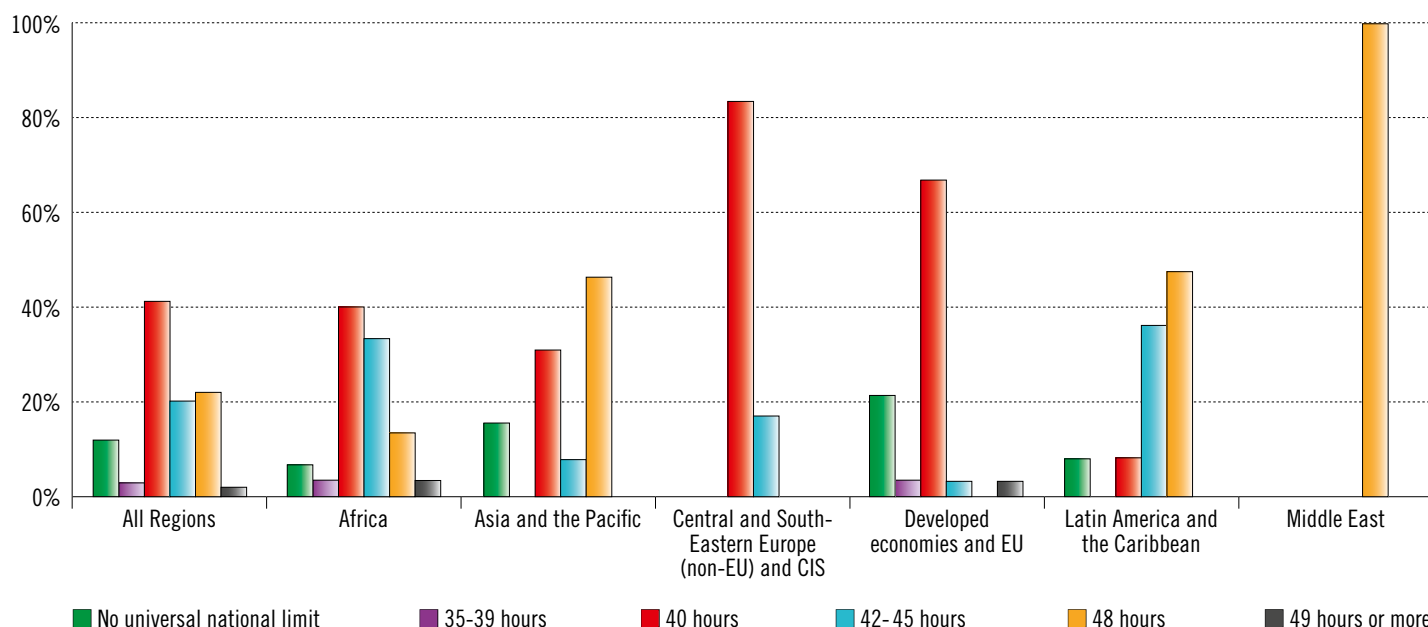


Table 1: Normal weekly hours limits by country and region, 2009

Region	No universal national limit	35-39 hours	40 hours	42-45 hours	48 hours	49 hours or more
Africa	Nigeria, Zimbabwe	Chad	Algeria, Benin, Cameroon, Congo, Côte d'Ivoire, Gabon, Mali, Madagascar, Mauritania, Niger, Senegal, Togo	Angola, Burundi, Cape Verde, Democratic Republic of the Congo, Guinea-Bissau, Morocco, Namibia, Rwanda, South Africa, United Republic of Tanzania ¹	Djibouti, Egypt, Mozambique, Tunisia	Kenya
Asia and the Pacific	India, Pakistan		China, Republic of Korea, Indonesia, Mongolia	Singapore	Cambodia, Lao People's Democratic Republic, Malaysia, Philippines, Thailand, Viet Nam	
Central and South-Eastern Europe (non-EU) and CIS			Croatia, FYR Macedonia, Kazakhstan, Republic of Moldova, Russian Federation	Turkey		
Developed economies and EU	Australia, Denmark, Germany, Ireland, Malta, Netherlands, United Kingdom	Belgium, France	Austria, Bulgaria, Canada (federal), Czech Republic, Estonia, Finland, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Luxembourg, New Zealand, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United States	Switzerland ²		Switzerland ³
Latin America and Caribbean	Grenada, Jamaica		Bahamas, Ecuador	Belize, Brazil, Chile, Cuba, Dominican Republic, El Salvador, Honduras, Uruguay, ⁴ BR Venezuela	Argentina, Bolivia, Colombia, Costa Rica, Guatemala, Haiti, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay ⁵	
Middle East					Jordan, Lebanon	

[1] Mainland and Zanzibar

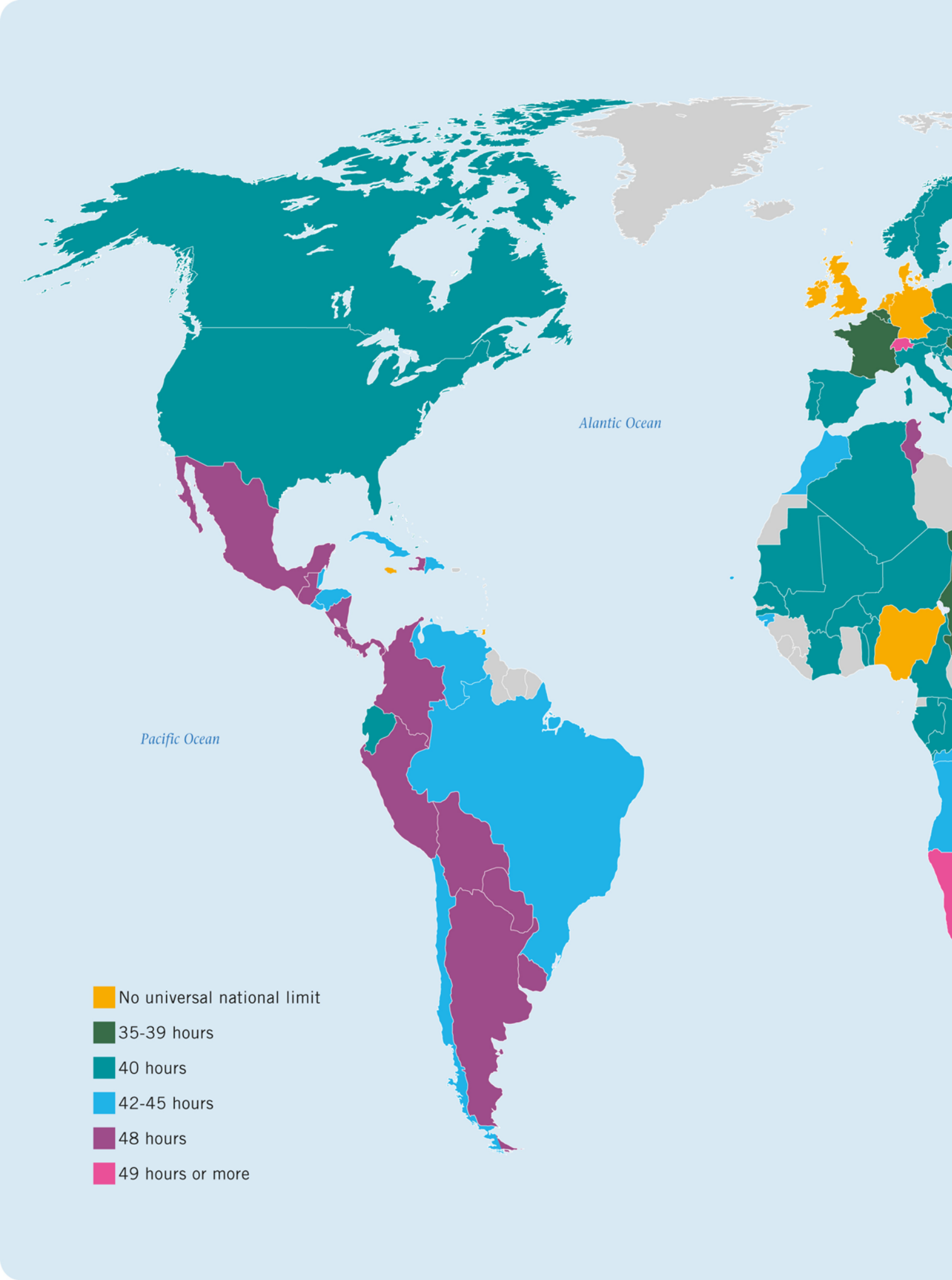
[2] Industrial enterprises, offices and technical posts, and sales staff in large commercial enterprises

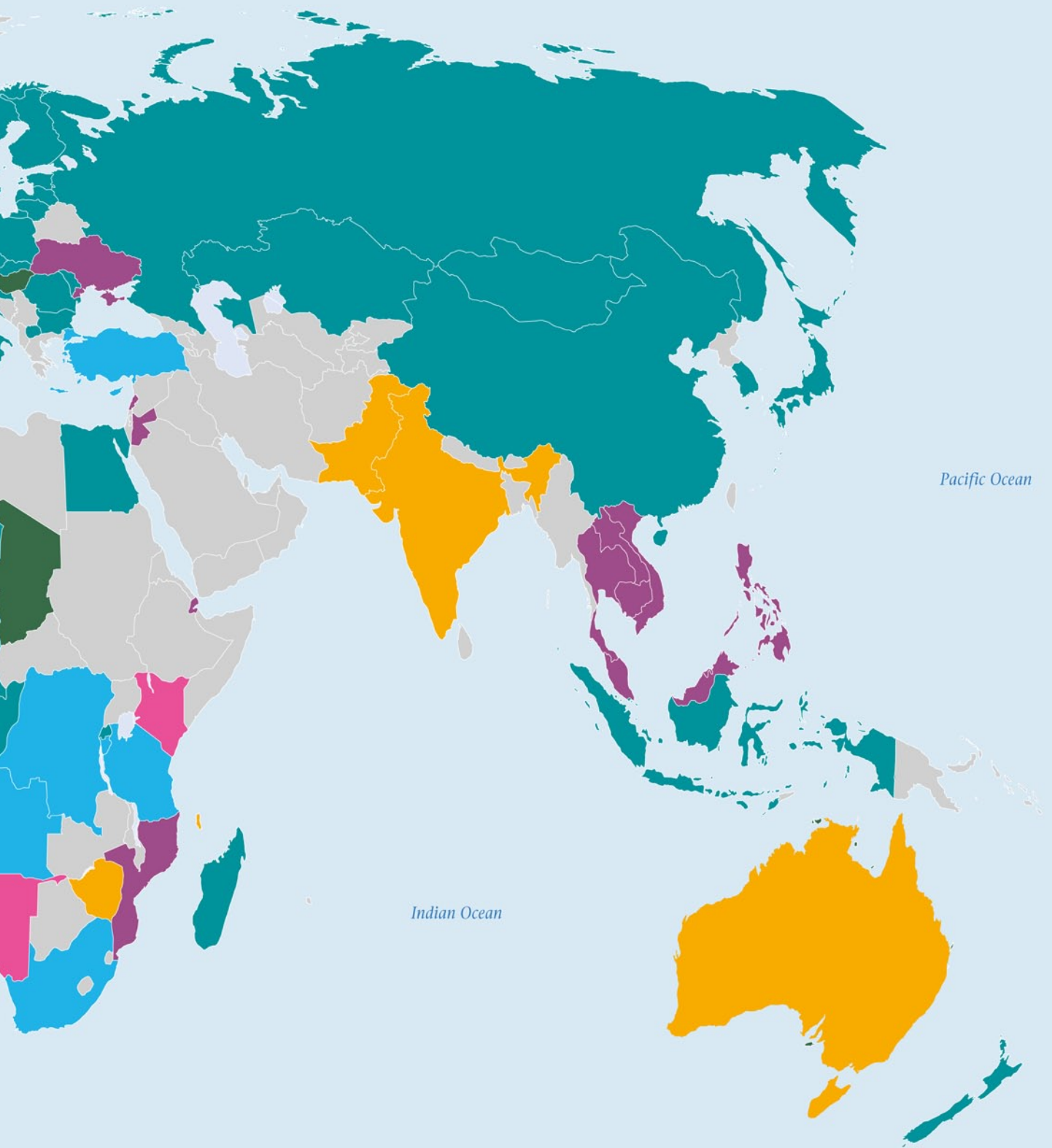
[3] All other workers

[4] Commerce

[5] Industry

World map: Normal weekly hours limits, 2009





2. Overtime limits

Another consideration to avoid excessively long working hours, besides daily and weekly thresholds on working time, are limits to overtime. These can either be formulated as maximum weekly working hours, including overtime, or stipulated separately as maximum overtime hours allowed per day, week, month, etc. Overtime refers to all hours worked in excess of the normal hours, unless they are taken into account in fixing remuneration in accordance with custom, as defined in the Reduction of Hours of Work Recommendation, 1962 (No. 116). For the concept of overtime and maximum weekly hours limit applied in this report, see also Box 2 above.

GLOBAL

Globally, four-fifths of countries have some kind of maximum limit on weekly working hours. Two large groups of countries could be identified: those that regulate 48 hours maximum per week or less (41 per cent) and those that mandate 49 hours or more (37 per cent). As part of the latter, a considerable group of 14 per cent of all countries allows for 60 hours or more per week, with some countries even allowing up to 72 hours (for further information, see the annex at the end of Chapter One). For 18 per cent of countries, no universal statutory maximum weekly hours limit applies.

REGIONAL

A regional analysis provides a more diverse picture.

Most clearly of all regions, in the **developed economies and EU countries**, a limit of 48 hours or less is prevalent (81 per cent of analysed countries).

A similarly low ceiling of maximum hours can be identified for the **Central and South-Eastern European countries**. They are dominated by standards of 47 hours or below (67 per cent). Only Croatia and Turkey mandate a maximum of 49 hours or more.

Among the analysed **African** countries, roughly one-third of countries (35 per cent) sets a standard of 48 hours or less; 16 per cent, however, mandate a maximum working time of 60 hours or more.

In **Asia and the Pacific**, maximum hours limits are less rigid: around one-third of countries (31 per cent) appear not to have regulated any universal statutory maximum limit. In addition, another third (31 per cent) of the countries reviewed mandate a limit of 60 hours or more. Only China has set the limit below 49 hours.

However, the highest level of maximum hours, with roughly two-thirds (67 per cent) setting a standard of 49 hours or more, can be found in **Latin America and the Caribbean**. Here, 21 per cent of countries have even set their limit at 60 hours or higher, while for another 25 per cent, no limit at all has been identified.

Graph 2: Maximum weekly hours limits by region, (106 countries)

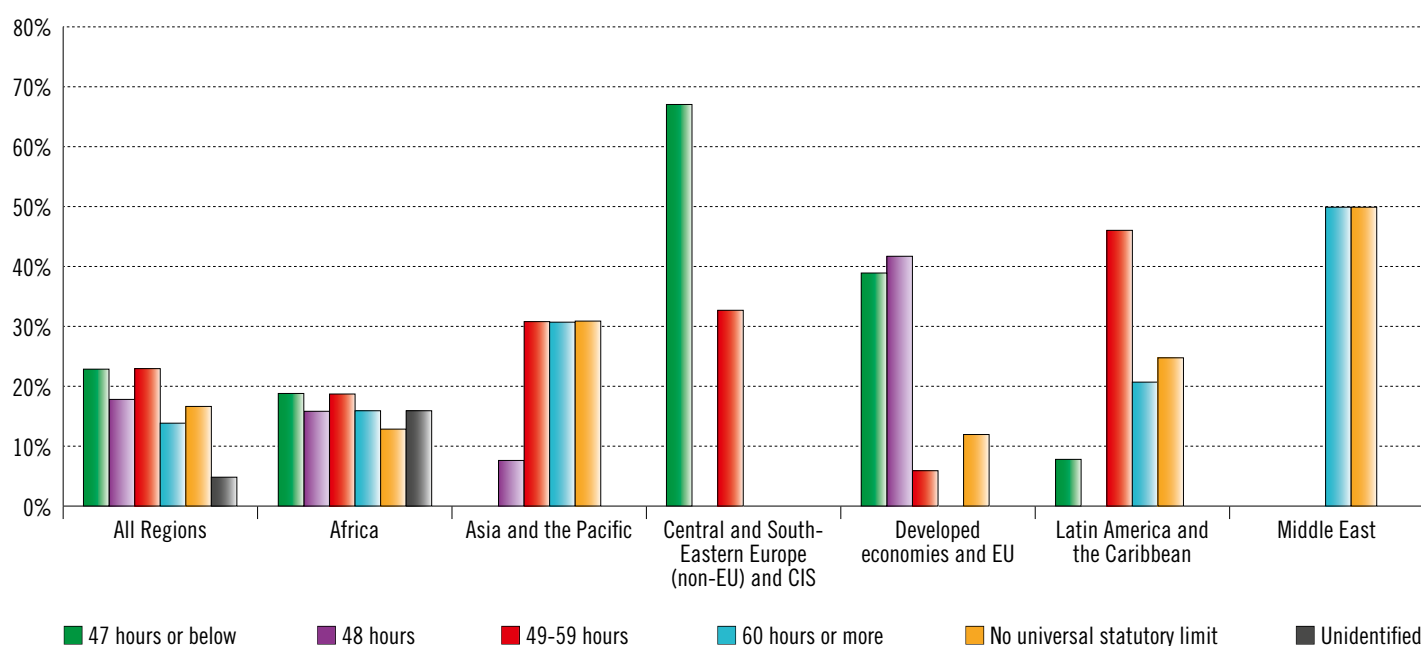


Table 2: Maximum weekly hours by region and country, 2009¹²

Region	47 hours or below	48 hours	49-59 hours	60 hours or more	No universal national limit	Unidentified
Africa	Benin, Cape Verde, Chad, Côte d'Ivoire, Guinea-Bissau, Morocco	Algeria, Angola, Burundi, Democratic Republic of the Congo, United Republic of Tanzania ¹	Djibouti, Kenya, Mozambique, Namibia, South Africa, United Republic of Tanzania ²	Cameroon, Egypt, Gabon, Senegal, Tunisia	Congo, Mali, Nigeria, Zimbabwe	Madagascar, Mauritania, Niger, Rwanda, Togo
Asia and the Pacific		China	Indonesia, Republic of Korea, Lao People's Democratic Republic, Viet Nam	Cambodia, Malaysia, Singapore, Thailand	India, Mongolia, Pakistan, ³ Philippines	
Central and South-Eastern Europe (non-EU) and CIS	Kazakhstan, FYR Macedonia, Republic of Moldova, Russian Federation		Croatia, Turkey			
Developed economies and EU	Bulgaria, Czech Republic, Finland, France, Hungary, Italy, Lithuania, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden	Austria, Canada (federal), Denmark, Estonia, Germany, Greece, Ireland, Latvia, Luxembourg, Malta, Netherlands, Romania, Switzerland, ⁴ United Kingdom	Belgium, Switzerland ⁵		Australia, Japan, New Zealand, United States	
Latin America and the Caribbean	Cuba, BR Venezuela		Argentina, Brazil, Chile, Dominican Republic, Ecuador, Haiti, Mexico, Nicaragua, Panama, Paraguay, Uruguay	Bolivia, Colombia, Costa Rica, Guatemala, Honduras	Bahamas, Belize, El Salvador, Grenada, Jamaica, Peru	
Middle East				Lebanon	Jordan	

[1] Zanzibar

[2] Mainland

[3] In Pakistan, different overtime limits are set for different groups of workers (e.g. 150 hours per year for transport workers).

[4] Industrial enterprises, offices and technical posts, and sales staff in large commercial enterprises

[5] All other workers

¹² See the annex at the end of Chapter One for further information.

3. Overtime remuneration

The rate of pay for the additional hours of work permitted under paragraph 2(b), (c) and (d) of this Article shall not be less than one-and-a-quarter times the regular rate [Convention No. 1, Article 6(2); Convention No. 30, Article 7(4)].

Provisions on overtime remuneration are closely related to legal standards that minimize unhealthy and unsocial long hours of work by reducing incentives for the employer to request overtime. However, in practice, overtime payments may in some countries constitute a regular element of wage packages and are relied on to ensure a decent standard of living. In the following, while overtime premiums often rise progressively with the number of extra hours worked, only the overtime remuneration that is due for any first overtime hour is taken into account.

GLOBAL

States providing an increase in remuneration of at least 25 per cent clearly dominate within the countries reviewed (71 per cent). While 44 per cent of countries regulate exactly a 50 per cent increase, 10 per cent mandate premiums varying from 75 to 100 per cent. However, 14 per cent of countries provide for an overtime supplement of less than 25 per cent, and another 14 per cent do not regulate overtime payment at all.

In several cases, overtime can be compensated by either premium (extra) pay or compensatory rest in lieu of time worked, such as in Austria, Brazil and South Africa. A number of countries provide for compensatory rest but do not specify the amount. In other countries, the legislation provides that compensatory rest may be

taken by mutual agreement or is regulated by collective agreement. Meanwhile, in a number of countries, there are no statutory provisions for compensatory rest. Often, overtime compensation rates rise progressively with the number of extra hours worked. For further details, see the annex at the end of Chapter One.

REGIONAL

For **Africa**, the picture is rather mixed. While a large group of countries (37 per cent) provides a pay increase of more than 50 per cent, and an additional 17 per cent guarantee an increase of 25 to 40 per cent, the legislation of 40 per cent of the reviewed countries only provides for a benefit of 20 per cent or less.

The overwhelming majority of countries reviewed in **Central and South-Eastern Europe, Asia and the Pacific, Latin America and the Caribbean** guarantee at least a 25 per cent premium on overtime remuneration. The highest rate can be found in Latin America (100 per cent). In addition, most of the countries of these regions even provide for a premium of 50 per cent or more (67 per cent in Central and South-Eastern Europe, 77 per cent in Asia and the Pacific, and 81 per cent in Latin America and the Caribbean).

A large percentage of **developed economies** and **EU countries** analysed do not statutorily regulate overtime remuneration (32 per cent). These countries often regulate overtime payments through collective bargaining agreements, which provide a choice between an increase in the premium rate of pay and time off in lieu. Of the remainder, all countries – with the exception of Italy – mandate a statutory minimum remuneration with a premium of 25 per cent or more.

Graph 3: Minimum overtime remuneration by region, 2009 (102 countries)

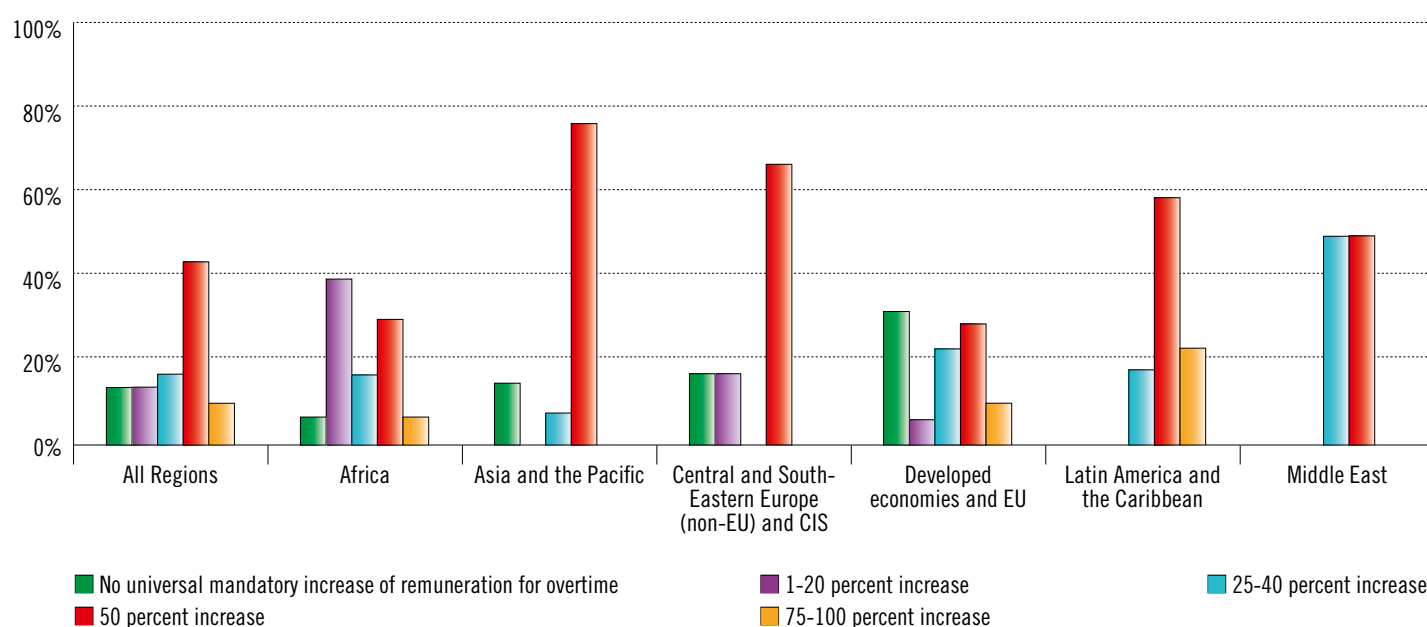


Table 3: Minimum overtime remuneration by country and region, 2009

Region	No universal mandatory increase of remuneration for overtime	1-20 per cent increase	25-40 per cent increase	50 per cent increase	75-100 per cent increase
Africa	Nigeria, Zimbabwe	Benin,** Cameroon,** Chad,** Congo,** Côte d'Ivoire,** Djibouti,** Gabon,** Mali,** Mauritania,** Niger,** Senegal,** Togo***	Burundi,** Democratic Republic of the Congo,** Egypt, Madagascar,** Morocco	Algeria, Angola,** Cape Verde, Guinea-Bissau,** Kenya, Mozambique, Namibia, South Africa,* United Republic of Tanzania (mainland)	United Republic of Tanzania (Zanzibar), Tunisia
Asia and the Pacific	India, Pakistan		Philippines	Cambodia, China, Indonesia,** Republic of Korea,* Lao People's Democratic Republic, Malaysia, Mongolia,* Singapore, Thailand, Viet Nam*	
Central and Eastern Europe (non-EU) and CIS	FYR Macedonia	Croatia***		Kazakhstan, Republic of Moldova,** Russian Federation,*/** Turkey*	
Developed economies and EU	Australia, Denmark, Germany, Ireland, Malta, Netherlands, New Zealand, Spain, Sweden, United Kingdom	Italy,* Slovenia***	Czech Republic,* France,*/** Greece, Luxembourg,* ¹ Norway,* Slovakia,* Switzerland*	Austria,* Belgium, Bulgaria, Canada (federal), Estonia,* Finland,*/** Hungary,* Lithuania, United States*	Latvia, Romania, ² Portugal ³
Latin America and the Caribbean			Colombia, Dominican Republic,** Panama, Peru*/**	Argentina, Bahamas, Belize, Brazil,* Chile, Costa Rica, Ecuador, Grenada, Guatemala, Haiti, Honduras, Paraguay, BR Venezuela	Bolivia, El Salvador, Mexico,** Nicaragua, Uruguay
Middle East			Jordan	Lebanon*	

* Time off in lieu possible. For further information, see annex at the end of the chapter.

** These countries provide for an additional increase of payment after a specific number of overtime hours.

*** These countries provide for an increased pay rate for overtime, but without further specification. They have therefore been classified as providing at least an increase of the lowest category (1-15 per cent). In Djibouti, Gabon, Mauritania and Togo, the law states that the rate is to be specified by collective agreement.

[1] Luxembourg: This rate applies to blue-collar workers. White-collar workers receive a premium of 50 per cent.

[2] Romania provides for paid compensatory time off or, if this is not possible during a prescribed period, a 75 per cent premium.

[3] Portugal mandates a compensatory time off of 25 per cent of the overtime period worked. If the worker agrees, it may be replaced by an overtime premium of 100 per cent.

Cuban legislation provides that overtime has to be remunerated by cash payment or compensatory rest, but does not further specify these provisions. It was therefore not possible to categorize it.

For Jamaica, Japan and Rwanda, provisions on overtime remuneration could not be identified due to a lack of information.

4. Annual leave

The holiday shall in no case be less than three working weeks for one year of service [Holiday with Pay Convention (Revised), 1970 (No. 132), Article 3(3)].

Similar to weekly working time regulations, paid annual leave is aimed at preserving workers' health and well-being as well as ensuring their productiveness and motivation. It is the period during which workers have time away from their work to rest and recuperate from the accumulated stresses and strains of the workplace.

Recently, a number of countries have reviewed their legislation on annual leave, in general increasing its duration. These include countries such as Australia, Kazakhstan and New Zealand. Meanwhile, Peru has adopted a law which provides for annual leave for firms with less than 100 employees of only about half the duration as for other employees.

GLOBAL

Nearly all countries reviewed (97 per cent) legislate a right to a minimum period of paid annual leave. In many countries, this legislation provides for a longer period of paid annual leave than the three weeks established in the Holidays with Pay Convention (Revised), 1970 (No. 132).¹³ Two-thirds of countries meet or exceed this standard. Roughly half of the analysed countries (49 per cent) provide 20 working days of leave or more.

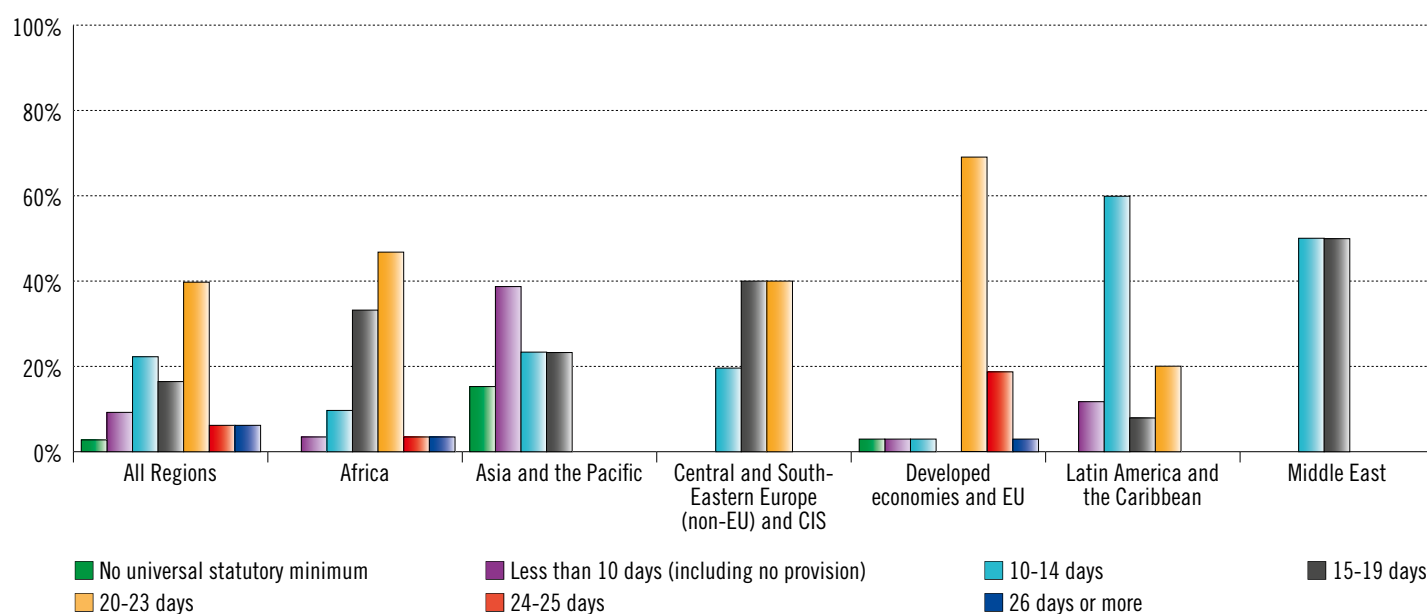
REGIONAL

A particular high standard of annual leave provisions can be found in the reviewed **developed economies** and **EU countries**. Here, the majority of the analysed countries (69 per cent) are grouped around leave periods of between 20 to 23 days. An additional one-fifth of countries exceeds this duration. Only Canada (federal) and Japan provide less leave, and the United States has no universal statutory minimum leave period.

In **Africa**, nearly all countries reviewed (87 per cent) provide at least 15 working days' annual leave. While one-third of countries mandate leave of between 15 and 19 working days, more than half of the countries analysed (53 per cent) provide longer leave.

The Asian and Latin American situation is different. In **Asia and the Pacific**, most of the reviewed countries (57 per cent) do not meet the 15-day threshold, with roughly two-fifths (38 per cent) of countries even providing less than ten days of annual leave. The remainder of Asian countries with legislated leave (23 per cent) provide between 15 and 19 days of leave. In **Latin America and the Caribbean**, a large percentage of countries analysed (72 per cent) does not mandate at least 15 days' annual leave: one-fifth of reviewed countries here provides leave between 20 and 23 days.

Graph 4: Minimum annual leave by region, 2009 (106 countries)



¹³ For the purpose of this report, which uses a five-day workweek as the standard for comparative purposes, this would add up to a minimum of 15 working days of annual leave. For further information, see the section on methodology at the end of this chapter.

Table 4: Minimum annual leave by country and region, 2009

Region	No universal statutory minimum	Less than 10 days	10-14 days	15-19 days	20-23 days	24-25 days	26 days or more
Africa		Nigeria	Democratic Republic of the Congo, Mozambique, Tunisia	Angola, Burundi, Cameroon, Cape Verde, Egypt, Kenya, Mauritania, Morocco, Rwanda, South Africa	Algeria, Benin, Chad, Congo, Côte d'Ivoire, Gabon, Guinea-Bissau, Mali, Namibia, Niger, Senegal, United Republic of Tanzania, Togo, Zimbabwe	Djibouti	Madagascar
Asia and the Pacific	India, Pakistan	China, Malaysia, Philippines, Singapore, Thailand	Indonesia, Lao People's Democratic Republic, Viet Nam	Cambodia, Mongolia, Republic of Korea			
Central and South-Eastern Europe (non-EU) and CIS			Turkey	Croatia, Kazakhstan	Republic of Moldova, Russian Federation		
Developed economies and EU	United States	Japan	Canada (federal)		Australia, Belgium, Bulgaria, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, New Zealand, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Switzerland	Austria, Denmark, France, Luxembourg, Malta, Sweden	United Kingdom
Latin America and the Caribbean		Bolivia, Honduras, Mexico	Argentina, Bahamas, Belize, Colombia, Costa Rica, Dominican Republic, Ecuador, Grenada, Guatemala, Haiti, Jamaica, Nicaragua, Paraguay, Peru,* BR Venezuela	Chile, El Salvador	Brazil, Cuba, Panama, Peru,* Uruguay		
Middle East			Jordan	Lebanon			

* Peru provides different durations of annual leave for companies of different size (see annex at the end of this chapter).

METHODOLOGY: Working hours and annual leave

General

This chapter summarizes the main legal provisions of weekly working time, overtime and annual leave. It is confined to legislation at national level.¹⁴ Laws have been included that apply in principle to all workers, and no mention is made of the many exceptions these laws usually contain for specific categories of workers, sectors or circumstances.

For information on the concepts used for normal and maximum weekly hours limits and overtime, see Box 2.

Overtime

In many instances, national laws specify the conditions under which overtime or maximum hours may be worked. Given that numerous countries allow for unlimited overtime in emergency situations or varying overtime limits in different circumstances, the limits reported are those that apply to cases of extraordinary workloads, or an increase of production.

Often, either prior permission must be obtained or notice afterwards must be given to the relevant authorities, or overtime work has to be approved by a collective agreement or by agreement of the individual worker. In cases of *force majeure* (e.g. natural disasters), legal limits may be waived or higher limits set. These conditions could not be elaborated on in this report.

Overtime remuneration

The figures on minimum overtime remuneration, as provided in Chapter One, express the percentage at which the regular hourly wage is increased in case of overtime. This increase applies to overtime work during daytime on a regular working day, for the first overtime hours worked. In numerous countries this percentage varies for overtime performed during different periods, e.g. at night, or for different economic sectors or categories of workers, which has not been taken into consideration. In addition, it has been specified whether the law provides for the possibility to substitute overtime payment by compensatory time off.

Annual leave

The data on annual leave are derived from the minimum annual leave period that is mandated in the respective country for a worker in the first year of service. In many countries, increasing seniority results in an increasing number of days that a worker is entitled to, which has not been taken into consideration in this report. For comparative purposes, the duration of leave provided by legislation is converted into rounded working days for a five-day workweek.

- Where the law provides for a specified amount of “consecutive days” or “calendar days”, the leave period has been converted into the equivalent number of working days; that is, for the assumed five-day workweek, five-sevenths of the period provided by law is included in the tables.
- Where the law provides for annual leave in “working days”, it is assumed that these periods are provided for a six-day workweek, unless the law specifies otherwise or provides for a maximum five-day workweek. Therefore, 30 working days of leave as provided by law in Austria with its one-day minimum weekly rest period sums up to 25 working days of leave for a five-day workweek.
- Where the law provides for annual leave in “days” without further specification, it is assumed that this period applies to a five-day workweek. Therefore, 20 “days” equals 20 days of leave for a five-day workweek.

¹⁴ For federal states, the federal legislation has been provided.

ANNEX TO CHAPTER ONE: WORKING HOURS AND ANNUAL LEAVE LAWS, 2009¹⁵

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
AFRICA					
Algeria	40 hours	12 hours in total per day including overtime, but not more than 20% in excess of normal hours	48 hours	50% increase; no universal national entitlement to compensatory time off	21 days
Angola	44 hours	2 hours per day, 40 hours per month and 200 hours per year	48 hours	50% increase (first 30 hours per month); 75% increase (31 st and subsequent hours); no universal national entitlement to compensatory rest	18 days
Benin	40 hours	240 hours per calendar year	45 hours ¹	12% increase (first 2 overtime hours); 35% increase (subsequent hours); no universal national entitlement to compensatory time off	20 days
Burundi	45 hours	15 hours per week and 150 hours per year	48 hours	35% increase (first 2 overtime hours), 60% increase (subsequent hours); no universal national entitlement to compensatory time off	17 days
Cameroon	40 hours	20 hours per week ²	60 hours	20% increase (first 8 hours), 30% increase (subsequent 8 hours), 40% increase (subsequent 4 hours); no universal national entitlement to compensatory time off	15 days
Cape Verde	44 hours	2 hours per day and 160 hours per year ³	47 hours	50% increase; no universal national entitlement to compensatory time off	18 days
Chad	39 hours	94 hours per year ⁴	41 hours	Increased pay (unspecified); no universal national entitlement to compensatory time off	20 days
Congo	40 hours	No universal national limit	No universal national limit	Increased rate (unspecified); no universal national entitlement to compensatory time off	22 days
Côte d'Ivoire	40 hours	3 hours per day, 15 hours per week and 75 hours per year	41 hours	15% increase (41-46 weekly hours of work); 50% increase (beyond 46 hours weekly); no universal national entitlement to compensatory time off	20 days
Democratic Republic of the Congo	45 hours	12 hours per week and 144 hours per year	48 hours	30% increase (first 6 hours), 60% increase (subsequent hours); no universal national entitlement to compensatory time off	12 days

¹⁵ For the concept of normal weekly working hours, overtime and maximum weekly hours limits as used in this report, see Box 2.

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Djibouti	48 hours	5 hours per week ⁵	53 hours	Increased rate (to be specified by collective agreement); no universal national entitlement to compensatory time off	25 days
Egypt	48 hours	10 hours per day (including overtime) ⁶	60 hours	35% increase; no universal national entitlement to compensatory time off	18 days
Gabon	40 hours	20 hours per week	60 hours	Increased rate determined by collective agreements or government regulations; no universal national entitlement to compensatory time off	20 days
Guinea-Bissau	45 hours	2 hours per day and 120 hours per year	47 hours	50% increase (first hour), 75% increase (subsequent hours); no universal national entitlement to compensatory time off	21 days
Kenya	52 hours	Maximum limit of 116 hours (including overtime) per 2-week period	58 hours	50% increase; no universal national entitlement to compensatory time off	18 days
Madagascar	40 hours ⁷	Unidentified	Unidentified	30% increase (first 8 hours), 50% (subsequent hours); no universal national entitlement to compensatory time off	30 days
Mali	40 hours	75 hours per year (extraordinary workloads), 18 hours per week (to maintain and increase production) ⁸	No universal national limit	10% increase (41 st -48 th hour); 25% increase (subsequent hours); no universal entitlement to compensatory time off identified	21 days
Mauritania	40 hours	Unidentified	Unidentified	Increased rate (determined by collective agreements or by decree); no universal national entitlement to compensatory time off	15 days
Morocco	44 hours ⁹	80 hours per year	46 hours	25% increase; no universal national entitlement to compensatory time off	18 days
Mozambique	48 hours	8 hours per week, 96 hours per quarter and 200 hours per year	52 hours	50% increase; no universal national entitlement to compensatory time off	12 days
Namibia	45 hours	3 hours per day and 10 hours per week	55 hours	50% increase; no universal national entitlement to compensatory time off	20 days
Niger	40 hours	Unidentified	Unidentified	Increased salary (unspecified); no universal national entitlement to compensatory time off	21 days
Nigeria	No universal national limit	No universal national limit	No universal national limit	No universal statutory entitlement	5 days
Rwanda	45 hours	Unidentified	Unidentified	Unidentified	18 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Senegal	40 hours	20 hours per week	60 hours	10% increase (first 8 hours), 35% (subsequent hours); no universal national entitlement to compensatory time off	20 days
South Africa	45 hours	3 hours per day and 10 hours per week	55 hours	50% increase or ordinary pay and a compensatory time off of 30 minutes per hour of overtime or 90 minutes compensatory time off	15 days
Tanzania, United Republic of	45 hours (mainland) 42 hours (Zanzibar)	12 hours (including overtime) per day, 50 hours over a 4-week period (mainland) 10 hours per day or 48 hours per week, including overtime (Zanzibar)	57 hours (mainland) 48 hours (Zanzibar)	50% increase (mainland) 100% increase (Zanzibar) No universal national entitlement to compensatory time off	20 days (mainland) 21 days (Zanzibar)
Togo	40 hours	Unidentified	Unidentified	Wage increase (to be determined by collective agreement); no universal national entitlement to compensatory time off	21 days
Tunisia	48 hours	60 hours per week (including overtime)	60 hours	75% increase (48 hours workweek); ¹⁰ no universal national entitlement to compensatory time off	10 days
Zimbabwe	No universal national limit ¹¹	No universal national limit	No universal national limit	No universal national entitlement	21 days
ASIA AND THE PACIFIC					
Cambodia	48 hours	10 hours per day (including overtime)	60 hours ¹²	50% increase; no universal national entitlement to compensatory time off	15 days
China	40 hours	3 hours per day and 36 hours per month	48 hours	50% increase; no universal entitlement to compensatory rest ¹³	5 days (after 1 year of service)
India	No universal legislation	No universal legislation	No universal legislation	No universal national entitlement	No universal legislation
Indonesia	40 hours	3 hours per day and 14 hours per week	54 hours	50% increase (first overtime hour) and 100% (subsequent hours) plus sufficient rest, and meals and drinks of at least 1400 calories, if the overtime work is executed for 3 hours or more	12 days
Korea, Republic of	40 hours	12 hours per week	52 hours ¹⁴	50% increase or compensatory time off if agreed in writing with workers' representatives	15 days
Lao People's Democratic Republic	48 hours	45 hours per month	59 hours	50% increase; no universal national entitlement to compensatory time off	13 days
Malaysia	48 hours	12 hours per day (including overtime), 104 hours per month	72 hours	50% increase; no universal national entitlement to compensatory time off	8 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Mongolia	40 hours	No universal national limit	No universal national limit ¹⁵	50% increase or compensatory time off (unspecified duration)	15 days
Pakistan	No universal legislation ¹⁶	No universal national limit	No universal legislation ¹⁶	No universal national entitlement. For several sectors, an increase of 100% is mandated.	No universal legislation
Philippines	48 hours ¹⁷	No universal national limit	No universal national limit	25% increase; time off granted shall not exempt the employer from paying the additional compensation	5 days
Singapore	44 hours	12 hours daily maximum (including overtime), 72 hours overtime per month	61 hours	50% increase; no universal legislation on compensatory time off	7 days
Thailand	48 hours	36 hours per week	84 hours	50% increase; no universal national entitlement to compensatory time off	6 days
Viet Nam	48 hours	4 hours per day and 200 hours per year	52 hours	50% increase or compensatory time off, paid at 50% of the normal wage rate	10 days
CENTRAL AND SOUTH-EASTERN EUROPE (NON-EU) AND CIS					
Croatia	40 hours	10 hours per week	50 hours	Increased salary (not specified); no universal national entitlement to compensatory time off	15 days
Kazakhstan	40 hours	2 hours per day, up to a maximum of 120 hours per year	42 hours	50% increase; no universal national entitlement to compensatory time off	17 days
Moldova, Republic of	40 hours	Maximum limit (including overtime) of 12 hours per day, 120 hours per calendar year	42 hours	50% premium (first 2 hours), 100% premium (subsequent hours); no universal national entitlement to compensatory time off	20 days
Russian Federation	40 hours	4 hours over a 2-day period and 120 hours per year	42 hours	50% increase (first 2 hours), 100% increase (subsequent hours) or compensatory time off at the request of the employee	20 days
The Former Yugoslav Republic of Macedonia	40 hours	10 hours per week and 190 hours per year	44 hours	No general mandatory overtime premium; workers who perform more than 150 overtime hours during a year and are not absent for more than 21 days are entitled to one extra month's salary.	Unidentified
Turkey	45 hours	270 hours per year	50 hours	50% increase or, if the employee wishes, 1.5 hour compensatory rest for each hour of overtime	12 days
DEVELOPED ECONOMIES AND EU					
Australia	No universal national limit	No universal national limit	No universal national limit. Maximum hours limit of 38 hours plus "reasonable additional hours".	No universal national entitlement	20 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Austria	40 hours	5 hours per week and additionally 60 hours per year, provided that 10 hours per week overtime and 48 hours in average over a period of 17 weeks are not exceeded	48 hours	50% increase or compensatory time off (either increased by 50% or paid at 50% of the normal rate)	25 days
Belgium	38 hours	11 hours per day and 50 hours per week (including overtime)	50 hours	50% increase; no universal national entitlement to compensatory time off	20 days
Bulgaria	40 hours	150 hours per year, not exceeding: 30 daily hours per month, 6 daily hours per week, 3 daily hours over 2 consecutive days	43 hours	50% increase; no universal national entitlement to compensatory time off	20 days
Canada (federal)	40 hours	8 hours per week ¹⁸	48 hours	50% increase, no universal national entitlement to compensatory time off	10 days
Czech Republic	40 hours	8 hours per week and 150 hours per year	43 hours	25% increase or compensatory time off of the same duration as the overtime work	20 days
Denmark	No normal hours limit	48 hours per week (including overtime) in average over 4 months	48 hours	No universal national entitlement	25 days
Estonia	40 hours	4 hours per day; maximum 48 hours per week (including overtime) in average over a specified period	48 hours	50% increase or compensatory time off as determined by the parties	20 days
Finland	40 hours	138 hours over a 4-month period and no more than 250 hours per year	45 hours	50% increase (first two hours), 100% increase (additional hours) or compensatory time off which has to match the increase for overtime pay	20 days (25 days after 1 year of employment)
France	35 hours	48 hours per week (including overtime), 220 hours per year; 44 hours per week (including overtime) in average over a 12-week period	39 hours	25% increase (first 8 overtime hours), 50% (subsequent hours) or compensatory time off, if provided for by collective/ enterprise agreement	25 days
Germany	No normal hours limit	48 hours per week (including overtime) ¹⁹	48 hours	No universal national entitlement	20 days
Greece	40 hours	12 hours per day, 48 hours per week in average over 4 months (including overtime)	48 hours	25%; no universal national entitlement to compensatory time off	20 days
Hungary	40 hours	Maximum limit (including overtime) of 12 hours per day, 48 hours per week on average over 3 months; 200 hours overtime per year	44 hours	50% increase; time off of the same duration as the overtime work possible, provided that the parties agree	20 days
Ireland	No normal hours limit	48 hours per week (including overtime) in average over a specified period	48 hours	No universal national entitlement	20 days
Italy	40 hours	48 hours per week (including overtime) in average over a specified period, 250 hours per year	45 hours	10% increase; or compensatory time off, if provided for by collective agreements	20 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Japan	40 hours	No universal national limit	No universal national limit	Unidentified	8 days
Latvia	40 hours	144 hours overtime over 4 months	48 hours	100% increase; no universal national entitlement to compensatory time off	20 days
Lithuania	40 hours	4 hours over a 2-day period and 120 hours per year; 48 hours maximum per week (including overtime) on average over 4 months ²¹	42 hours	50% increase; no compensatory time off foreseen	20 days
Luxembourg	40 hours	8 hours per week ¹⁸	48 hours	25% for blue-collar workers and 50% for white-collar workers or compensatory time off (1.5 hours for 1 overtime hour)	25 days
Malta	No normal hours limit	48 hours (including overtime) in average over 17 weeks	48 hours	No universal national entitlement	24 days
Netherlands	No normal hours limit. Maximum limit of 60 hours per week, 55 hours on average in each 4-week period and 48 hours on average over 16 weeks	(Overtime is not regulated)	48 hours	No universal national entitlement	20 days
New Zealand	40 hours	No universal national limit	No universal national limit	No universal national entitlement	20 days
Norway	40 hours	10 hours per week; 25 hours per 4 consecutive weeks; and 200 hours per year, 48 hours per week (including overtime) on average over 8 weeks	44 hours	40% increase or compensatory time off, if agreed	21 days
Portugal	40 hours	2 hours per day and 175 hours per year (small enterprises); or 150 hours per year (medium and large enterprises), 48 hours per week (including overtime) on average over 4 months	43 hours	Compensatory time off equal to at least 25% of the hours of overtime worked, or instead, if the worker agrees, an overtime premium of 100%	22 days
Romania	40 hours	48 hours per week (including overtime) on average over 3 months	48 hours	Paid compensatory time off or, if this is not possible during a prescribed period, a 75% premium	20 days
Slovakia	40 hours	8 hours per week on average over 4 months and 150 hours per year	43 hours	25% increase or, if so agreed, compensatory time off of the same duration as the overtime work	20 days
Slovenia	40 hours	8 hours per week, 20 hours per month and 180 hours per year	44 hours	Extra payment (not specified); no universal national entitlement to compensatory time off	20 days
Spain	40 hours	80 hours per year	42 hours	No universal national entitlement	21 days
Sweden	40 hours	48 hours over a 4-week period or 50 hours per calendar month and 200 hours per year	44 hours	No universal national entitlement; determined by collective agreement	25 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Switzerland	45 hours (industrial enterprises, offices and technical posts, and sales staff in large commercial enterprises) 50 hours (all other workers)	2 hours per day and 170 hours per year (industrial enterprises, offices and technical posts, and sales staff in large commercial enterprises) 140 hours per year (all other workers)	48 hours (industrial enterprises, offices and technical posts, and sales staff in large commercial enterprises) 53 hours (all other workers)	25% increase or compensatory time off of the same duration as the overtime work	20 days
United Kingdom	No universal national limit	48 hours maximum per week (including overtime) on average over 17 weeks ²²	48 hours	No universal national entitlement	28 days
United States	40 hours	No universal national limit	No universal national limit	50% increase or compensatory time off of not less than 1.5 hours for each overtime hour worked	No universal national entitlement
LATIN AMERICA AND THE CARIBBEAN					
Argentina	48 hours	3 hours per day, 30 hours per month and 200 hours per year	52 hours	50% increase; no universal national entitlement to compensatory time off	10 days
Bahamas	40 hours	No universal national limit	No universal national limit	50% increase; no universal national entitlement to compensatory time off	10 days
Belize	45 hours	No universal national limit	No universal national limit	50% increase; no universal national entitlement to compensatory time off	10 days
Bolivia	48 hours	2 hours per day	60 hours ¹²	100% increase; no universal national entitlement to compensatory time off	5 days
Brazil	44 hours	2 hours per day	56 hours ²³	50% increase; compensatory time off possible instead, if agreed by the parties	21 days ²⁴
Chile	45 hours	2 hours per day	57 hours ²³	50% increase; no universal national entitlement to compensatory time off	15 days
Colombia	48 hours	2 hours per day and 12 hours per week	60 hours	25% increase; no universal national entitlement to compensatory time off	10 days
Costa Rica	48 hours	12 hours per day (including overtime)	72 hours ¹²	50% increase; no universal national entitlement to compensatory time off	10 days
Cuba	44 hours ²⁵	4 hours over a 2-day period, and 160 hours per year	47 hours	Cash payment or compensatory rest (unspecified)	21 days
Dominican Republic	44 hours	80 hours per trimester	50 hours	35% increase (up to 68 hours work per week in total); 100% (subsequent hours); no universal national entitlement to compensatory time off	12 days
Ecuador	40 hours	4 hours per day and 12 hours per week	52 hours	50% increase; no universal national entitlement to compensatory time off	10 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
El Salvador	44 hours	No universal national limit	No universal national limit	100% increase, no universal national entitlement to compensatory time off	15 days
Grenada	No universal limit ²⁶	No universal national limit	No universal national limit	50% increase; no universal national entitlement to compensatory time off	10 days
Guatemala	48 hours	12 hours per day (including overtime) ¹²	72 hours	50% increase; no universal national entitlement to compensatory time off	13 days
Haiti	48 hours	80 hours per trimester (industrial undertakings); 2 hours per day and 320 hours per year (commerce)	54 hours (industrial undertakings and commerce)	50% increase; no universal national entitlement to compensatory time off	11 days
Honduras	44 hours	4 hours	60 hours ²³	50% increase; no universal national entitlement to compensatory time off	8 days
Jamaica	No universal national limit	No universal national limit	No universal national limit	Unidentified	10 days
Mexico	48 hours ²⁷	3 hours per day, no more than 3 times per week ²³	57 hours	100% increase (up to 9 overtime hours per week); 200% increase for subsequent hours; no universal national entitlement to compensatory time off	6 days
Nicaragua	48 hours	3 hours per day and 9 hours per week	57 hours	100% increase; overtime cannot be compensated by time off if unilaterally ordered by the employer	10 days
Panama	48 hours	3 hours per day and 9 hours per week	57 hours	25% increase; no universal national entitlement to compensatory time off	21 days
Paraguay	48 hours	3 hours per day; 57 hours per week (including overtime)	57 hours	50% increase; no universal national entitlement to compensatory time off	10 days
Peru	48 hours	No universal national limit	No universal national limit	25% increase (first 2 hours); 35% increase (subsequent hours) or compensatory rest of the same amount as the overtime worked if agreed between the parties	21 days; 11 days for enterprises with up to 100 employees
Uruguay	48 hours (industry) 44 hours (commerce)	8 hours per week	56 hours (industry) 52 hours (commerce)	100% increase; no universal national entitlement to compensatory time off	20 days
Venezuela, Bolivarian Republic of	44 hours	2 hours per day, 10 hours per week and 100 hours per year	46 hours	50% increase; no universal national entitlement to compensatory time off	13 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
MIDDLE EAST					
Jordan	48 hours	No universal national limit	No universal national limit	25% increase; no universal national entitlement to compensatory time off	12 days
Lebanon	48 hours	12 hours per day (including overtime) ²⁸	72 hours	50% increase or compensatory rest corresponding to the number of hours of overtime worked	15 days

[1] 12 hours per day and 60 hours per week (including overtime) are allowed in case of urgent work, in order to prevent the loss of perishable goods, or to prevent or respond to an accident.

[2] Overtime limit derived from the normal and maximum weekly limit.

[3] The worker may consent by written agreement to perform overtime work up to 300 hours per year.

[4] An overtime limit of 11 hours per day and 54 hours per week applies for urgent work to prevent the loss of goods or danger to property or to carry out preparatory or complementary tasks.

[5] Where overtime is performed to deal with work that cannot be postponed, to prevent or respond to accidents, or in preparatory or complementary work, limits of 12 hours per day and 60 hours per week apply.

[6] An overtime limit derived from the daily maximum limit, for the regular six-day workweek.

[7] 40 hours are a weekly average. The law provides for a regular working time of 173.33 hours per month.

[8] An overtime limit of 2 hours per day to prevent the loss of products or to prevent accidents that are about to occur.

[9] Besides a weekly regular working time, the law mandates alternatively a working time of 2,288 hours per year.

[10] Workweek of less than 48 hours: 25% increase for the hours worked up to 48 hours and 50% increase for subsequent hours.

[11] Normal hours limits apply to specific groups of workers, e.g. to workers in undertakings of the Masvingo Municipal and in medical undertakings.

[12] Limit derived from the daily overtime limit and the regular six-day workweek.

[13] If workers are scheduled to work overtime during their rest days, they may choose to take compensatory leave.

[14] The overtime limit does not apply to businesses that employ less than 4 workers.

[15] The law specifies that, unless otherwise agreed in a collective or employment agreement, overtime is only allowed for specific urgent situations, including defence of the country and industrial accidents.

[16] In Pakistan, there is no general weekly and overtime limit set which applies to all workers. However, for different groups of workers, specific limits are stipulated (for further information, see the ILO Database on Conditions of Work and Employment Laws).

[17] Normal weekly limit derived from the daily limit and the minimum weekly rest period.

[18] Overtime limit derived from the maximum weekly hours limit.

[19] Overtime of 8 hours per week and 150 hours per year may be exceeded, provided that the employee agrees and 8 hours in average over 26 weeks in general are not exceeded.

[20] Derived from the daily maximum limit and minimum weekly rest period of one day.

[21] Overtime work is in general prohibited. Exceptions apply, for example, for preventing accidents, repairing equipment and if provided for by collective agreement.

[22] The 48-hour limit can be exceeded by written agreement between the worker and the employer.

[23] Limit derived from the daily overtime limit and the minimum weekly rest period of one day.

[24] This is the general duration of leave applicable to workers with an absence per year from work of no more than 6 days. Workers with longer absences receive less leave.

[25] The law mandates a normal weekly working time of 44 hours on average.

[26] 40 hours for workers in agriculture, construction and industry; 44 hours for clerical, shop and catering assistants; 60 hours for domestic workers and security guards.

[27] Derived from the daily limit and minimum weekly rest period.

[28] Additional overtime hours are possible if the employee agrees.

Maternity protection

Provisions on maternity protection cover a broad range of subjects, including health protection (of mother and child during pregnancy, childbirth and nursing), maternity leave, leave in case of illness or complications, benefits, safety and health at work, employment protection, non-discrimination and breastfeeding rights.

The importance of maternity protection has been recognized by the ILO since its foundation. As one of the first ILO Conventions, the Maternity Protection Convention, 1919 (No. 3), dealt with the employment of women before and after childbirth. The most up-to-date standard protecting mothers at work is the Maternity Protection Convention, 2000 (No. 183),¹⁶ providing for at least 14 weeks of maternity leave. The scope of protection was gradually extended over the years and its importance has been recognized most recently in the ILO's Decent Work Agenda.

This present report is confined to three aspects of maternity leave provisions under national law, namely the duration of leave, the amount of leave benefits as well as the source of funding, and covers 167 countries (see also the annex at the end of this chapter).¹⁷ As will be seen, there are significant variations in the extent of protection and the respective models of regulation. While all countries covered by this report have implemented some kind of protection for women in connection with childbirth, not all provide for paid maternity leave. One-third of reviewed States only would fully satisfy the three related provisions of Maternity Protection Convention, 2000 (No. 183). However, looking separately at the analysed provision, the proportion meeting the standards varies by the specific provision.

1. Duration of maternity leave

... a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks [Convention No. 183, Article 4(1)].

Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks [Recommendation No. 191, Paragraph 1(1)].¹⁸

Legal provisions on maternity leave are intended to provide both mother and child with the necessary

¹⁶ Maternity Protection Convention, 2000 (No. 183), has been the guiding standard since its adoption by the ILO. According to the 2004 report of the Committee of Experts on the Application of Conventions and Recommendations, the entry into force of Convention No. 183 implied closure of the ratification of Maternity Protection Convention (Revised), 1952 (No. 103), while Maternity Protection Convention, 1919 (No. 3), remains open for ratification. However, the Committee has suggested that States in this position denounce the older instrument out of a concern for greater clarity and legal certainty [(ILO: *Report of the Committee of Experts on the application of Conventions and Recommendations*, Report III (Part 1A), International Labour Conference, 92nd Session, Geneva, 2004)].

¹⁷ More information on maternity protection legislation and related issues, including paternity and parental leave, health protection and employment security, may be found in the Database on Conditions of Work and Employment Laws, available at <http://www.ilo.org/dyn/travail/>.

¹⁸ Maternity Protection Convention, 1919 (No. 3), and Maternity Protection Convention (Revised), 1952 (No. 103), provide for at least 12 weeks of maternity leave.

health protection during pregnancy, childbirth and after confinement.

Since the first edition of this report,¹⁹ several countries have increased their maternity leave periods, such as Cyprus, Kenya, Poland, the Seychelles, Singapore and the United Kingdom.

GLOBAL

Globally, the overwhelming majority of countries (86 per cent) provide 12 weeks of maternity leave or more. In addition, nearly half of the reviewed countries (51 per cent) mandate more than 14 weeks of maternity leave, and 19 per cent even provide more than 18 weeks of maternity leave. Only 15 per cent of the reviewed countries guarantee less than 12 weeks of maternity leave.

REGIONAL

When disaggregating the leave provisions by region, the picture becomes more diverse, in particular with regard to long durations of maternity leave.

Central and South-Eastern European countries and the **CIS** mandate the longest maternity leave in the world. No country has legislated less than 14 weeks, while 93 per cent even provide leave that meets or exceeds 18 weeks.

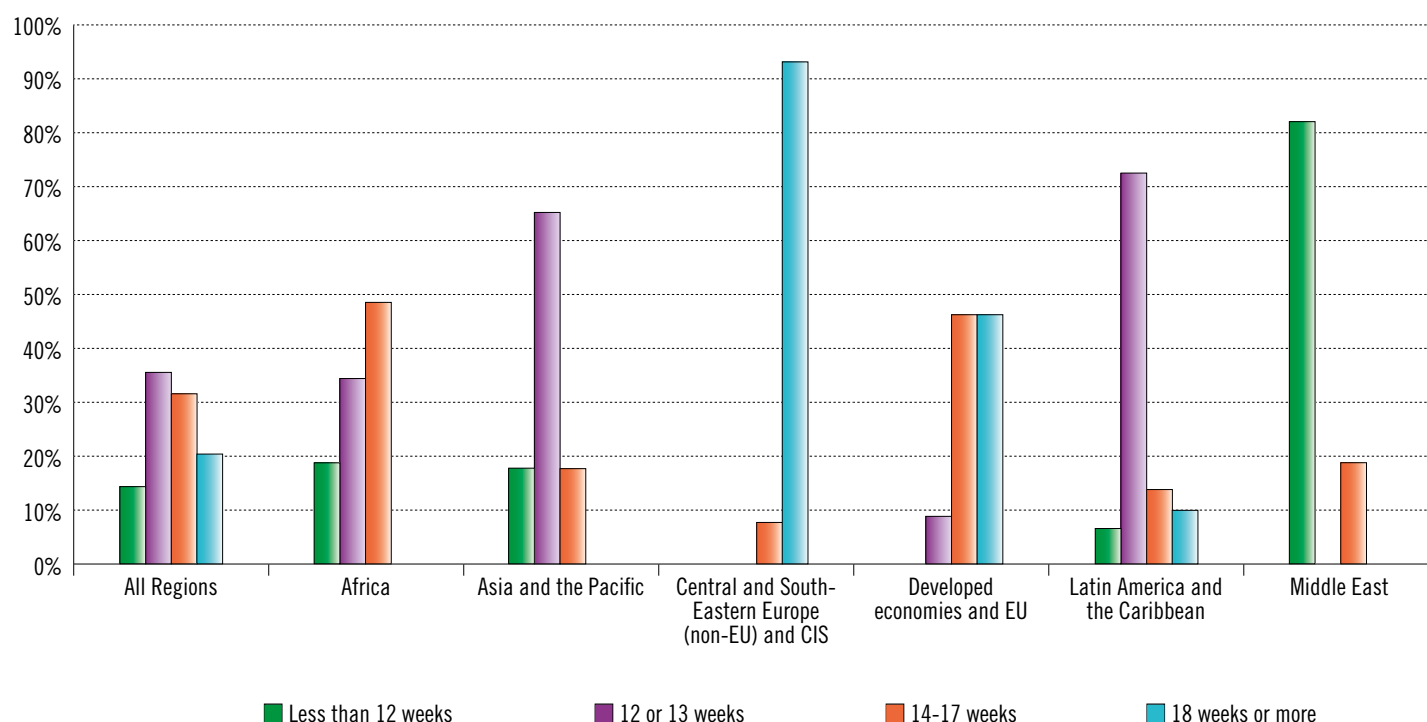
A very high level of maternity leave can also be found in the **developed economies** and **EU countries** analysed. An overwhelming majority of countries meet or exceed 14 weeks of mandated maternity leave, with nearly half of the countries (46 per cent) even providing more than 18 weeks.

In **Africa**, roughly one-third (34 per cent) of analysed States provide 12 or 13 weeks of maternity leave, while even more — nearly half of the countries reviewed (48 per cent) — mandate between 14 and 17 weeks of leave.

The analysed **Asian, Pacific** and **Latin American** countries provide a comparable picture when it comes to maternity leave: around three-thirds of the analysed countries mandate leave of 12 or 13 weeks. The remaining countries partly legislate less than 12 weeks' leave (17 per cent in Asia and the Pacific, 6 per cent in Latin America and the Caribbean), and partly 14 weeks or more (17 per cent in Asia and the Pacific, 13 per cent in Latin America and the Caribbean). In both regions, 17 per cent of the analysed countries provide at least 18 weeks' leave.

Meanwhile, the considerable majority of analysed **Middle Eastern** countries (82 per cent) does not provide even 12 weeks of maternity leave, with only two countries (Islamic Republic of Iran and the Syrian Arab Republic) mandating maternity leave of 14 weeks or more.

Graph 5: Minimum duration of maternity leave by region, 2009 (167 countries)



¹⁹ Evain, op. cit.

Table 5: Duration of maternity leave by country and region, 2009

Region	Less than 12 weeks	12 or 13 weeks (meets C3 and C108)	14-17 weeks (meets C3, C103 and C183)	18 weeks or more (meets C3, C103, C183 and R191)
Africa	Eritrea, Guinea-Bissau, Libyan Arab Jamahiriya,* Malawi, ¹ Mozambique, Sao Tome and Principe, Sudan, Tunisia, Uganda	Angola, Botswana, Burundi, Egypt, Equatorial Guinea,* Ethiopia, Gambia, Ghana,* Kenya, Lesotho, Mauritius, Namibia, Nigeria, Rwanda, Swaziland, United Republic of Tanzania, Zambia*	Algeria,* Benin, Burkina Faso,* Cameroon,* Central African Republic,* Chad, Comoros, Congo, Côte d'Ivoire,* Democratic Republic of the Congo, Djibouti, Gabon,* Guinea,* Madagascar, Mali,** Mauritania,* Morocco, Niger, Senegal, Seychelles, Somalia, South Africa, Togo, Zimbabwe	
Asia and the Pacific	Malaysia, Nepal, Papua New Guinea,* ² Philippines	Afghanistan, Cambodia, China, Fiji, India, Indonesia, Kiribati, Republic of Korea, Lao People's Democratic Republic, Myanmar, Pakistan, Solomon Islands, Sri Lanka,* ³ Thailand, Vanuatu	Bangladesh, Mongolia,* Singapore, Viet Nam	
Central and South-Eastern Europe (non-EU) and CIS			Turkey	Albania,** Azerbaijan,* Belarus,** Bosnia and Herzegovina,* Croatia,* Kazakhstan, Kyrgyzstan,* Republic of Moldova,** Russian Federation,* Serbia,* Tajikistan,* Ukraine,* Uzbekistan*
Developed economies and EU		Iceland, Israel, United States (federal) ⁴	Austria,** Belgium, Canada (federal), France,* Germany,* Greece,* Japan, Latvia,** Luxembourg,** Malta, Netherlands,** New Zealand, Portugal,* Slovenia,* Spain,* Sweden, Switzerland	Australia, ⁵ Bulgaria,** Czech Republic, Cyprus,** Denmark, Estonia, Finland, Hungary,** Ireland, Italy,** Lithuania,** Norway, ⁶ Poland,* Romania,** San Marino,* Slovakia,** United Kingdom
Latin America and Caribbean	Bolivia*, Honduras	Antigua and Barbuda, Argentina,* Bahamas,* Barbados, Colombia,* Dominica, Dominican Republic, Ecuador,* El Salvador, Grenada, Guatemala,* Guyana, Haiti, Jamaica, Mexico, Nicaragua,* Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, Uruguay*	Belize,** Brazil,* Costa Rica, Panama*	Chile,* Cuba,** BR Venezuela*
Middle East	Bahrain, Iraq, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia, United Arab Emirates, Yemen		Islamic Republic of Iran, ⁷ Syrian Arab Republic	

* Country has ratified Convention No. 3 or Convention No. 103 (minimum of 12 weeks' maternity leave), but not Convention No. 183.

** Country has ratified Convention No. 183 (minimum of 14 weeks' maternity leave).

[1] Malawi provides the right to maternity leave once every three years.

[2] Papua New Guinea provides maternity leave as necessary for hospitalization before confinement and six weeks afterwards. For the purpose of this report, this provision has been interpreted as not requiring a leave period of at least 12 weeks or more.

[3] Sri Lanka provides six weeks of leave for the third and each subsequent child.

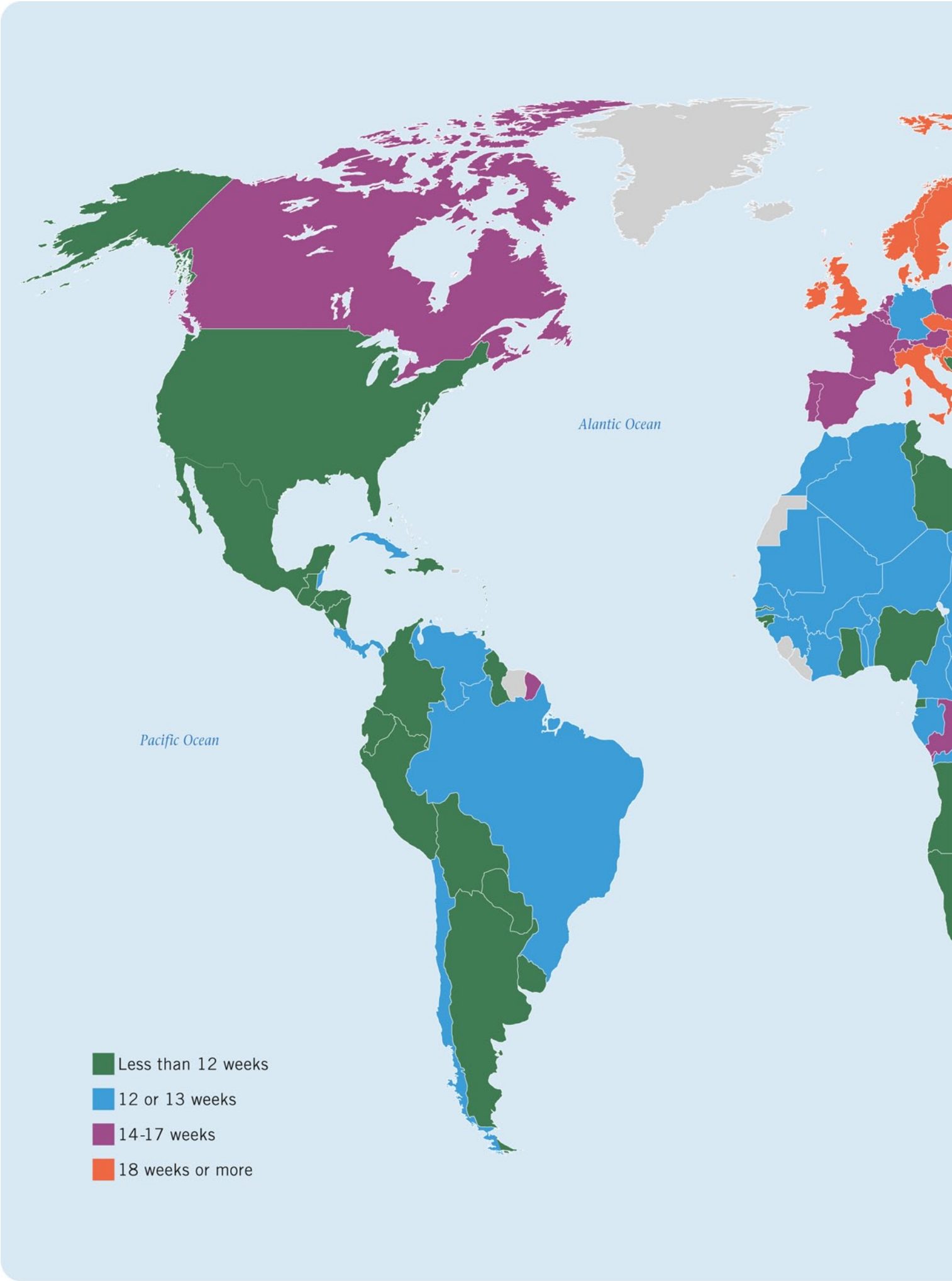
[4] The United States (federal) provides 12 weeks of maternity leave only for employees working for an employer with more than 50 employees.

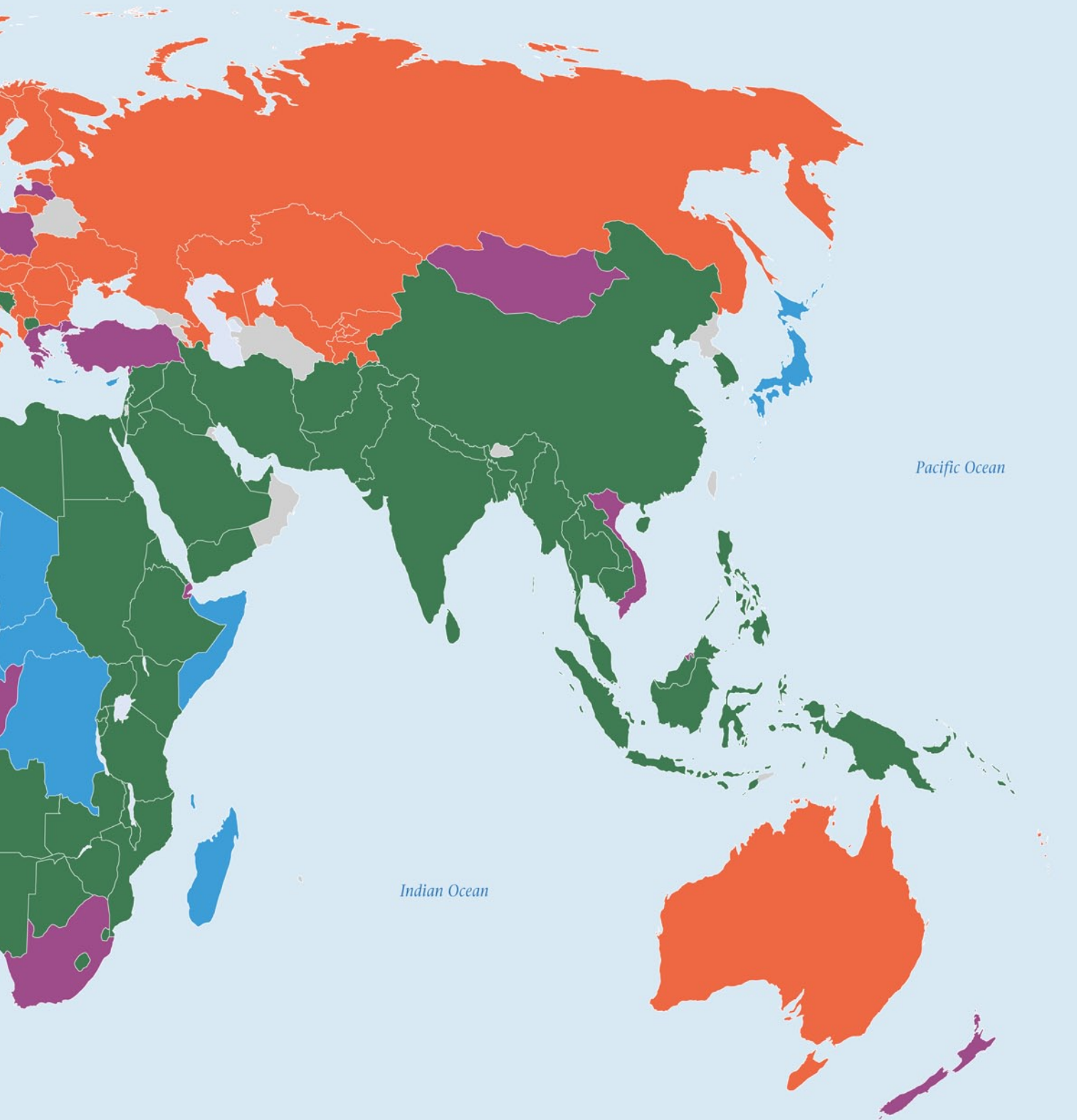
[5] Australia provides parental leave of up to 52 weeks, which may be shared between the parents. The mother may start her leave 6 weeks prior to the expected birth.

[6] Norway provides 44 weeks or 54 weeks of parental leave, of which 10 weeks are exclusively reserved for the father and 9 weeks for the mother. The remainder may be shared between the parents.

[7] The Islamic Republic of Iran provides 13 weeks' maternity leave in general, but 17 weeks of maternity leave if the woman is breastfeeding. For the purpose of this table, it has been assumed that the majority of women are breastfeeding.

World map: Length of maternity leave, 2009





2. Maternity leave benefits: Amount

Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living [Convention No. 183, Article 6(2)].

... the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits [Convention No. 183, Article 6(3)].

Where practicable, and after consultation with the representative organizations of employers and workers, the cash benefits to which a woman is entitled during leave referred to in Articles 4 and 5 of the Convention should be raised to the full amount of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits [Recommendation No. 191, Paragraph 2].²⁰

GLOBAL

Maternity leave benefits are meant to provide income security to women during the period of maternity leave. Out of 169 countries for which data have been obtained, 97 per cent of analysed countries provide cash benefits to women during maternity leave.²¹

While most countries guarantee a specific percentage of previous earnings for the whole period of maternity leave, countries have taken different approaches: for example, cash benefits are not to be paid for the whole period of minimum statutory leave (e.g. in Bahrain, Haiti, Jamaica, Paraguay, Trinidad and Tobago, and Uganda) or they vary over the leave period, typically decreasing after a specific period (e.g. Antigua and Barbuda, Grenada, Rwanda). Other States mandate additional criteria for receiving maternity leave benefits. In Saudi Arabia and the United Arab Emirates, the amount of benefits depends on the employment tenure, whereas in Egypt and Malaysia, benefits for maternity leave are paid only up to a specific number of children (two children and five children, respectively).²²

Several countries base payments on previous earnings, but limit them by a ceiling, or only provide for a flat-rate payment (marked in Table 9 with an asterisk). In these systems, the exact proportion of women workers receiving at least two-thirds of their previous earnings depends on the distribution of wages in a country.

Globally, 42 per cent of the analysed States required that the female worker received two-thirds of her standard pay and that it be paid over 14 weeks of maternity leave (and some exceeded these levels). An additional quarter (26 per cent) provides pay of at least two-thirds of the standard wage for 12 to 13 weeks. Thirty-two per cent of countries provide less protection to mothers, by either not meeting the two-thirds threshold or providing paid leave of less than 12 weeks. Three per cent of the reviewed countries (Australia, Lesotho, Papua New Guinea, Swaziland and the United States) do not offer any benefits to women during maternity leave.

REGIONAL

The highest standard of maternity leave benefits are found in the analysed **Central and South-Eastern European** countries (non-EU) and **CIS**. Here, all countries mandate benefits for at least 14 weeks — and often much longer — at a rate of at least two-thirds of previous earnings, of which 82 per cent even provide full pay. A similar observation is made for the **developed economies** and **EU countries**. Here, more than three-quarters (78 per cent) mandate maternity leave for at least 14 weeks at a rate of at least two-thirds of previous earnings, and 52 per cent even guarantee full pay.²³

Of the 49 **African** countries analysed, roughly two-fifths (39 per cent) match or exceed the standard of two-thirds of payment over a 14-week leave period. A similar percentage (33 per cent), however, provides less than two-thirds pay and/or for a period of less than 12 weeks. Only a minor percentage of countries does not guarantee any benefits by statute at all (Lesotho and Swaziland).

²⁰ For countries that have only ratified Maternity Protection Convention (Revised), 1952 (No. 103), it requires to pay at least two-thirds of prior earnings throughout the 12-week maternity leave period it mandates.

²¹ For details, see the annex at the end of Chapter Two.

²² Therefore, the percentage of benefits could not be established for Belgium, Chile, Finland, France, Ireland, Israel, Kyrgyzstan, Netherlands, New Zealand, Russian Federation, Seychelles, Slovenia, Switzerland and the United Kingdom, which had to be left out of consideration here. For some countries, a categorization was possible even though they provide partly for maternity benefits up to a ceiling or as a lump sum. For example, while Croatia provides a flat-rate for the last six months of maternity leave, the previous payment of 100 per cent for more than 18 weeks already categorizes Croatia as meeting Recommendation No. 191. Bolivia regulates that 100 per cent of the minimum wage plus 70 per cent of the difference between the minimum wage and regular earnings are paid; however, since the leave period is only nine weeks, the country does not meet any international standards, regardless of the exact amount of benefits.

²³ It should be noted that several of the countries left out of the table due to difficulties of categorization (such as Belgium, Finland, France, Ireland, Netherlands, New Zealand, Switzerland and the United Kingdom) in practice would possibly be classified as paying at least two-thirds of normal wages for at least a 14-week maternity leave period. No statutory benefits are provided in Australia and the United States.

Similarly, in **Asia and the Pacific**, roughly one-third (39 per cent) of the analysed countries have mandated less than two-thirds pay and/or for less than 12 weeks, or no benefits at all. Another 43 per cent guarantee at least two-thirds pay for 12 to 13 weeks.

Among **Latin American and Caribbean** countries, those providing 12 or 13 weeks of leave with at least two-thirds pay clearly dominate (55 per cent). Here, only one-fifth

of countries analysed guarantee full pay for at least 14 weeks, while roughly a quarter of countries (26 per cent) does not meet the threshold of either 12 weeks or two-thirds of earnings or both.

The **Middle East** has the highest percentage of countries (82 per cent) which do not provide any significant paid maternity leave for working women.

Graph 6: Maternity leave benefits by region, 2009 (152 countries)

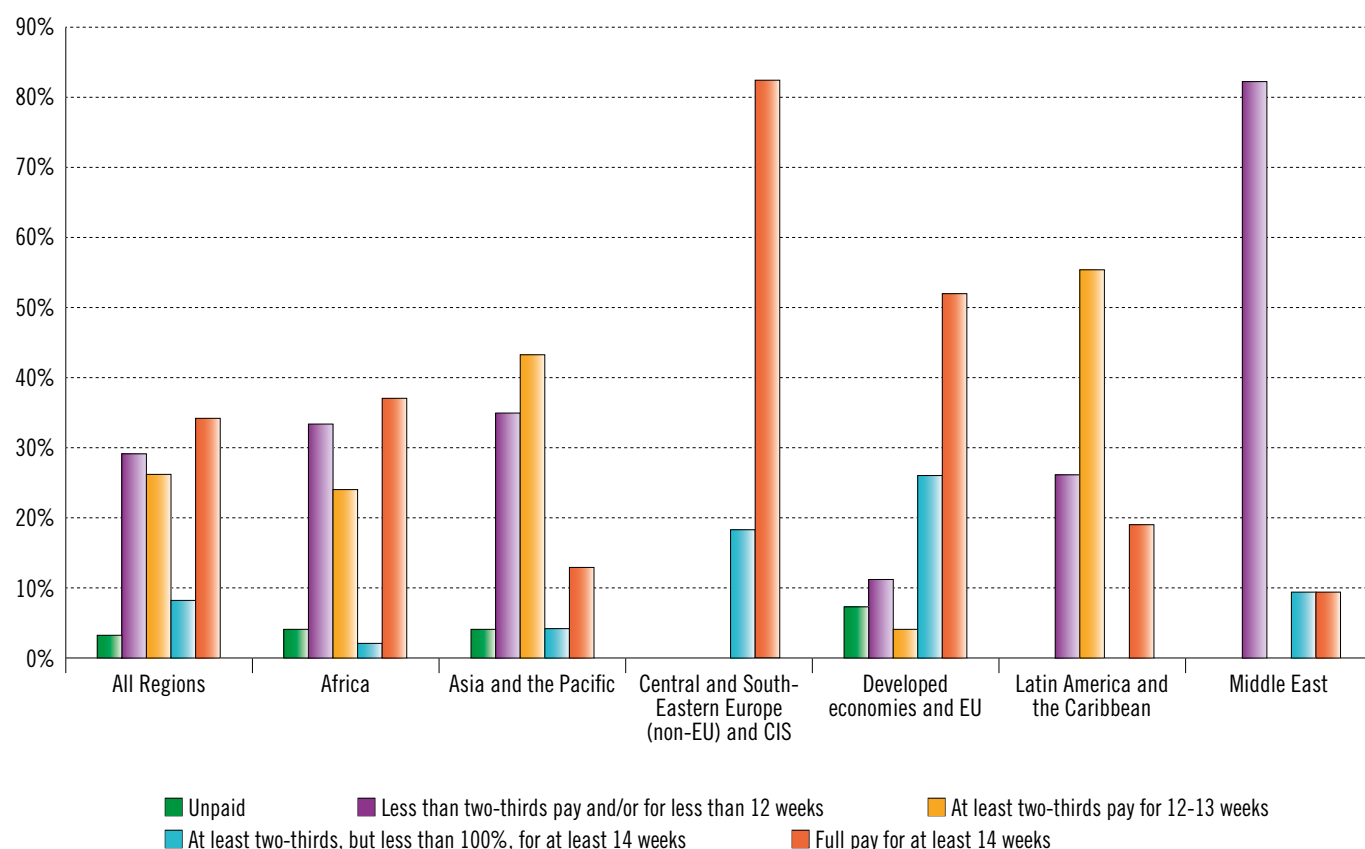


Table 6: Maternity leave benefits by country and region, 2009

Region	Unpaid	Less than two-thirds pay and/or for less than 12 weeks	At least two-thirds pay for 12-13 weeks	At least two-thirds, but less than 100%, for at least 14 weeks	Full pay for at least 14 weeks
Africa	Lesotho, Swaziland	Botswana, Central African Republic, Eritrea, Guinea-Bissau,** Libyan Arab Jamahiriya, Malawi,** Mozambique,** Niger, Nigeria, Rwanda, Sao Tome and Principe,** Somalia, South Africa, Sudan,** Tunisia, Uganda**	Angola,** Burundi,** Egypt,** Equatorial Guinea, Ethiopia,** Gambia,** Ghana,** Kenya,** Mauritius,** Namibia,** United Republic of Tanzania,** Zambia**	Democratic Republic of the Congo	Algeria, Benin, Burkina Faso, Cameroon, Chad, Comoros, Congo, Côte d'Ivoire, Djibouti, Gabon, Guinea, Madagascar, Mali, Mauritania, Morocco, Senegal, Togo, Zimbabwe
Asia and the Pacific	Papua New Guinea	Cambodia, Fiji,* Kiribati, Malaysia,** Nepal,** Philippines,** Solomon Islands, Vanuatu	Afghanistan,** China,** India,** Indonesia,** Republic of Korea,** Lao People's Democratic Republic,** Myanmar, Pakistan,** Sri Lanka, Thailand	Mongolia	Bangladesh, Singapore, Viet Nam
Central and South-Eastern Europe (non-EU) and CIS				Albania, Turkey	Azerbaijan, Belarus, Croatia, Kazakhstan, Republic of Moldova, Serbia, Tajikistan, Ukraine, Uzbekistan
Developed economies and EU	Australia, United States (federal)	Canada (federal),* Japan, Slovakia	Iceland	Bulgaria, Cyprus, Czech Republic, Hungary, Italy, Romania, Sweden	Austria, Denmark, Estonia, Germany, Greece, Latvia, Lithuania, Luxembourg, Malta, Norway, Poland, Portugal, San Marino, Spain
Latin America and Caribbean		Bolivia,* Dominica, Haiti,** Jamaica,** Paraguay, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines	Antigua and Barbuda, Argentina,** Bahamas,** Barbados,** Colombia,** Dominican Republic,** Ecuador,** El Salvador, Grenada, Guatemala,** Guyana, Honduras,** Mexico,** Nicaragua,** Peru,** Trinidad and Tobago, Uruguay**		Belize, Brazil, Costa Rica, Cuba, Panama, BR Venezuela
Middle East		Bahrain,** Iraq,** Jordan,** Kuwait,** Lebanon,** Qatar,** Saudi Arabia, United Arab Emirates, Yemen**		Islamic Republic of Iran***	Syrian Arab Republic

* Countries provide maternity benefits up to a ceiling or as a (partial) flat-rate. For further information, see the annex at the end of Chapter Two.

** Countries provide for 100% of pay for less than 14 weeks.

*** The Islamic Republic of Iran provides 13 weeks' maternity leave in general, but 17 weeks of maternity leave if the woman is breastfeeding. For the purpose of this graph, it has been assumed that the majority of women are breastfeeding.

Belgium, Chile, Finland, France, Ireland, Israel, Kyrgyzstan, Netherlands, New Zealand, Russian Federation, Seychelles, Slovenia, Switzerland and the United Kingdom are not included in the table, since the exact amount of maternity benefits could not be established due to a ceiling or flat-rate which is included in the determination of benefits. See also the annex at the end of Chapter Two.

Bosnia and Herzegovina has not been categorized, since here the amount of benefits provided depends on the region.

3. Maternity leave benefits: Source

In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:

- (a) *such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or*
- (b) *it is subsequently agreed at the national level by the government and the representative organizations of employers and workers [Convention No. 183, Article 6(8)].²⁴*

GLOBAL

International standards in respect of the source of maternity benefits are grounded on the belief that reducing the direct costs of maternity protection for the employer will help to prevent discrimination and protect the situation of women workers in the labour market.

Globally, the majority of analysed countries (53 per cent) have maternity benefits paid through a social security scheme or other public funds. Roughly one-quarter (27 per cent) of countries, however, still have a system that solely relies on the employers' payments, while another 17 per cent regulate a somewhat mixed system, which combines employer and social security/public payment. Mixed systems, for example, provide that the employer pays first but may later claim reimbursement (partially or up to a ceiling), or that the employer makes up the difference between the payment by social security and wages. Some systems stipulate that the employer has to pay for workers who are not covered by the social security system.²⁵

REGIONAL

There are clear regional differences with respect to the source of maternity leave benefits.

Among **African** countries, some 38 per cent of surveyed countries still rely solely on employers' payments. A similar number (34 per cent), however, provides for payments exclusively through social insurance or public funds. The remaining quarter (24 per cent) retain a mixed system, most of which foresee a 50/50 division between the employer and social security (Benin, Burundi, Congo, Guinea, Madagascar, Togo).

An even higher percentage of countries which fund maternity benefits solely through employer payments can be observed in the **Asian and Pacific** countries reviewed (52 per cent). Only roughly one-third of countries (30 per cent) here finance the benefits through a social security scheme or other public funds. Also in the **Middle East**, employer-funded systems clearly dominate (82 per cent).

Contrary to this, the European countries (**EU** and **South-Eastern Europe**), the **CIS** and the **developed economies** mainly finance maternity benefits through social security schemes. Only a few countries here have the employer somehow involved in the payment (Denmark, Germany, Kazakhstan, Malta and the United Kingdom).

Maternity leave benefits in **Latin America and the Caribbean** are also mainly financed by social security schemes or public funds (59 per cent). Another third (34 per cent) has implemented a mixed system, with the employer paying, for example, 25 per cent (Ecuador), 50 per cent (Costa Rica), a lump sum (Guatemala), or an undefined difference between social security payment and wages (Honduras, Panama).

²⁴ The Maternity Protection Convention, 1919 (No. 3), and Maternity Protection Convention (Revised), 1952 (No. 103), emphasized that employers should not be individually liable for the cost of maternity benefits payable to women employed by them, and that benefits should be provided through social insurance or other public funds.

²⁵ For further details, see the annex to Chapter Two.

Graph 7: Source of maternity leave benefits by region, 2009 (167 countries)

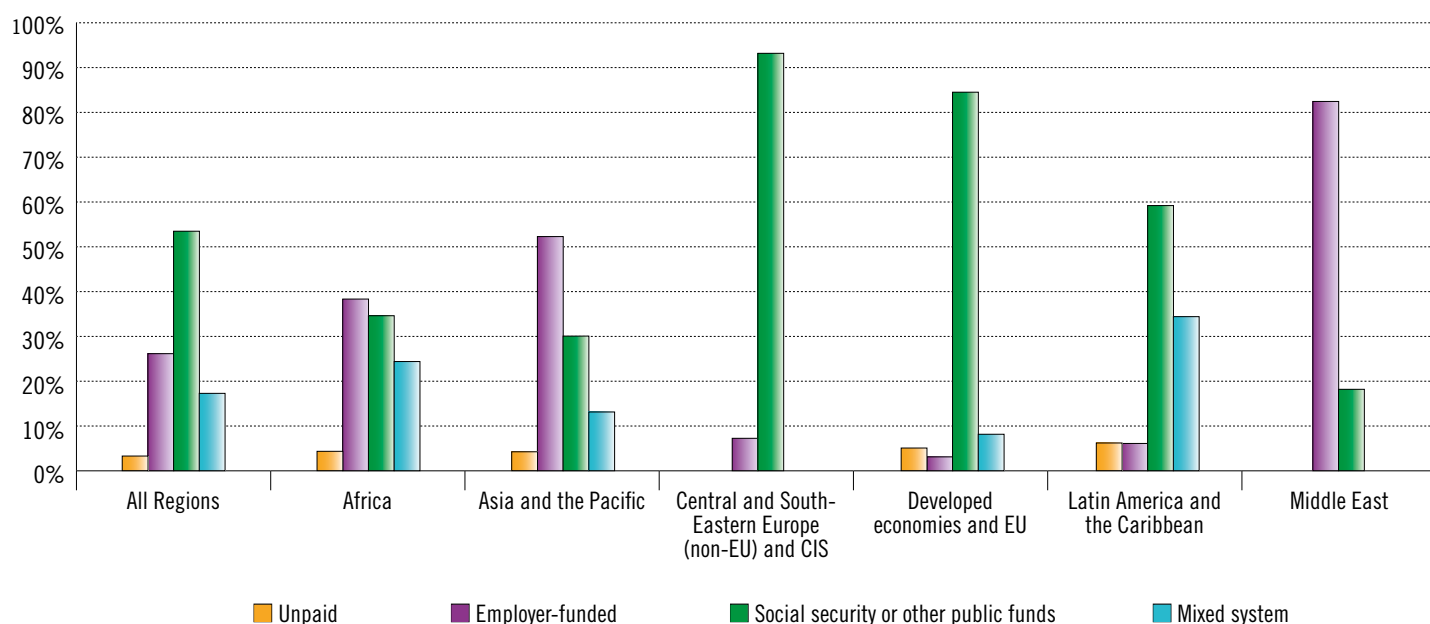


Table 7: Source of maternity leave benefits by country and region, 2009

Region	Unpaid	Employer-funded	Social security or other public funds	Mixed system
Africa	Lesotho, Swaziland	Botswana, Comoros, Democratic Republic of the Congo, Eritrea, Ethiopia, Gambia, Ghana, Kenya, Libyan Arab Jamahiriya, Malawi, Mauritius, Mozambique, Nigeria, Rwanda, Somalia, Sudan, Uganda, Zambia, Zimbabwe	Algeria, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Equatorial Guinea, Gabon, Mali, Mauritania, Morocco, Namibia, Niger, Sao Tome and Principe, Senegal, South Africa, United Republic of Tanzania, Tunisia	Angola, Benin, Burkina Faso, Burundi, Congo, Djibouti, Egypt, Guinea, Guinea-Bissau, Madagascar, Seychelles, Togo
Asia and the Pacific	Papua New Guinea	Afghanistan, Bangladesh, Cambodia, Fiji, Indonesia, Kiribati, Malaysia, Nepal, Pakistan, Solomon Islands, Sri Lanka, Vanuatu	China, India, Lao People's Democratic Republic, Mongolia, Myanmar, Philippines, Viet Nam	Republic of Korea, Singapore, Thailand
Central and South-Eastern Europe (non-EU) and CIS		Kazakhstan	Albania, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Kyrgyzstan, Republic of Moldova, Russian Federation, Serbia, Tajikistan, Turkey, Ukraine, Uzbekistan	
Developed economies and EU	Australia, United States (federal)	Malta	Austria, Belgium, Bulgaria, Canada (federal), Cyprus, Czech Republic, Estonia, Finland, France, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland	Denmark, Germany, United Kingdom
Latin America and Caribbean		Haiti, Jamaica	Argentina, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Cuba, El Salvador, Guyana, Honduras, Mexico, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Uruguay, BR Venezuela	Antigua and Barbuda, Bahamas, Costa Rica, Dominica, Dominican Republic, Ecuador, Grenada, Guatemala, Nicaragua, Panama, Trinidad and Tobago
Middle East		Bahrain, Jordan, Kuwait, Qatar, Lebanon, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, Yemen	Islamic Republic of Iran, Iraq	

METHODOLOGY: Maternity protection

This chapter is confined to maternity protection provisions as provided by legislation, applying in principle to all private sector workers. No mention is made of the many exceptions these laws usually contain for specific categories of workers, sectors or circumstances. For federal states, the federal legislation has been provided.

Duration of maternity leave

For comparative purposes, maternity leave periods that are expressed in days in the law have been converted into weeks. The conversion is based on the methodology used for annual leave provisions (see above). Therefore, a period of 126 “consecutive days” of maternity leave equals 18 weeks. Different from the interpretation for annual leave, a provision that grants 90 “days” of maternity leave is understood as 90 consecutive days, since maternity leave is in general to be taken in a consecutive period: 90 days therefore equal 13 weeks of maternity leave.

Some countries provide different periods of maternity leave under specific qualifying circumstances, which have not been taken into consideration for the purpose of this report. For example, in some countries (Portugal, Norway), women can choose between two different periods of leave, with the shorter period remunerated by 100 per cent, while the longer period is remunerated by a lower percentage. In the Islamic Republic of Iran, mothers are entitled to shorter leave if they are not breastfeeding. In Slovakia, single mothers are entitled to 37 weeks of leave, instead of 28 weeks otherwise. Serbia doubles the length of maternity leave to 104 weeks from the third child onwards. Viet Nam provides for longer leave, depending on the working conditions and the nature of the work. Malawi guarantees the right to benefit from maternity leave once every three years upon childbirth (see Annex 4). Similarly, numerous States mandate extended periods of leave in case of multiple births and complications, which could not be taken into consideration for the purpose of this report.

Amount of maternity leave benefits

The amount of maternity leave benefits is expressed in this report as a percentage of workers’ previous earnings immediately prior to the leave period.

In some countries, the benefit entitlement decreases across the leave period; for example, maternity benefits are mandated throughout the entire leave period in Thailand, but decrease from 100 per cent to 50 per cent after half of the leave period. In some others, a flat-rate monthly benefit is required, regardless of prior earnings (e.g. Fiji).

Source of maternity leave benefits

As the source of maternity leave benefits in the respective country, the countries are either grouped as financed by social security, by the state, by the employer, or a mixture of these systems.

ANNEX TO CHAPTER TWO: MATERNITY PROTECTION LAWS, 2009

Country	Duration of maternity leave (as expressed in the legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
AFRICA				
Algeria	14 weeks	14 weeks	100%	Social security
Angola	3 months	13 weeks	100%	Mixed (social security; if necessary, the employer has to pay the difference between the social security payment and the worker's wage)
Benin	14 weeks	14 weeks	100%	Social security (50%), employer (50%)
Botswana	12 weeks	12 weeks	25% or 50 thebe for each day of absence, whichever is greater	Employer
Burkina Faso	14 weeks	14 weeks	100%	Mixed (social security; if necessary, employer tops up) ¹
Burundi	12 weeks	12 weeks	100%	Social security (50%), employer (50%)
Cameroon	14 weeks	14 weeks	100%	Social security
Central African Republic	14 weeks	14 weeks	50%	Social security
Chad	14 weeks	14 weeks	100%	Social security
Comoros	14 weeks	14 weeks	100%	Employer
Congo	15 weeks	15 weeks	100%	Social security (50%), employer (50%)
Democratic Republic of the Congo	14 weeks	14 weeks	Two-thirds	Employer
Côte d'Ivoire	14 weeks	14 weeks	100%	Social security
Djibouti	14 weeks	14 weeks	100%	Social security (50%), employer (50%)
Egypt	3 months	13 weeks	100%	Mixed (75% social security, 25% employer)
Equatorial Guinea	12 weeks	12 weeks	75%	Social security
Eritrea	60 days	9 weeks	Paid (amount unidentified)	Employer
Ethiopia	90 consecutive days	13 weeks	100%	Employer
Gabon	14 weeks	14 weeks	100%	Social security
Gambia	12 weeks	12 weeks	100%	Employer
Ghana	12 weeks	12 weeks	100%	Employer
Guinea	14 weeks	14 weeks	100%	Social security (50%), employer (50%)
Guinea-Bissau	60 days	9 weeks	100%	Mixed (if necessary, employer pays difference between social security and earnings) ²
Kenya	3 months	13 weeks	100%	Employer
Lesotho	12 weeks	12 weeks	Unpaid	Unpaid
Libyan Arab Jamahiriya	50 days	7 weeks	50% (100% for self-employed women)	Employer (social security for self-employed women)
Madagascar	14 weeks	14 weeks	100%	Social security (50%), employer (50%)

Country	Duration of maternity leave (as expressed in the legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Malawi	8 weeks (every three years)	8 weeks (every three years)	100%	Employer
Mali	14 weeks	14 weeks	100%	Social security
Mauritania	14 weeks	14 weeks	100%	Social security
Mauritius	12 weeks	12 weeks	100%	Employer
Morocco	14 weeks	14 weeks	100%	Social security
Mozambique	60 consecutive days	9 weeks	100%	Employer
Namibia	12 weeks	12 weeks	100%	Social security
Niger	14 weeks	14 weeks	50%	Social security
Nigeria	12 weeks	12 weeks	50%	Employer
Rwanda	12 weeks	12 weeks	100% first six weeks, 20% remainder ³	Employer
Sao Tome and Principe	60 days	9 weeks	100%	Social security (employer for women not covered by social security)
Senegal	14 weeks	14 weeks	100%	Social security
Seychelles	14 weeks	14 weeks	Flat monthly allowance for 12 weeks	Mixed
Somalia	14 weeks	14 weeks	50%	Employer
South Africa	4 months	17 weeks	Up to 60% depending on the level of income (for 17.32 weeks)	Social security
Sudan	8 weeks	8 weeks	100%	Employer
Swaziland	12 weeks	12 weeks	Unpaid	Unpaid
Tanzania, United Republic of	84 days	12 weeks	100%	Social security
Togo	14 weeks	14 weeks	100%	Social security (50%), employer (50%)
Tunisia	30 days	4 weeks	Two-thirds	Social security
Uganda	60 working days	10 weeks	100% for 1 month	Employer
Zambia	12 weeks	12 weeks	100%	Employer
Zimbabwe	98 days	14 weeks	100%	Employer
ASIA AND THE PACIFIC				
Afghanistan	90 days	13 weeks	100%	Employer
Bangladesh	16 weeks	16 weeks	100%	Employer
Cambodia	90 days	13 weeks	50%	Employer
China	90 days	13 weeks	100%	Social security
Fiji	84 consecutive days	12 weeks	Flat-rate of 1.50 Fijian dollars per day	Employer
India	12 weeks	12 weeks	100%	Social security (employer for non-covered women)
Indonesia	3 months	13 weeks	100%	Employer
Kiribati	12 weeks	12 weeks	25%	Employer
Korea, Republic of	90 days	13 weeks	100%	Employer, social security ⁴
Lao People's Democratic Republic	90 days	13 weeks	100%	Social security (employer for non-covered women)

Country	Duration of maternity leave (as expressed in the legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Malaysia	60 consecutive days	9 weeks	100%	Employer
Mongolia	120 days	17 weeks	70%	Social security
Myanmar	12 weeks	12 weeks	Two-thirds	Social security
Nepal	52 days	7 weeks	100%	Employer
Pakistan	12 weeks	12 weeks	100%	Employer
Papua New Guinea	As necessary for hospitalization before confinement and 6 weeks afterwards	As necessary for hospitalization before confinement and 6 weeks afterwards	Unpaid	--
Philippines	60 days	9 weeks	100%	Social security
Singapore	16 weeks	16 weeks	100%	Employer; may claim reimbursement up to a ceiling from the Government for the last eight weeks (first and second child), 16 weeks for third and subsequent child
Solomon Islands	12 weeks	12 weeks	25%	Employer
Sri Lanka	12 weeks for the first and second child, six weeks for the third and each subsequent child	12 weeks for the first and second child, six weeks for the third and each subsequent child	¾ for employees covered by the Maternity Benefits Ordinance; 100% for employees covered by the Shops and Offices Employees Act	Employer
Thailand	90 days	13 weeks	100% for first 45 days; 50% for the remaining 45 days	Employer (100% for first 45 days); social security (50% for remaining 45 days)
Vanuatu	12 weeks	12 weeks	50%	Employer
Viet Nam	4 to 6 months depending on the working conditions and nature of the work	17 weeks (up to 26 weeks, depending on the working conditions and nature of the work)	100%	Social security
CENTRAL AND SOUTH-EASTERN EUROPE (NON-EU) AND CIS				
Albania	365 days	52 weeks	80% prior to birth ³ and for 150 days after birth; 50% for the remainder	Social security
Azerbaijan	126 calendar days	18 weeks	100%	Social security
Belarus	126 calendar days	18 weeks	100%	Social security
Bosnia and Herzegovina	365 days	52 weeks	100% (Republic of Srpska; District of Brčko); 50-80%, depending upon the various cantonal regulations (Federation of Bosnia and Herzegovina)	Social security/state (employer reimbursed for initial payment)
Croatia	45 days before delivery and 1 year after	58 weeks	100% from 28 days before to 6 months after birth; a flat-rate for the remainder of the leave period	Social security (up to 6 months after birth)/state budget (for the remainder)
Kazakhstan	126 calendar days	18 weeks	100%	Employer
Kyrgyzstan	126 days	18 weeks	100% (first 10 working days), 10 times the benchmark indicator (minimum wage level) for remainder	State (employer pays the benefits, but is reimbursed by the state)
Moldova, Republic of	126 calendar days	18 weeks	100%	Social security

Country	Duration of maternity leave (as expressed in the legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Russian Federation	140 calendar days	20 weeks	100% (up to a ceiling)	Social security
Serbia	365 days (for first and second child), 2 years (for third and each successive child)	52 weeks (for first and second child), 104 weeks (for third and each successive child)	100%	Social security
Tajikistan	140 calendar days	20 weeks	100%	Social security
Turkey	16 weeks	16 weeks	Two-thirds	Social security
Ukraine	126 calendar days	18 weeks	100%	Social security
Uzbekistan	126 calendar days	18 weeks	100%	Social security
DEVELOPED ECONOMIES AND EU				
Australia	52 weeks ⁶	52 weeks	Unpaid	Unpaid
Austria	16 weeks	16 weeks	100%	Social security
Belgium	15 weeks	15 weeks	82% for the first 30 days and 75% for the remainder (up to a ceiling)	Social security
Bulgaria	227 days ⁷	32 weeks	90%	Social security
Canada (federal)	17 weeks	17 weeks	55% up to a ceiling for 15 weeks	Social security
Cyprus	18 weeks	18 weeks	75%	Social security
Czech Republic	28 weeks	28 weeks	69%	Social security
Denmark	18 weeks	18 weeks	100%	Mixed (employer and local government)
Estonia	140 calendar days	20 weeks	100%	Social security
Finland	105 working days	18 weeks	70% up to a ceiling, plus 40% of the additional amount up to a ceiling, plus 25% of additional amount	Social security
France	16 weeks	16 weeks	100% (up to a ceiling)	Social security
Germany	14 weeks	14 weeks	100%	Mixed (social security up to a ceiling/employer pays remainder)
Greece	119 days	17 weeks	100%	Social security/state
Hungary	24 weeks	24 weeks	70%	Social security
Iceland	3 months	13 weeks	80%	Social security (universal flat-rate for non-qualifying women)
Ireland	42 weeks	42 weeks	80% (for 26 weeks), up to a ceiling	Social security
Israel	12 weeks	12 weeks	100% up to a ceiling for 14 weeks	Social security
Italy	5 months	22 weeks	80%	Social security
Japan	14 weeks	14 weeks	60%	Social security
Latvia	112 calendar days	16 weeks	100%	Social security
Lithuania	126 calendar days	18 weeks	100%	Social security
Luxembourg	16 weeks	16 weeks	100%	Social security
Malta	14 weeks	14 weeks	100%	Employer
Netherlands	16 weeks	16 weeks	100% up to a ceiling	Social security

Country	Duration of maternity leave (as expressed in the legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
New Zealand	14 weeks	14 weeks	100% up to a ceiling	State
Norway	36 (or 46) weeks ⁸	36 (or 46) weeks	80% for 36 weeks or 100% for 46 weeks	Social security
Poland	20 weeks	20 weeks	100%	Social security
Portugal	120 or 150 consecutive days	17 or 21 weeks	100% for 120 days, 80% for 150 days	Social security
Romania	126 calendar days	18 weeks	85%	Social security
San Marino	5 months	22 weeks	100%	Social security
Slovakia	28 weeks	28 weeks	55%	Social security
Slovenia	105 days	15 weeks	100% (up to a ceiling)	Social security
Spain	16 weeks	16 weeks	100%	Social security
Sweden	14 weeks	14 weeks	80% ⁹	Social security
Switzerland	14 weeks	14 weeks	80% (up to a ceiling)	Social security/mandatory private insurance
United Kingdom	52 weeks	52 weeks	6 weeks paid at 90%; lower of 90%/flat-rate for weeks 7–39; weeks 40–52 unpaid	Mixed (employer pays; receives 92% refund by public funds)
United States	12 weeks (federal level)	12 weeks (federal level)	Unpaid	No national programme
LATIN AMERICA AND THE CARIBBEAN				
Antigua and Barbuda	13 weeks	13 weeks	100% for 6 weeks; 60% for 7 weeks	Mixed (60% social security/40% employer for first 6 weeks)
Argentina	90 days	13 weeks	100%	Social security
Bahamas	12 weeks	12 weeks	100%	Social security (two-thirds for 13 weeks) and employer (one-third for 12 weeks)
Barbados	12 weeks	12 weeks	100%	Social security
Belize	14 weeks	14 weeks	100%	Social security (or employer for women who are not entitled to receive social security benefits)
Bolivia	60 days	9 weeks	100% of minimum wage plus 70% of the difference between minimum wage and regular earnings	Social security
Brazil	120 days ¹⁰	17 weeks	100%	Social security
Chile	18 weeks	18 weeks	100% (up to a ceiling)	Social security
Colombia	12 weeks	12 weeks	100%	Social security
Costa Rica	4 months	17 weeks	100%	Social security (50%), employer (50%)
Cuba	18 weeks	18 weeks	100%	Social security
Dominica	12 weeks	12 weeks	60%	Mixed
Dominican Republic	12 weeks	12 weeks	100%	Social security (50%), employer (50%)
Ecuador	12 weeks	12 weeks	100%	Mixed (75% social security, 25% employer)
El Salvador	12 weeks	12 weeks	75%	Social security (employer for workers who are not insured)

Country	Duration of maternity leave (as expressed in the legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Guatemala	84 days	12 weeks	100%	Mixed (social security, employer); employer pays for workers who are not insured
Grenada	3 months	13 weeks	105% for 2 months and 65% for the final month	Social security (65% for 12 weeks), employer (40% for 2 months)
Guyana	13 weeks	13 weeks	70%	Social security
Haiti	12 weeks	12 weeks	100% for 6 weeks	Employer
Honduras	10 weeks	10 weeks	100% for 84 days	Social security (employer makes up any difference between social security/mandatory individual account payments and wages)
Jamaica	12 weeks	12 weeks	100% for 8 weeks (domestic workers receive the national minimum wage for 8 weeks)	Employer (for domestic workers: social security, if they contribute to the scheme)
Mexico	12 weeks	12 weeks	100%	Social security (employer if a woman is not covered by social insurance)
Nicaragua	12 weeks	12 weeks	100%	Mixed (60% social security, 40% employer)
Panama	14 weeks	14 weeks	100%	Mixed (employer makes up the difference between social security/mandatory individual account payments and wages)
Paraguay	12 weeks	12 weeks	50% for 9 weeks	Social security
Peru	90 days	13 weeks	100%	Social security
Saint Kitts and Nevis	13 weeks	13 weeks	65% ¹¹	Social security
Saint Lucia	3 months	13 weeks	65%	Social security
Saint Vincent and the Grenadines	13 weeks	13 weeks	65%	Social security
Trinidad and Tobago	13 weeks	13 weeks	100% for 1 month, 50% for 2 months (employer) and a sum depending on the earnings (social security)	Social security and employer
Uruguay	12 weeks	12 weeks	100%	Social security
Venezuela, Bolivarian Republic of	18 weeks	18 weeks	100%	Social security
MIDDLE EAST				
Bahrain	60 days	9 weeks	100% for 45 days; then unpaid	Employer
Iran, Islamic Republic of	90 days; 4 months if breastfeeding	13 weeks; 17 weeks if breastfeeding	Two-thirds	Social security
Iraq	62 days	9 weeks	100%	Social security
Jordan	10 weeks	10 weeks	100%	Employer
Kuwait	70 days	10 weeks	100%	Employer
Lebanon	7 weeks	7 weeks	100%	Employer ¹²
Qatar	50 days	7 weeks	100%	Employer
Saudi Arabia	10 weeks	10 weeks	50% or 100% (depending on the duration of employment)	Employer

Country	Duration of maternity leave (as expressed in the legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Syrian Arab Republic	120 days (for first child)	17 weeks	100%	Employer
United Arab Emirates	45 days	6 weeks	50% or 100% (100% after one year of continuous employment)	Employer
Yemen	60 days	9 weeks	100%	Employer

[1] The benefit under the Social Security Fund is equivalent to the part of the woman's salary on which social security contributions are paid. The employer must pay the difference between this amount and the woman's actual salary.

[2] If a woman is not covered by social insurance but is otherwise qualified for maternity leave, her employer is responsible for the full payment of her cash maternity benefits.

[3] The Social Security Fund is planning to introduce a maternity insurance which will shift the funding from employers to social security.

[4] Of the 365 days of maternity leave, a minimum of 35 days prior to and 42 days after childbirth have to be taken.

[5] For employees of enterprises meeting the criteria of the Enforcement Decree of the Employment Insurance Act, the Employment Insurance Fund pays the whole maternity leave period.

[6] Parental leave amounts to 52 weeks, which may be shared between the parents. The mother may take 6 weeks' pre-natal leave.

[7] This period is calculated by adding the 45 days' compulsory leave to the 6 months' (=182 days) post-natal leave.

[8] Norway has a system of paid maternity, paternity and parental leave of 56 weeks or 46 weeks altogether (paid respectively at 80% or 100% of previous earnings). For the purpose of determining the length of maternity leave, the 10 weeks of paid leave exclusively reserved for the father have been left out of consideration. The mother may use the remainder of 46 or 36 weeks, of which 9 weeks are exclusively reserved for her.

[9] 480 days' paid parental leave: 80% for 390 days and 90 days at a flat-rate.

[10] The law provides that it is optional for private companies to grant an additional 60 days. The employer covers the costs of these additional days and can deduct these costs from taxes.

[11] In practice, employers often pay a complementary benefit of 35 per cent.

[12] Cash benefits are also provided by the Social Security Act. It remained unclear how this benefits entitlement interacts with the entitlement under the Labour Code.

Minimum Wages

Minimum wages

Minimum wage fixing should constitute one element in a policy designed to overcome poverty and to ensure the satisfaction of the needs of all workers and their families [Recommendation No. 135, Paragraph 1].

The fundamental purpose of minimum wage fixing should be to give wage earners necessary social protection as regards minimum permissible levels of wages [Recommendation No. 135, Paragraph 2].

Minimum wages shall have the force of law and shall not be subject to abatement, and failure to apply them shall make the person or persons concerned liable to appropriate penal or other sanctions [Convention No. 131, Article 2(1)].

Minimum wages are an important tool for social protection, probably even more so in the midst of an economic crisis, by helping to stabilize demand and ensure a decent level of income for a worker. In general, they are meant to advance social and economic objectives, such as reducing wage inequality,

preventing unduly low wages, protecting employers from wage-dumping by competitors, increasing productivity and limiting poverty mainly among low-paid, unskilled workers. The ILO's main standard on minimum wages is the Minimum Wage Fixing Convention, 1970 (No. 131), and its accompanying Recommendation [Minimum Wage Fixing Recommendation, 1970 (No. 135)].

Throughout the world, nearly all countries reviewed (98 per cent) have introduced a minimum wage-setting procedure. The minimum wage rates, as will be seen, differ considerably between different regions of the world. States therefore accomplish the social and economic objectives outlined above to a different extent. However, while the minimum wage level is important, the methods and processes whereby minimum wages are set are of equal importance to ensure the effectiveness of minimum wage policies, including the coverage or exclusion of particular groups of workers.

This chapter examines 105 countries²⁶ according to the minimum wage rates in force on 31 December 2008, the minimum wage-fixing mechanism and the minimum wage-fixing level.²⁷ Additional information is provided in the annex to Chapter Three concerning excluded categories of workers, and comprehensive legal information can be found in the ILO Database on Conditions of Work and Employment Laws, e.g. on the legislated frequency of adjustment of the minimum wage and its enforcement.

²⁶ For detailed country information, see the annex at the end of Chapter Three.

²⁷ For further information, see the section on methodology at the end of this chapter.

1. Minimum wage rates

The minimum wage rates in this chapter are absolute rates, applicable as of 31 December 2008, and converted into US dollars (USD) (market exchange rate; see also the section on the applied methodology at the end of this chapter).²⁸

GLOBAL

Globally, five clusters of minimum wage levels can be distinguished, around which the categories in Graph 8 and Table 8 have been built: those which have a monthly minimum wage of less than USD 50; those with a monthly minimum wage from USD 50 to 149, from USD 150 to 299, from USD 300 to 1,000; and those where the minimum wage exceeds USD 1,000.

Looking at the extremes on both ends, 8 per cent of the reviewed countries have a minimum wage lower than USD 50, and two countries have no minimum wage system at all (2 per cent). Meanwhile, 21 per cent of the analysed countries provide for a minimum wage exceeding USD 1,000, predominantly in industrialized countries.

REGIONAL

Regionally, the picture is much more diverse.

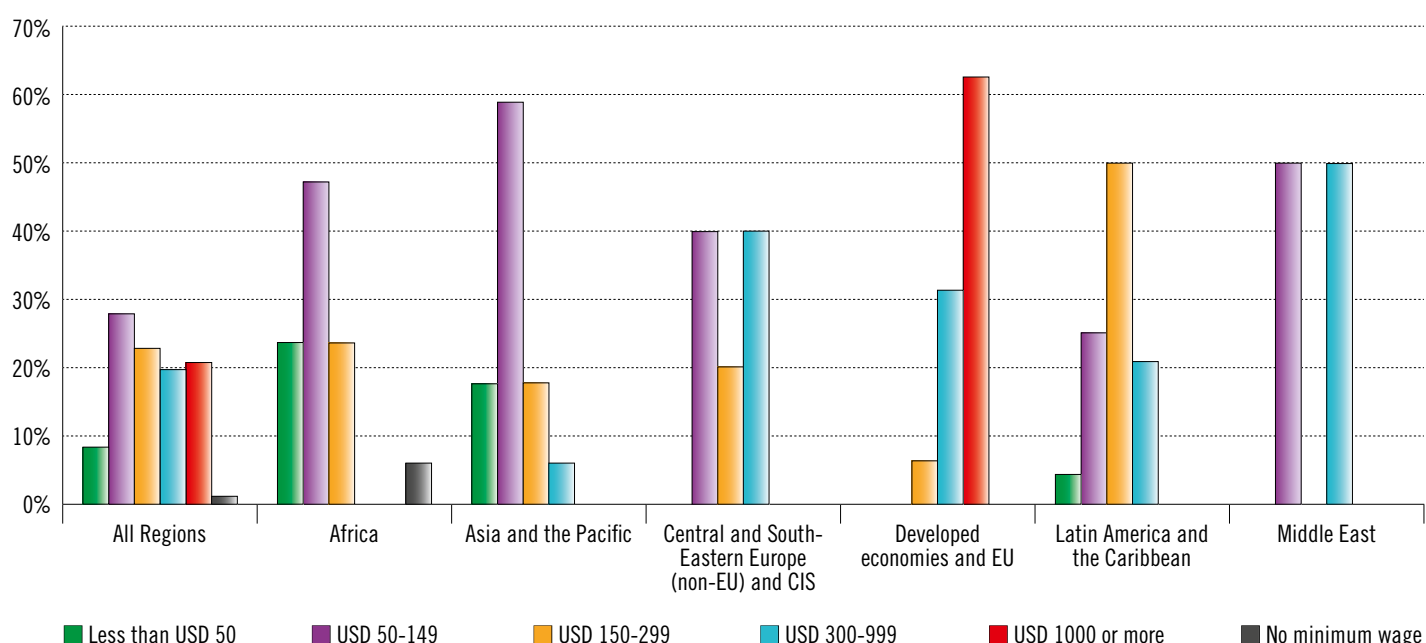
The highest minimum wage rates are found in the **developed economies** and **EU countries**, as could be expected in line with the grouping of countries in this report. Here, 63 per cent of the reviewed countries exceed a monthly minimum wage of USD 1,000. Lower rates can be observed mainly for Eastern European countries, with Bulgaria and Romania mandating the lowest minimum wages.

The majority of the reviewed **Latin American and Caribbean** countries (50 per cent) provide minimum wage rates of between USD 150 and 300. Slightly higher and lower minimum wage rates are found in 21 and 25 per cent of countries, respectively. Only Haiti has set a minimum wage below USD 50.

In **Asia and the Pacific** and in **Africa**, a majority of countries sets minimum wages at between USD 50 and 150 (59 and 47 per cent, respectively). In Africa, roughly one-quarter (24 per cent) of reviewed countries mandates a minimum wage below USD 50, while in Asia and the Pacific this holds true for 18 per cent of countries. The only country exceeding USD 300 in these regions is the Republic of Korea (USD 592).

For the **Central and South-Eastern European** (non-EU) countries, **CIS** and **Middle East**, the sample of the analysed countries was too small to report on trends and patterns of the minimum wage rate.

Graph 8: Monthly minimum wages by region (USD), 31 December 2008 (97 countries)



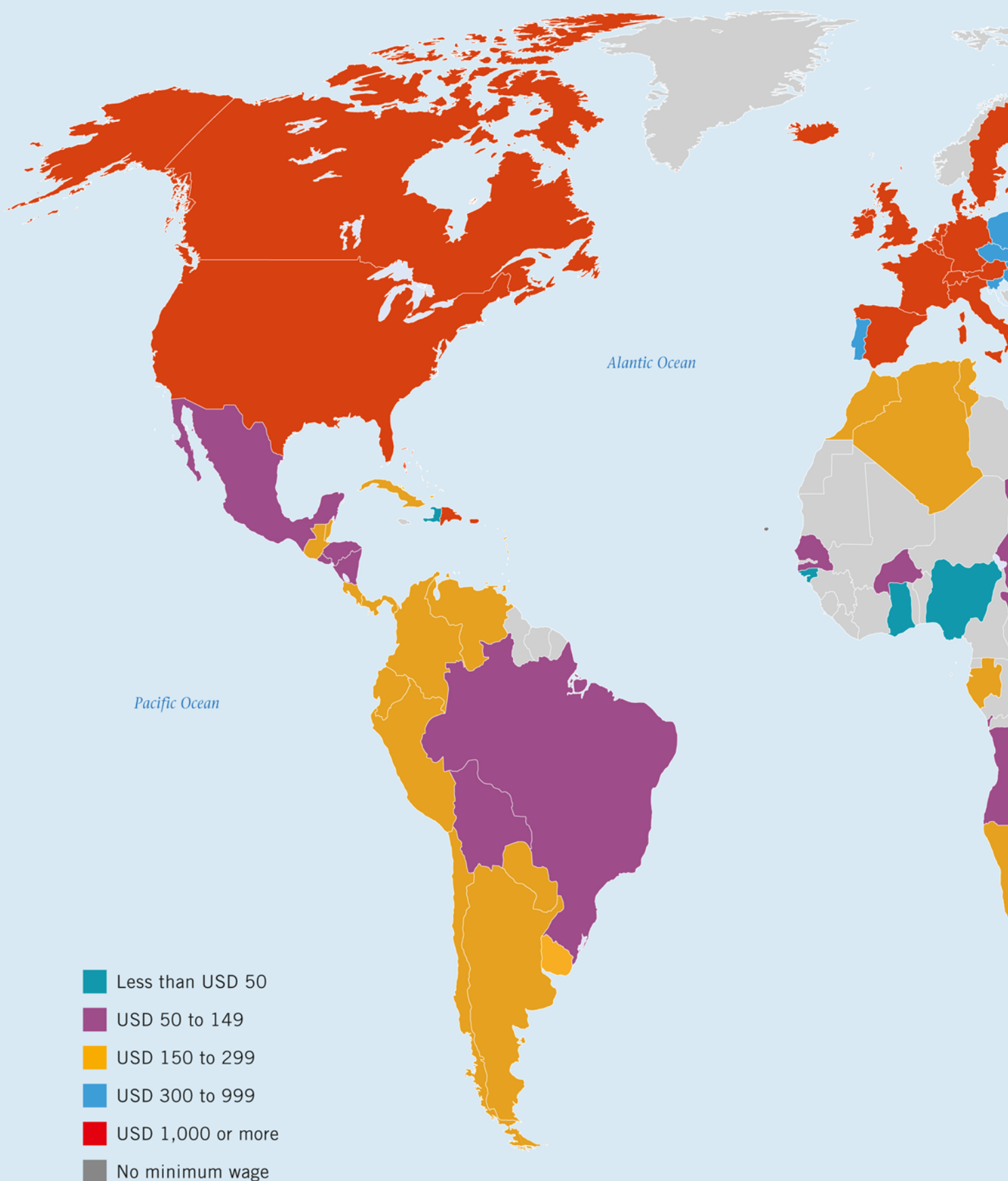
²⁸ Data on minimum wages for 2009 will be available in the *Global Wage Report*, Second edition (ILO, forthcoming).

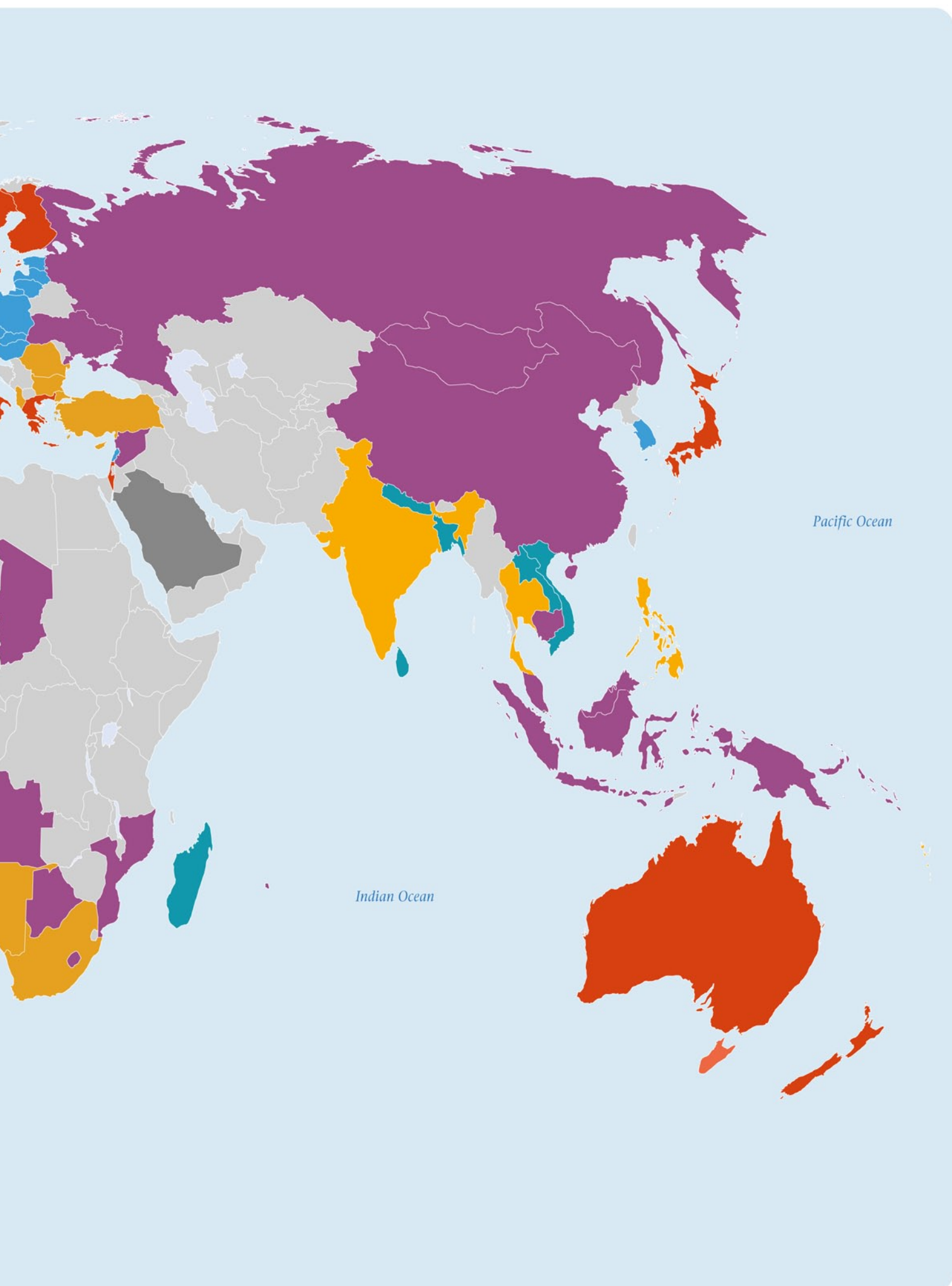
Table 8: Monthly minimum wages by country and region, 31 December 2008

Region	Less than USD 50	USD 50-149	USD 150-299	USD 300-999	USD 1,000 or more	No minimum wage
Africa	Ghana, Guinea-Bissau, Madagascar, Nigeria	Angola, Botswana, Burkina Faso, Chad, Lesotho, Mauritius, Mozambique, Senegal	Algeria, Gabon, Morocco, Tunisia			Cape Verde
Asia and the Pacific	Bangladesh, India, Viet Nam	Cambodia, China, Indonesia, Mongolia, Nepal, Pakistan, Papua New Guinea, Solomon Islands, Sri Lanka	Fiji, Philippines, Thailand	Republic of Korea		
Central and South-Eastern Europe (non-EU) and CIS		Russian Federation, Ukraine	Albania	Croatia, Turkey		
Developed economies and EU			Bulgaria, Romania	Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Slovakia, Slovenia	Australia, Austria, Belgium, Canada, Finland, France, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Spain, Sweden, United Kingdom, United States	
Latin America and Caribbean	Haiti	Bolivia, Dominican Republic, Honduras, Mexico, Nicaragua	Belize, Brazil, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Panama, Peru, Trinidad and Tobago, Uruguay	Argentina, Bahamas, Chile, Paraguay, BR Venezuela		
Middle East		Syrian Arab Republic		Lebanon		Saudi Arabia

No representative minimum wage for the manufacturing sector identified for Cyprus, Germany, Malaysia, Namibia, Sao Tome and Principe, South Africa, Singapore and Switzerland.

World map: Monthly minimum wages, 31 December 2008





2. Minimum wage fixing: Mechanisms

Each Member which ratifies this Convention shall create and/or maintain machinery adapted to national conditions and requirements whereby minimum wages for groups of wage earners covered ... can be fixed and adjusted from time to time [Convention No. 131, Article 4(1)].

Provision shall be made, in connection with the establishment, operation and modification of such machinery, for full consultation with representative organisations of employers and workers concerned or, where no such organisations exist, representatives of employers and workers concerned [Convention No. 131, Article 4(2)].

Wherever it is appropriate to the nature of the minimum wage fixing machinery, provision shall also be made for the direct participation in its operation of–

- (a) representatives of organisations of employers and workers concerned or, where no such organisations exist, representatives of employers and workers concerned, on a basis of equality;*
- (b) persons having recognised competence for representing the general interests of the country and appointed after full consultation with representative organisations of employers and workers concerned, where such organisations exist and such consultation is in accordance with national law or practice [Convention No. 131, Article 4(3)].*

The minimum wage fixing machinery (...) may take a variety of forms, such as the fixing of minimum wages by–

- (a) statute;*
- (b) decisions of the competent authority, with or without formal provision for taking account of recommendations from other bodies;*
- (c) decisions of wages boards or councils;*
- (d) industrial or labour courts or tribunals; or*
- (e) giving the force of law to provisions of collective agreements [Recommendation No. 135, Paragraph 6].*

There are different minimum wage-fixing mechanisms regulated in the countries reviewed. For the purpose of this report, it has been specified whether the government or a specialized body sets the minimum wage alone, whether the government acts after consultation with or upon recommendation of a specialized body (bi-partite or tripartite) or of the social partners, or whether minimum wages are predominantly set by collective agreements.

GLOBAL

Globally, the government sets minimum wages in a relative majority of analysed countries, following consultation or recommendation of a specialized body (45 per cent). Only in 13 per cent of cases does the government set the minimum wages alone, without any further consultation. A similar percentage sets minimum wages directly through a specialized body or through collective bargaining (16 and 14 per cent, respectively).

Generally, one single mechanism applies, though several countries have regulated more than one mechanism (see countries marked by an asterisk in Table 9 below). For example, in Uruguay, wage boards in general set minimum wages by sector and occupation. However, for domestic workers, for whom no wage boards could be established, the government has set the minimum wage by decree. In South Africa, while in general minimum wages are determined through collective bargaining, the government sets minimum wages through sectoral determinations for occupations where collective bargaining is not common, upon recommendation of a tripartite body.

REGIONAL

Among **African** countries, the minimum wage setting by the government following the recommendation or consultation of a specialized body is predominant (70 per cent).

Also in **Asia and the Pacific**, a relative majority of the analysed countries sets their minimum wages through this procedure (48 per cent).

In the **developed economies** and **EU countries** analysed, the government often sets the minimum wage following the recommendation or consultation of a specialized body (39 per cent). However, collective bargaining for setting minimum wages also is prevalent (26 per cent), particularly in Northern Europe.

Meanwhile, **Latin America and the Caribbean** is the only region where minimum wage setting directly through a specialized body dominates (42 per cent). In addition, another third (33 per cent) uses procedures where the minimum wage is set by the government following consultation or recommendation of a specialized body.

For the **Central and South-Eastern European** (non-EU) countries, **CIS** and **Middle East**, the sample of the analysed countries was too small to report on trends and patterns for the minimum wage-fixing mechanism.

Graph 9: Minimum wage-fixing mechanisms by region, 2009 (105 countries)

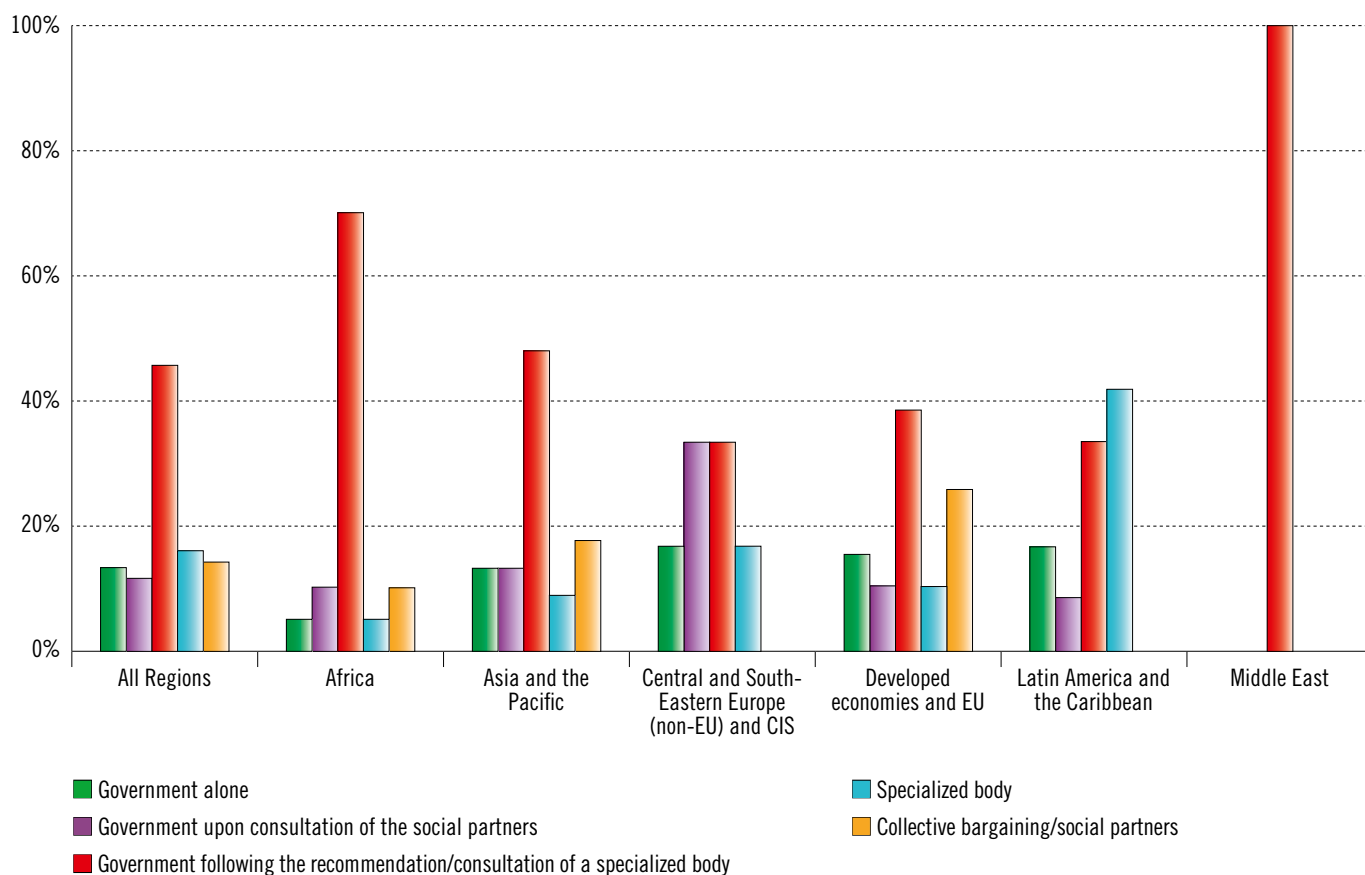


Table 9: Minimum wage-fixing mechanism by region and country, 2009

Region	Government alone	Government upon consultation of the social partners	Government following the recommendation/consultation of a specialized body	Specialized body	Collective bargaining/social partners	No minimum wage
Africa	Sao Tome and Principe	Algeria, Morocco	Angola, Botswana, Burkina Faso, Chad, ¹ Gabon, Guinea-Bissau, Lesotho, Madagascar, Mauritius, Mozambique, Nigeria, Senegal, South Africa,* Tunisia ²	Ghana	Namibia, South Africa*	Cape Verde
Asia and the Pacific	Lao People's Democratic Republic, Pakistan,* Solomon Islands	China, Mongolia, Viet Nam*	Bangladesh, ³ Cambodia, Fiji,* India,* Indonesia, Malaysia,* Nepal, Pakistan,* Papua New Guinea, Republic of Korea, Thailand	Philippines, ⁴ Sri Lanka	Fiji,* India,* Malaysia,* Singapore	
Central and South-Eastern Europe (non-EU) and CIS	Croatia	Russian Federation,* Ukraine	Albania, Russian Federation*	Turkey		
Developed economies and EU	Canada,* Luxembourg, Israel, Netherlands, New Zealand, United States	Czech Republic, Romania,* Slovenia, Spain	Bulgaria, Canada,* Cyprus, Estonia, France, Greece, Hungary, Ireland, ⁵ Japan, Latvia, Lithuania, Malta, Portugal, Slovakia, United Kingdom	Australia,* Austria,* Belgium, Poland	Australia,* Austria,* Finland, Germany, Iceland, Italy, Norway, Romania,* Sweden, Switzerland	
Latin America and Caribbean	Bolivia, Brazil, Chile, Uruguay*	Bahamas, Cuba	Belize, El Salvador, Guatemala, Haiti, Panama, Paraguay, Trinidad and Tobago, BR Venezuela	Argentina, Colombia, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Peru, Uruguay*		
Middle East			Lebanon, Syrian Arab Republic			Saudi Arabia

* Some countries have several types of mechanisms. For more details, see the annex at the end of Chapter Three.

[1] The law provides that minimum wages are determined in an agreement entered into by the social partners, and published in an official Decree. However, this method of fixing the minimum wage has not yet been applied, given that no adjustment of the minimum wage took place since this regulation is in force.

[2] In Tunisia, the government sets the minimum wage, following consultations with the most representative employers' and workers' organizations, and upon recommendation of the National Committee on Social Dialogue, composed of government and workers' representatives.

[3] In Bangladesh, for workers in export processing zones, minimum wages are set directly by a specialized body.

[4] In the Philippines, minimum wages for domestic workers are directly stipulated in the Labour Code.

[5] In Ireland, both the government and the labour court may set minimum wages, upon recommendation of a specialized body.

3. Minimum wage fixing: Levels

The system of minimum wages may be applied ... either by fixing a single minimum wage of general application or by fixing a series of minimum wages applying to particular groups of workers [Recommendation No. 135, Paragraph 5].

A system based on a single minimum wage –

- (a) need not be incompatible with the fixing of different rates of minimum wages in different regions or zones with a view to allowing for differences in costs of living;*
- (b) should not impair the effects of decisions, past or future, fixing minimum wages higher than the general minimum for particular groups of workers [Recommendation No. 135, Paragraph 5].*

GLOBAL

Setting one minimum wage with universal coverage is the most prevalent approach across the world (45 per cent of reviewed countries), closely followed by countries that set sectoral and/or occupational minimum wages applicable to the whole country (37 per cent). However, as Table 3 and Annex 3 display, numerous countries set minimum wages at at least two different levels; in the Russian Federation, for example, minimum wages are set at both national and regional level.

REGIONAL

Among reviewed **African** countries, the minimum wage setting by sector and/or occupation at national level clearly prevails with two-thirds of countries. Another quarter of countries (29 per cent) have regulated a single national minimum wage.

Also a considerable number (41 per cent) of the analysed **Asian and Pacific** countries sets its minimum wage at national level by sector and/or occupation. More than a quarter (27 per cent) here sets a single minimum wage for the whole country. China and Indonesia set minimum wages at regional level only.

Most **developed economies** and **EU countries** set one national minimum wage (56 per cent). In particular, all Central and Eastern European countries belonging to this group have chosen this minimum wage-setting procedure.²⁹

In **Latin America and the Caribbean**, two levels dominate: either one national minimum wage is regulated (44 per cent), or several sectoral minimum wages are set at national level for the whole country (52 per cent). The exception here is Brazil, where minimum wages are also partly regulated at regional level.

For the **Central and South-Eastern European** (non-EU) countries, **CIS** and **Middle East**, the sample of the analysed countries was too small to report on trends and patterns for the minimum wage-fixing mechanism.

²⁹ However, several countries set minimum wages at more than one level. In Belgium, for example, one national minimum wage is set, which applies to all workers, and in addition minimum wages at sectoral level are set for the whole country.

Box 3: Minimum wage-fixing level

The minimum wage-fixing level indicates at which level the minimum wages are set (national, regional, by sector and/or by occupation). National practices vary considerably. They include the setting of a single minimum wage with universal coverage or multiples rates by region, sector, occupation¹ or according to specific demographic characteristics.

For the purpose of this report, a minimum wage-fixing level is categorized as

- “national” if the minimum wage has universal coverage. This includes also countries which determine minimum wages at national level, varying by area or region (e.g. Thailand, Viet Nam);
- “regional” if minimum wages are set by a regional wage-setting mechanism and vary across the country;
- “national by sector and/or occupation” if sectoral and/or occupational minimum wages are set which apply to the whole country;
- “regional by sector and/or occupation” if sectoral and/or occupational minimum wages are set by a regional wage-setting mechanism;
- “by sector and/or occupation” if sectoral and/or occupational minimum wages are set which do not automatically apply to all workers concerned in the region or country.

Some countries have an additional component according to which different minimum wages are set, for example the size of a company or tax area.

In countries where minimum wages have only been set for some sectors/occupations, this has been indicated in the annex at the end of this chapter.

¹ Occupations and sectors have been classified in accordance with national law; for example, while minimum wages of domestic workers are specified in sectoral determinations in South Africa, domestic work has been classified as an occupation in Argentina.

Graph 10: Minimum wage-fixing levels by region, 2009 (103 countries)

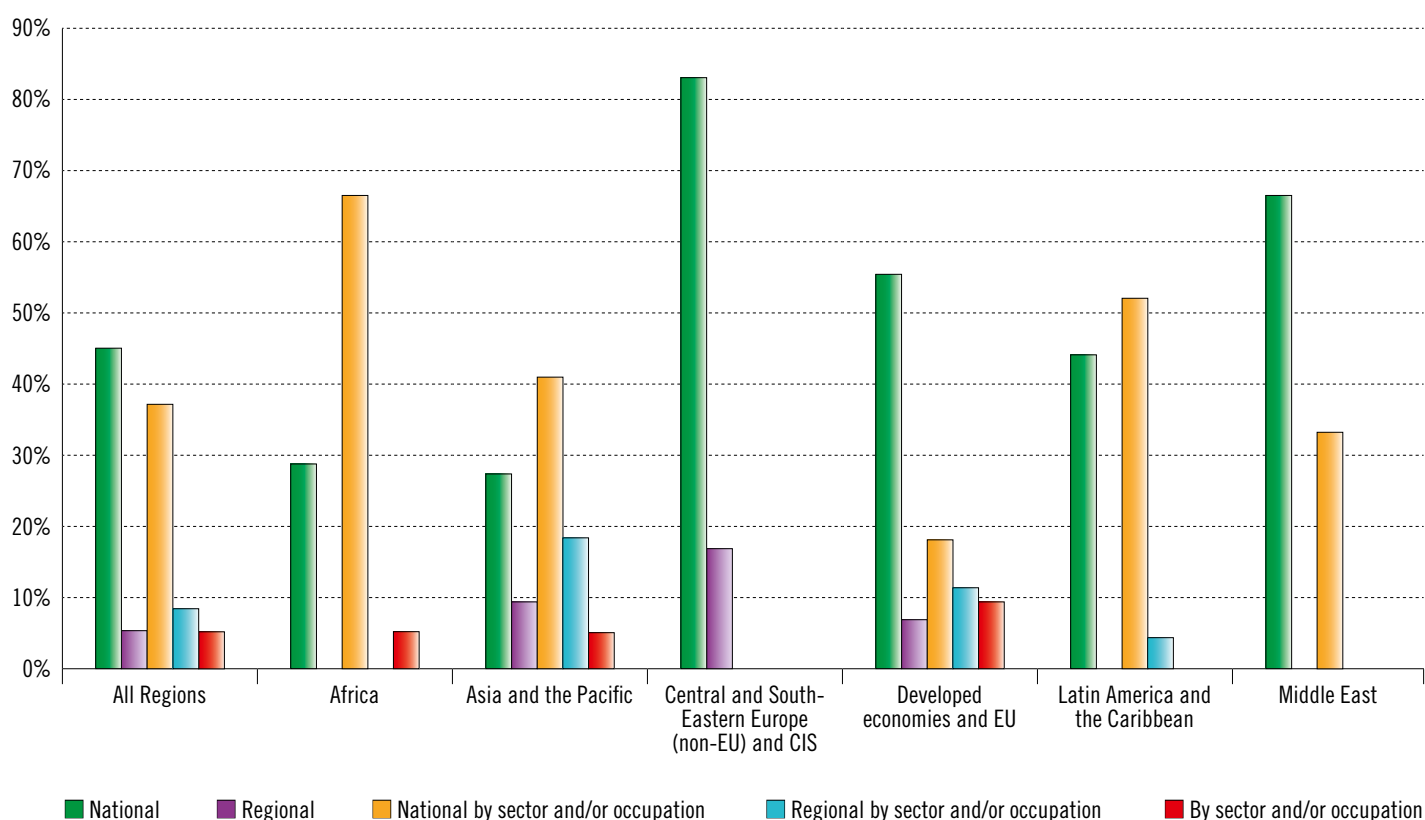


Table 10: Minimum wage-fixing levels by country and region, 2009

Region	National	Regional	National by sector and/or occupation	Regional by sector and/or occupation	By sector and/or occupation	No minimum wage
Africa	Algeria, Angola,* Gabon, Ghana, Nigeria, Sao Tome and Principe		Angola,* Botswana, Burkina Faso, Chad, Guinea- Bissau, Lesotho, Madagascar, Mauritius,** Morocco, Mozambique, Namibia,* Senegal, South Africa,** Tunisia		Namibia*	Cape Verde
Asia and the Pacific	Republic of Korea, Lao People's Democratic Republic, Mongolia, Papua New Guinea, Thailand,** Viet Nam**	China, Indonesia*	Bangladesh,** Cambodia, Fiji, India,* Malaysia, Nepal, Pakistan,* Solomon Islands, Sri Lanka	India,* Indonesia,* Pakistan,* Philippines**	India*	
Central and South-Eastern Europe (non-EU) and CIS	Albania, Croatia, Russian Federation,* Turkey, Ukraine	Russian Federation*				
Developed economies and EU	Australia,* Belgium,* Bulgaria, Cyprus, Czech Republic, Estonia, France, Hungary, Ireland,* Israel, Japan,* Latvia, Lithuania, Luxembourg, Malta,* Netherlands, New Zealand, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, United Kingdom, United States*	Canada,* Japan,* United States*	Australia,* Austria,* Belgium,* Finland,* Greece, Iceland, Ireland,* Malta*	Austria,* Canada,* Finland,* Japan,* Switzerland	Germany, Italy, Norway, Sweden	
Latin America and Caribbean	Bahamas, Bolivia, Brazil,* Chile, Colombia, Cuba, Haiti, Paraguay, Peru, Trinidad and Tobago, BR Venezuela		Argentina, Belize, Brazil,* Costa Rica, Dominican Republic,** Ecuador,** El Salvador, Guatemala, Honduras,** Mexico,** Nicaragua, Panama,** Uruguay	Brazil*		
Middle East	Lebanon, Syrian Arab Republic*		Syrian Arab Republic*			Saudi Arabia

* Some countries have more than one level at which minimum wages are fixed. For more details, see the annex at the end of Chapter Three.

** Some countries have an additional component; for example, size or type of company, area, etc. For more details, see the annex at the end of Chapter Three.

METHODOLOGY: Minimum wages

General

Different from previous chapters, this chapter contains information both on legislation and, if legislation does not exist, on collective agreements.

Minimum wage rates

To enable comparisons between countries, the minimum wage rate is provided for all countries as in force at 31 December 2008.

If necessary, the derived minimum wage has been converted into a monthly rate. Where a minimum wage is provided on an hourly basis, it has been multiplied by the statutory normal weekly working hours (e.g. 35 hours in France, 48 hours in Panama). Where the minimum wage is provided on a daily basis, it has been multiplied by the number of days of a normal working week (i.e. 44 hours per week and a normal eight-hour day would be calculated as 5.5 days). The weekly minimum wage is then multiplied by 4.33, which is the calculated average number of weeks included in a month, and rounded.

When the minimum wage is paid for more than 12 months per year (as is the case in Greece, for example), data have been adjusted to take these payments into account.

The market exchange rate of 2008 (average over the year), as provided by the World Development Indicators Online (World Bank Group), has been used as one of the most cited exchange rates.³⁰ As a result, no account is taken of the purchasing power of the minimum wage in each country.

In this report, minimum wages are reported in gross amounts (not net amounts). Income tax and social security contributions are not taken into consideration, since they vary from country to country and make a comparison based on the net wage unfeasible.

Treatment of multiple minimum wage rates

For countries with more than one minimum wage, a multi-tiered approach has been taken.

- Where national/federal and regional minimum wages exist, the national/federal minimum wage has been included.
- Where the minimum wage is set at a regional level, the capital region has been selected.
- Where minimum wages vary by age, experience or occupation, the lowest minimum wage applicable to an unskilled adult worker has been provided. A possible different minimum wage rate for a probation period has not been taken into consideration.
- Where no general minimum wage applies to all sectors, but specific rates are set for different sectors, the rate for the manufacturing sector has been selected.
- For countries where no single minimum wage for the manufacturing sector exists (e.g. Austria, Finland), the minimum wage that was applied was one that covers most workers in this sector. For some countries (e.g. Germany, Switzerland), no single representative minimum wage for the manufacturing sector could be identified.
- Where minimum wage rates vary by the size of the firm, the rate applicable to the smallest firm size has been selected.
- In general, statutory minimum wages have been provided. Only for countries where minimum wages are predominantly set by collective agreements have the latter been included (e.g. Finland, Norway).

Minimum wages: Excluded workers

Workers categorized as excluded in Annex 3 are those to whom the predominant minimum wage-setting mechanism(s) in general do(es) not apply. For Cambodia, for example, it clarifies that minimum wages have only been set for the textile, garment and shoe-sewing sector.

Minimum wages as understood in this report are targeted by their very nature at providing a minimum wage level for the private sector. Therefore, public sector workers are not explicitly mentioned as “excluded”, if applicable.

³⁰ The possible use of an exchange rate which is disaggregated by months would not have any considerable effect on the findings, given the broad design of the categories (see Table 8 and Graph 8).

ANNEX TO CHAPTER THREE: MINIMUM WAGE LAWS, 2009

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
AFRICA					
Algeria	12,000 Algerian dinars per month	\$186	Government upon consultation with the social partners	National	None
Angola	8,609 kwanzas per month	\$115	Government upon recommendation of a tripartite body (National Council of Social Dialogue)	National and national by sector	None
Botswana	3.55 pula per hour (738 pula per month)	\$108 (manufacturing, service and repair trade)	Government upon recommendation of a tripartite body (Minimum Wage Advisory Board, composed additionally of independent persons)	National by sector and occupation	Minimum wages only apply to specified sectors and occupations (building, construction, exploration or quarrying industry, garage or motor trade, road transport industry, hotel, catering or entertainment trade, manufacturing, service or repair trade, wholesale or retail distributive trade)
Burkina Faso	30,684 CFA francs per month	\$69 (non-agricultural workers)	Government upon recommendation of a bipartite body (Labour Advisory Commission)	National by sector	Apprentices
Cape Verde	No minimum wage		No minimum wage		
Chad	28,000 CFA francs per month	\$63 (non-agricultural workers)	Bipartite agreement (this procedure has not been used yet; the most recent minimum wage has been set by the Government upon recommendation of a specialized body)	National by sector	None
Gabon	80,000 CFA francs per month	\$179	Government upon recommendation of a tripartite body (National Wages Committee)	National	None
Ghana	2.25 Ghana cedi per day (49 Ghana cedi per month)	\$41	Tripartite body (National Tripartite Committee)	National	None
Guinea-Bissau	19,030 CFA francs per month plus one bag of rice	\$43 plus one bag of rice	Government upon consultation with a tripartite body (Social Dialogue Council)	National by sector	Domestic workers
Lesotho	812 maloti per month	\$99	Government upon recommendation of a bipartite body (Wages Advisory Board, additionally including independent members)	National by sector, occupation and size of company	Apprentices
Madagascar	70,025 ariary per month	\$41 (non-agricultural workers)	Government upon recommendation of a tripartite body (National Employment Council)	National by sector	None

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Mauritius	158.77 Mauritian rupees per day (5-day workweek) plus an additional remuneration of 278.39 Mauritian rupees per month (3,716 rupees per month in total)	\$131 (factory workers)	Government upon recommendation of a tripartite body (National Remuneration Board, including in addition independent members)	National by sector and occupation and by area (EPZ)	Minimum wage rates apply to 29 industries in the private sector. Other workers are excluded.
Morocco	10.14 dirhams per hour (1932 dirhams per month)	\$249 (industrial and commercial sectors and liberal professions)	Government upon recommendation of the social partners	National by sector	Minimum wage rates apply at present to employees in industry, commerce, liberal professions and agricultural work. Other workers are excluded.
Mozambique	1,975 meticals per month	\$82 (manufacturing industry)	Government upon consultation of a tripartite body (Labour Advisory Commission)	National by sector	Minimum wage rates apply at present to 8 sectors (agriculture/ livestock farming/ hunting/fishing; mineral resources industry; manufacturing industry; water, gas and electricity; construction; non-financial services; financial intermediation). Other workers are excluded.
Namibia	No representative minimum wage for the manufacturing sector identified.		Collective bargaining; additionally, minimum wage setting by a Wages Commission is legislated, but has not yet been established.	National by sector; ¹ by sector and occupation	None
Nigeria	5,500 naira per month	\$46	Government upon recommendation of a tripartite body	National	Part-time workers, piece-rate workers, seasonal workers, workers in merchant shipping or civil aviation, workers in enterprises employing fewer than 50 workers
Sao Tome and Principe	Unidentified		Government	National	While under the law no worker is excluded from the minimum wage, a minimum wage could only be identified for civil servants
Senegal	209.10 CFA francs per hour (36,216 CFA francs per month)	\$81 (non-agricultural workers)	Government upon consultation of a tripartite body (National Labour and Social Security Council)	National by sector	None
South Africa	No representative minimum wage for the manufacturing sector identified.		Government through sectoral determinations for occupations where collective bargaining is not common, upon recommendation of a tripartite body (Employment Conditions Commission, including independent persons); collective bargaining	National by sector, occupation and area	None. The Government has set minimum wages (sectorial determinations) for domestic workers, farm workers, forestry workers, taxi-drivers, and retail employees.

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Tunisia	217.80 dinars per month	\$177 (non-agricultural workers)	Government upon recommendation of a specialized body (National Committee on Social Dialogue), composed of government and workers' representatives, and upon consultation with the social partners	National by sector	Domestic workers
ASIA AND THE PACIFIC					
Bangladesh	1,662.50 taka per month	\$24 (apparel sector)	Government, upon recommendation of a tripartite body (National Minimum Wages Board, including one independent person) Workers in export processing zones: minimum wage is set by a specialized body (EPZ Authority) directly.	National by sector and occupation and area (for EPZ)	None
Cambodia	\$56 per month	\$56 (textile, garment and footwear sector)	Government upon recommendation of a tripartite body (Labour Advisory Committee)	National by sector	Minimum wages have only been set for the textile, garment and shoe-sewing sector. Workers excluded from possible minimum wage setting: domestic workers.
China	800 yuan per month (Beijing)	\$115 (Beijing)	Government upon consultation of the social partners. Separate minimum wages are stipulated by provincial, regional and municipal governments for their respective regions.	Regional (provincial, regional, municipal)	Agricultural workers
Fiji	\$2 per hour (\$416 per month)	\$261 (manufacturing industry)	Government upon recommendation of a bipartite body (Wage Council, including independent persons), where no effective collective bargaining mechanism is in place	National by sector and occupation	Minimum wages set by the government apply to building, civil and engineering trade; wholesale and retail trade; hotel and catering trade; road transport; mining and quarrying industries; saw milling and logging industry; printing trades; garment industry; manufacturing industry. Workers in all other sectors are excluded
India	80 Indian rupees per day (National Floor Level Minimum Wage) ²	\$48	Government (non-unionized sectors), either upon bipartite body recommendation (advisory boards and committees, including independent persons) or notification in the official gazette, followed by a two-month consultation period; collective bargaining (unionized sectors)	National by sector; regional by sector or occupation; by sector and/or occupation	Disabled workers, family members ³

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Indonesia	972,604.40 rupiah per month (Jakarta Capital Special Region)	\$100 (Jakarta Capital Special Region)	Provincial governments, upon recommendation of a tripartite body (Wage Councils)	Regional and regional by sector	Domestic workers
Korea, Republic of	3,770 won per hour (652,964 won per month)	\$592	Government upon recommendation of a bipartite body (including independent persons)	National	Domestic workers, family workers, seafarers
Lao People's Democratic Republic	n.a.	n.a.	Government	National	None
Malaysia	No general statutory minimum wage. No representative minimum wage for the manufacturing sector identified.		Government (non-unionized sectors) upon recommendation of a tripartite body (Wages Councils); collective bargaining (unionized sectors)	National by sector and occupation	None. (National minimum wage rates are only set for the catering and hotel sector, stevedores, cinema workers and shop assistants. For other workers, collective agreements apply.)
Mongolia	108,000 tugrik per month	\$93	Government upon consultation of the social partners	National	None
Nepal	4,600 Nepalese rupees per month	\$66 (non-agricultural enterprises, excluding tea firms and the jute industry)	Government upon recommendation of a tripartite body (Minimum Remuneration Fixation Committee for non-agricultural workers, High Level Monitoring Committee for agricultural workers)	National by sector	Domestic workers, workers in enterprises employing less than 10 workers
Pakistan	6,000 Pakistani rupees per month	\$85 (unskilled workers)	National government (national minimum wage for unskilled workers in commerce and industry); provincial governments (regional minimum wages for skilled workers, upon recommendation of a bipartite body, the Minimum Wage Board)	National by sector; regional by sector	Agricultural workers and coalminers
Papua New Guinea	37.50 kina per week (162 kina per month)	\$60	Government following an agreement of a bipartite body (Minimum Wages Board)	National	None
Philippines	345 Philippine pesos per day (6,963 Philippine pesos per month)	\$202 (National Capital Region; manufacturing establishments regularly employing less than 10 workers)	Tripartite body (Regional Tripartite Wages and Productivity Boards, to be approved by the National Wages and Productivity Commission); minimum wage rates for domestic workers are set forth directly in the Labour Code	Regional by sector and size of enterprise	None
Singapore	No representative minimum wage for the manufacturing sector identified		Collective bargaining	n.a.	n.a.

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Solomon Islands	4 Solomon Islands dollars per hour (779 Solomon Islands dollars per month)	\$101	Government	National by sector	Domestic workers, seamen
Sri Lanka	221.65 rupees per day plus an allowance of 1,000 rupees per month (6,759 rupees per month)	\$62 (average minimum wage rates of the manufacturing sector)	Tripartite body (Wage Board), approved by the Minister of Labour	National by sector and occupation	Unidentified
Thailand	203 baht per day (Bangkok) (5,274 baht per month)	\$158 (Bangkok)	Government upon recommendation of a tripartite body (National Wage Committee)	National by region	Agricultural workers, homeworkers, domestic workers, workers in private schools and public administration
Viet Nam	620,000 dong per month (urban districts of Hanoi)	\$38 (urban districts of Hanoi)	Government upon consultation of the social partners	National by region and type of enterprise (local, state or foreign-invested)	None
CENTRAL AND SOUTH-EASTERN EUROPE (NON-EU) AND CIS					
Albania	17,000 lek per month	\$203	Government upon consultation of a tripartite body (National Council of Labour)	National	None
Croatia	2,747 kuna per month	\$557	Government	National	None
Russian Federation	2,300 roubles per month	\$93 (national level)	National government (upon consultation of the social partners) and provincial governments (following consultation with a tripartite body, the Regional Tripartite Commissions of the Regulation of Labour and Social Relations)	National and regional	None
Turkey	639 Turkish lira per month	\$491	Tripartite body (Minimum Wage Fixing Board)	National	None
Ukraine	605 hryvnia per month	\$115	Government, upon consultation of the social partners	National	None
DEVELOPED ECONOMIES AND EU					
Australia	\$543.78 per week (\$2,355 per month)	\$1,979 (federal minimum wage for award-free employees)	Specialized body (Fair Pay Commission; since 1 August 2009: Minimum Wage Panel) for award-free employees; collective bargaining (awards)	National (for award-free employees) and national by sector and occupation (modern awards) ⁴	None
Austria	€1,632.70 per month (average over 12 months, given that wage are paid 14 times per year)	\$2,058 (iron- and metalworking industry)	Specialized body (Federal Arbitration Board, tripartite) in certain sectors and collective agreements in others. Collective agreements dominate.	National by sector and occupation; regional by sector and occupation	Agricultural workers, homeworkers
Belgium	€1,387.49 per month	\$2,032	Specialized body (National Labour Council, composed of representatives of the social partners)	National and national by sector	Apprentices, casual workers and workers in certain family businesses

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Bulgaria	220 lev per month	\$165	Government upon consultation of a tripartite body (National Council for Tripartite Partnership)	National	None
Canada	8.50 Canadian dollars per hour (Manitoba) 8.75 Canadian dollars per hour (Ontario) (1,472,20 Canadian dollars per month in Manitoba, 1,515.50 Canadian dollars per month in Ontario)	\$1,380(Manitoba), \$1,420 (Ontario)	Provincial government, partly upon recommendation of a tripartite body	Regional and regional by sector	Determined at the provincial level
Cyprus	No minimum wage for the manufacturing sector identified		Government upon recommendation of a tripartite body (Labour Advisory Board)	National	Minimum wage only applies to shop assistants, clerks, nursing aids, child-care workers, security guards and caretakers.
Czech Republic	8,000 Czech crowns per month	\$469	Government upon consultation of the social partners	National	None
Estonia	4,350 EEK per month	\$407	Government following an agreement between the social partners	National	None
Finland	€1,384 per month	\$2,027 (technology industry)	Collective bargaining	National by sector and occupation; regional by sector and occupation	None
France	€8.71 per hour (€1,320 per month)	\$1,934	Government upon recommendation of a tripartite body (National Committee on Collective Agreements). The minimum wage increases by at least 2% when the Consumer Price Index (CPI) increases at this rate.	National	None
Germany	No representative minimum wage for the manufacturing industry identified		Collective bargaining ⁵	By sector and occupation	None
Greece	€31.31 per day (€790.84 per month (average over 12 months since wages are paid 14 times per year)	\$1,158	Government, following a bipartite agreement (General Collective Labour Agreement)	National by occupation	Live-in domestic workers
Hungary	69,000 forint per month	\$401	Government, upon recommendation of a tripartite body (Interest Conciliation Council)	National	None
Iceland	137,752 Icelandic krona per month	\$1,566 (general workers not listed elsewhere, sheep slaughtering)	Collective bargaining	National by sector and occupation	None

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Ireland	€8.65 per hour (€1,461 per month)	\$2,148	Government upon recommendation from economic and social interests of the state or from the Labour Court (following an agreement of the social partners); Labour Court upon recommendation of a bipartite body (Joint Labour Committee)	National and national by sector and region	Family workers, certain apprentices
Israel	3,850.18 New Shekels	\$1,073	Government	National	None
Italy	€1,055.60	\$1,546 (metalworking sector)	Collective bargaining	By sector and occupation	None
Japan	703 yen per hour (121,760 yen per month)	\$1,178 (weighted national average for all prefectures)	Government upon recommendation of a tripartite body (Minimum Wage Council)	National and regional, and regional by industry	n.a.
Latvia	160 lat per month	\$333	Government, upon consultation of a tripartite body (National Tripartite Co-operation Council)	National	None
Lithuania	800 Lithuanian lita per month	\$339	Government, upon recommendation of a tripartite body (Tripartite Council)	National	None
Luxembourg	€1,609.50	\$2,358	Government	National	None
Malta	€142.39 per week plus €3.49 (weekly cost of living allowance) (€632 per month)	\$925	Government upon recommendation of a tripartite body (Employment Relations Board), including an independent person	National (for workers not covered by a sectoral minimum wage) and national by sector	None
Netherlands	€1,356.60	\$1,987	Government	National	None
New Zealand	12 New Zealand dollars per hour, 480 New Zealand dollars per week	\$1,461	Government	National	None
Norway	117,19 NOK per hour (20,297 NOK per month)	\$3,599 (engineering industry)	Collective bargaining	By sector	None
Poland	1,126 zloty per month	\$467	Tripartite body (Tripartite Commission) upon proposal by the government	By sector	None
Portugal	€497 per month (average over 12 months, given that wages are paid 14 times per year)	\$728	Government upon consultation of a tripartite body (Committee for Social Consultation of the Economic and Social Council)	National	None
Romania	540 leu per month	\$214	Two minimum wage systems: (1) Government, upon consultation of the social partners (2) Social partners (National Collective Agreement)	National	None

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Slovakia	8,100 Slovak koruna per month	\$379	Government, based on a bipartite agreement. Where no agreement could be reached, the government unilaterally determines the minimum wage.	National	None
Slovenia	€589.19 per month	\$863	Government upon consultation of the social partners	National	None
Spain	€700 per month (average over 12 months, given that wages are paid 14 times per year)	\$1,025	Government following direct consultation with the social partners	National	None
Sweden	15,903 Swedish krona per month	\$2,413 (technical enterprises)	Collective bargaining	By sector and occupation	None
Switzerland	No representative minimum wage for the manufacturing sector identified		Collective bargaining	Regional by sector and occupation	None
United Kingdom	£5.73 per hour (£992 per month)	\$1,824	Government upon recommendation of a bipartite body (Low Pay Commission)	National	Family members, people living as part of the family, prisoners, share fishermen, members of the armed services
United States	\$6.55 per hour (\$1,134 per month)	\$1,135 (federal level)	Government (federal and state level)	National and regional	The federal minimum wage only applies to specified employees (employees of enterprises that do at least \$500,000 in business a year, employees of smaller firms if the employees are engaged in interstate commerce or in the production of goods for commerce, government agencies, schools, hospitals and in general domestic workers). Other workers are excluded.
LATIN AMERICA AND THE CARIBBEAN					
Argentina	1,240 Argentine pesos per month	\$394	Tripartite body (National Council for Employment, Productivity and the Adjustable Minimum Living Wage)	National by sector and occupation	None
Bahamas	4 Bahamian dollars per hour (693 Bahamian dollars per month)	\$693	Government upon consultation of the social partners	National	None
Belize	3 Belize dollars per hour (585 Belize dollars per month)	\$292 (manual workers not working in agriculture, agro-industry or export-oriented industries)	Government upon recommendation of a specialized body (Wage Council, composed of independent persons, workers' and employers' representatives)	National by occupation	None. (Wage Councils are only set up for workers who are not covered by an effective collective bargaining mechanism.)
Bolivia	577.50 boliviano per month	\$80	Government	National	Agricultural workers

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Brazil	415 Brazilian real per month	\$226	Government	National; national by sector and occupation; regional by sector and occupation	None
Chile	159,000 Chilean pesos per month	\$304	Government (in practice upon consultation of the social partners)	National	Apprentices, disabled workers
Colombia	461,500 Colombian pesos per month	\$235	Tripartite body (Permanent Commission on the Harmonization of Wage and Labour Policies)	National	None
Costa Rica	6,024 colones per day (156,504 colones per month)	\$297 (manufacturing industry)	Tripartite body (National Wage Council)	National by sector and occupation	None
Cuba	\$225 per month	\$225	Government upon consultation of workers' representatives	National	None
Dominican Republic	4485 Dominican pesos per month	\$130 (private sector workers not covered by a specific sectoral minimum wage, working in companies with a net worth of up to 2,000,000 pesos)	Tripartite body (National Salary Committee)	National by sector, occupation and area (tax-free zones)	None
Ecuador	\$200 per month	\$200	Tripartite body (National Wage Council) Where no consensus is reached, the minimum wage is set by the government.	National by sector, occupation and area (tax-free zones)	None
El Salvador	\$6.27 per day (\$149 per month)	\$163 (industry sector)	Government upon consultation of a tripartite body (National Minimum Wage Council)	National by sector, occupation and size of company	None
Guatemala	48.50 quetzals per day (1,260 quetzals per month)	\$167 (non-agricultural workers)	Government upon recommendation of a specialized body (Joint Minimum Wage Boards, composed of workers' and employers' representatives and a labour inspector)	National by sector	None
Haiti	70 gourdes per day (1,819 gourdes per month)	\$47	Government upon recommendation of a tripartite body (Committee for Consultation and Arbitration)	National	Domestic workers
Honduras	92.04 lempiras per day (2,391 lempiras per month)	\$127	Tripartite body (National Minimum Wage Commission). Where no consensus is reached, the minimum wage is set by the government	National by sector and size of company	Disabled workers and trainees
Mexico	52.59 pesos per day (capital region) (1,366 pesos per month)	\$123 (capital region)	Tripartite body (National Commission on Minimum Wages)	National by sector, occupation and area	None

Country	Minimum wage in national currency (31 December 2008)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Nicaragua	1,941.92 gold cordoba per month	\$100 (manufacturing sector)	Tripartite body (National Minimum Wage Commission). Where no consensus is reached, the minimum wage is set by the government	National by sector	None
Panama	1.39 balboas per hour (289 balboas per month)	\$289 (capital region, small enterprises in the manufacturing sector)	Government upon recommendation of a tripartite body (National Minimum Wage Commission)	National by sector, occupation, region and size of company	None
Paraguay	1,341,775 guaranis per month	\$308	Government upon recommendation of a tripartite body (National Minimum Wage Council)	National	Disabled workers
Peru	550 nuevos soles per month	\$188	Tripartite body (National Labour and Employment Promotion Council). Where no consensus is reached, the minimum wage is set by the government	National	None
Trinidad and Tobago	9 Trinidad and Tobago dollars per hour (1,560 Trinidad and Tobago dollars per month)	\$248 (national level)	Government upon recommendation of a tripartite body (Minimum Wages Board)	National	Trainees, workers in certain government-approved schemes, volunteers in registered charities
Uruguay	4,150 Uruguayan pesos per month	\$198	Government and tripartite bodies (Wages' Councils)	National by sector and occupation	None
Venezuela, Bolivarian Republic of	volunteers in registered charities	\$373	Government upon recommendation of a tripartite body. Where no consensus is reached, the minimum wage is set by the government.	National	None
MIDDLE EAST					
Lebanon	500,000 Lebanese pounds per month	\$332	Government upon recommendation of a tripartite body (Commission on the Cost of Living Index)	National	Domestic servants, workers in agricultural corporations not connected to trade and industry, family members, workers younger than 20 years of age, casual or temporary workers in public administration
Saudi Arabia	No minimum wage				
Syrian Arab Republic	6,110 Syrian liras per month	\$132	Government upon recommendation of a tripartite body (regional minimum wage determination committees)	National and national by sector, occupation, region and groups of workers	None

[1] In Namibia, there are at present three central bargaining agreements in force, which set minimum wages for three different sectors nation-wide.

[2] This amount is only a national recommendation and regional minimum wages may be lower.

[3] The appropriate government may exclude disabled employees from certain provisions of the Minimum Wages Act, 1948. Such an exclusion would be subject to such conditions as that government thinks fit.

[4] Modern awards applying across Australia have come into force on 1 January 2010.

[5] Additionally, German law provides that the parties to an agreement in specific sectors may apply for extension of collective agreements to the whole country under specific circumstances. This may then be granted by Decree.

WORKING CONDITIONS LAWS REPORT 2010: **A global review**

The economic and financial crisis has highlighted a widespread concern that a large number of people around the world have been working in conditions that are harmful to their health, impinge on their family life, and fail to lift them out of poverty. In response, increasing attention is being paid to the legal standards that regulate jobs and working life, and greater efforts are being made to identify and systematically compare working conditions laws around the world.

Based on up-to-date legal information, the *Working conditions laws report* provides a global comparative analysis of national working conditions standards. It covers three of the core elements of working conditions laws: minimum wages, working hours and holidays, and maternity protection. It examines the primary legal standards in more than 100 countries and identifies the most significant global and regional trends.

Building on the earlier *Working conditions laws 2006-2007*, this updated report underlines the continuing commitment by policy-makers worldwide to establish minimum working standards. By raising awareness of the convergence in legal standards, the report aims to contribute towards efforts to harness these measures with the goal of realizing decent working conditions for all.

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