

# Maternity Protection

The Innocenti Declarations (1999, 2005) and WHO Global Strategy for IYCF (2002) call for provision of imaginative legislation to protect the breastfeeding rights of working women and further monitoring of its application consistent with ILO Maternity Protection Convention No 183, 2000 and Recommendation 191. The ILO's Maternity Protection Convention (MPC) 183 specifies that women workers should receive:

- Health protection, job protection and non-discrimination for pregnant and breastfeeding workers
- At least 14 weeks of paid maternity leave
- One or more paid breastfeeding breaks daily or daily reduction of hours of work to breastfeed

Furthermore, Recommendation 191 encourages facilities for breastfeeding to be set up at or near the workplace.

The concept of maternity protection involves 7 aspects: 1) the scope (in terms of who is covered); 2) leave (length; when it is taken, before or after giving birth; compulsory leave); the amount of paid leave and by whom it is paid employer or government; 3) cash and medical benefits; 4) breastfeeding breaks; 5) breastfeeding facilities; 6) health protection for the pregnant and lactating woman and her baby; 7) employment protection and non-discrimination.

Only a limited number of countries have ratified C183, but quite a few countries have ratified C103 and/or have national legislation and practices which are stronger than the provisions of any of the ILO Conventions.

***Maternity protection is critical for success of breastfeeding and has been the most neglected so far***

Maternity protection for all women implies that women working in the informal economy should also be protected.

Innocenti Declaration 2005 calls for urgent attention to the special needs of women in the non-formal sector .

Adequate maternity protection also recognizes the father's role in nurturing and thus the need for paternity leave.

This indicator examines whether there is enough structural and legal support for women to practice exclusive breastfeeding, whether there is legislation related to maternity protection and whether there are any measures (policies, regulations, practices etc.) (Table 4).

This indicator, which measures the status of maternity entitlements, including maternity leave, breastfeeding breaks, paternity leave and non-discrimination, gets the third lowest score with an average of 5.43 out of 10. Not a single country has a perfect score of 10; only twenty-five countries score between 7-9 and are coded Blue, 37 countries are coded Yellow, and 22 countries score below 3.5 (Figure 11).

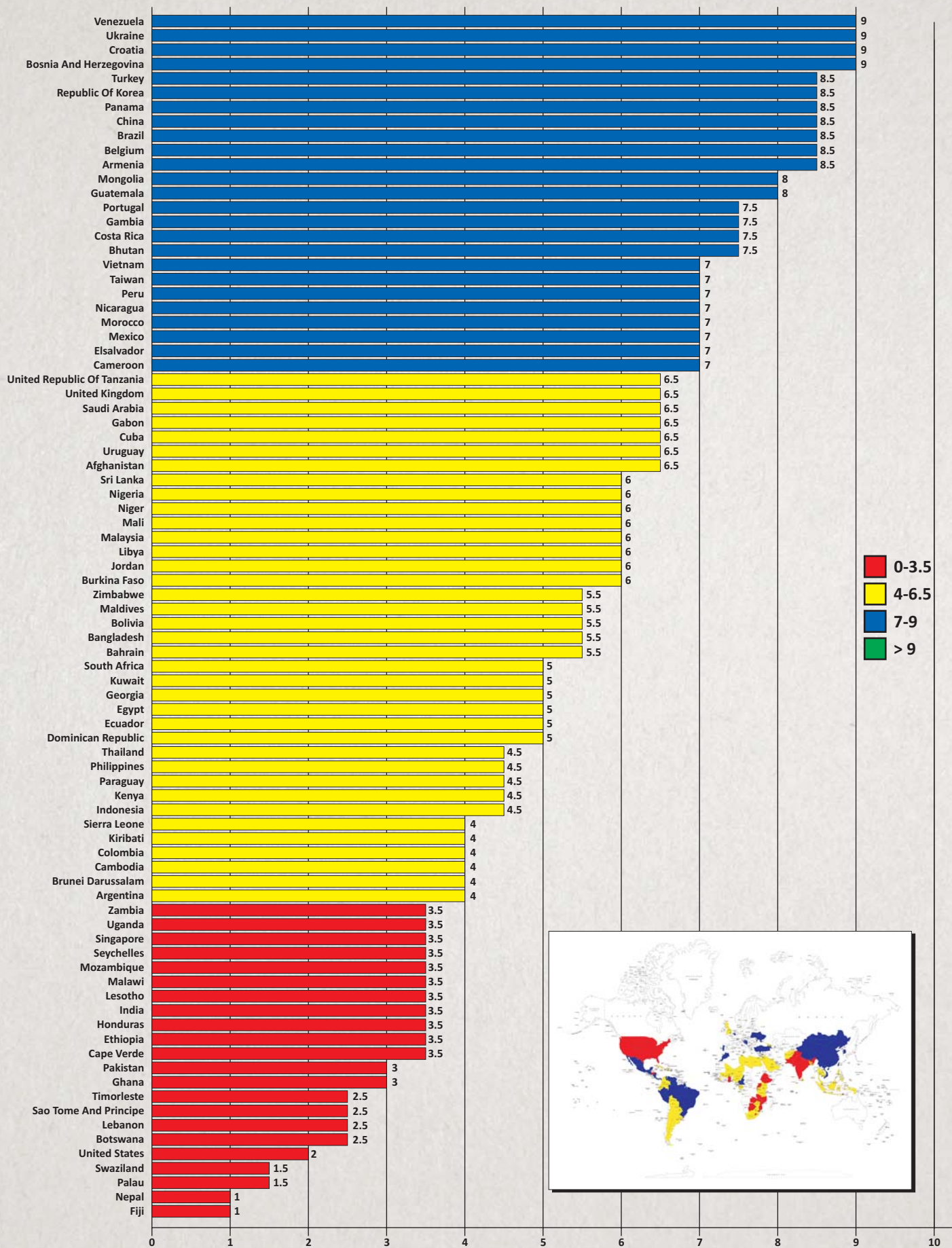
This figure also shows how regionally 84 countries are spread over, and how neglected they are with many in Red color coding.

**Table 4: Key question and subset questionnaire for the indicator on maternity protection and scoring criteria**

**Key questions:** Is there a legislation and are there other measures (policies, regulations, practices) that meet or go beyond the International Labor Organization (ILO) standards for protecting and supporting breastfeeding for mothers, including those working mothers in the informal sector?

<b>Guidelines for scoring Criteria</b>	<b>✓ Tick one which is applicable</b>
4.1) Women covered by the national legislation are allowed the following weeks of paid maternity leave	
a. Any leave less than 14 weeks	0.5
b. 14 to 17weeks	1
c. 18 to 25 weeks	1.5
d. 26 weeks or more	2
4.2) Women covered by the national legislation are allowed at least one breastfeeding break or reduction of work hours daily.	
a. Unpaid break	0.5
b. Paid break	1
4.3) Legislation obliges private sector employers of women in the country to (more than one may apply)	
a. Give at least 14 weeks paid maternity leave	0.5
b. Paid nursing breaks.	0.5
4.4) There is provision in national legislation that provides for work site accommodation for breastfeeding and/or childcare in work places in the formal sector. (more than one may be applicable)	
a. Space for Breastfeeding/Breastmilk expression	1
b. Crèche	0.5
4.5) Women in informal/unorganized and agriculture sector are:	
a. accorded some protective measures	0.5
b. accorded the same protection as women working in the formal sector	1
4.6). <i>(more than one may be applicable)</i>	
a. Information about maternity protection laws, regulations, or policies is made available to workers.	0.5
b. There is a system for monitoring compliance and a way for workers to complain if their entitlements are not provided.	0.5
4.7) Paternity leave is granted in public sector for at least 3 days.	0.5
4.8) Paternity leave is granted in the private sector for at least 3 days.	0.5
4.9) There is legislation providing health protection for pregnant and breastfeeding workers: they are informed about hazardous conditions in the workplace and provided alternative work at the same wage until they are no longer pregnant or breastfeeding.	0.5
4.10) There is legislation prohibiting employment discrimination and assuring job protection for women workers during breastfeeding period.	1
<b>Total Score:</b>	<b>___/10</b>

Figure 11: The state of maternity protection in 84 countries on a scale of 0-10



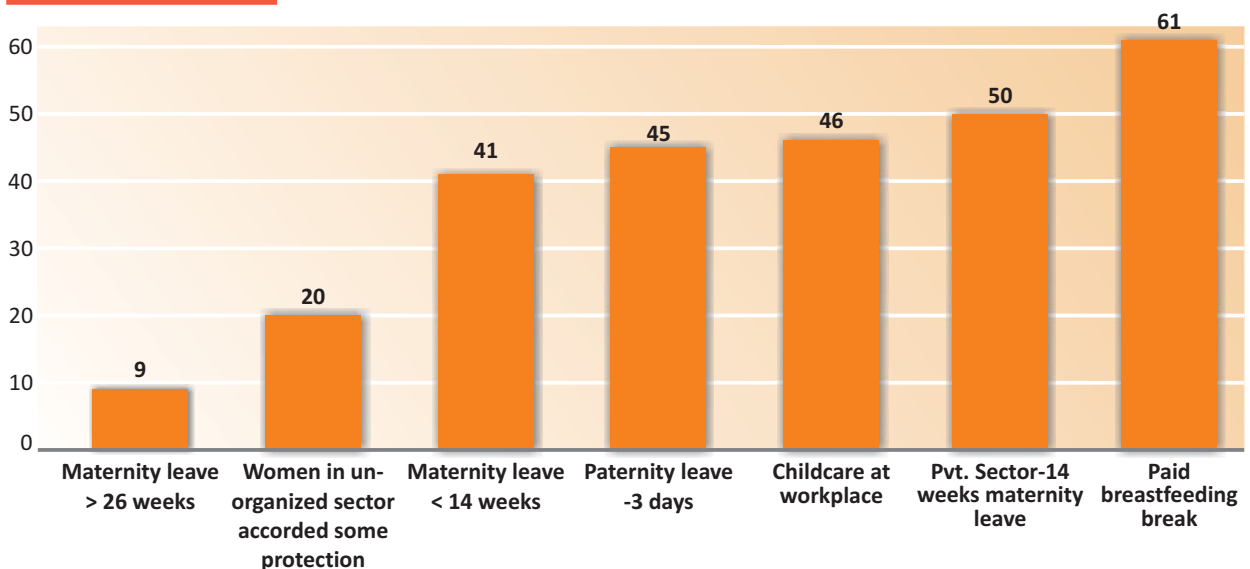
## Analysis and Conclusion

Figure 12 reveals only nine countries provide maternity leave of more than 26 weeks, and 41 give less than 14 weeks. At least one paid breastfeeding break is given in 61 countries, and 50 countries have legislation requiring the private sector to give at least 14 weeks of maternity leave. Twenty countries report similar levels of protection for women working in the unorganized sector. Legislative provisions for accommodation for breastfeeding or childcare at worksites are provided in 46 countries only. Paternity leave of at least 3 days is provided in 45 countries.

These findings indicate a profound lack of support to women in each of the assessed countries. Only 10% of countries assessed provide more than 26 weeks of maternity leave, which is essential if exclusive breastfeeding has to succeed. There is a need to strengthen maternity protection, especially for working women in

all sectors, and provide support services like creches. Maternity protection is the most critical for the success of breastfeeding and has been the most neglected so far. The report “Labor Lost”-the WBTi assessment report on the status and enforcement of maternity protection laws across 57 countries<sup>28</sup>, also reiterates the fact that maternity protection is vital to enhancing breastfeeding rates, but there is a need to create a conducive environment for women to successfully breastfeed. It is worldwide clear the gap between working men and working women in terms of opportunities, salaries, working conditions (women have particular needs if they are mothers, lactating, etc). There is a need to have a communication strategy that informs women about their maternity entitlements, and benefits of breastfeeding; concurrently legislation needs to be in place and implemented to restrict formula sales.

**Figure 12: Status of subset questions for indicator on maternity protection in 84 countries**



<sup>28</sup> Labor Lost 2015. The WBTi assessment report on the status and enforcement of Maternity Protection Laws across 57 countries 2015. [Http://www.bpni.org/report/Labour-Lost-WBTi.pdf](http://www.bpni.org/report/Labour-Lost-WBTi.pdf)