

Maternity Protection Legislation Worldwide

Of the 195 countries in the world, the very vast majority have legislated to protect maternity, some already in the late 19th Century, some as recently as only a few years ago. Still today, a very few countries have no specific laws protecting women who both work and give birth to their children.

The ILO adopted its first Maternity Protection Convention in 1919 the year of its own institutionalisation (Convention No. 3, 1919). Since then, two more ILO Conventions focusing specifically on Maternity Protection at the Workplace (Convention No. 103, 1952 and Convention No. 183, 2000) as well as two Recommendations (No. 95, 1952 and No. 191, 2000) have been adopted; and many other ILO Conventions relate directly and indirectly to maternity protection, such as, for example the Conventions on Family Responsibilities (No. 156, 1981), on Occupational Health and Safety at Work (No. 155, 1981), on Domestic Workers (No. 189, 2011), and the like.

Moreover, in recent years, the ILO has developed an extremely **detailed database** in which legislation concerning maternity protection has been collected, updated (2011 and 2012), summarized and put online (<http://www.ilo.org/dyn/travail/travmain.byCountry2>) for the use of all.

In this present document GIFA has summarized the ILO data on maternity protection region by region and country by country. The reader will quickly note that ours is a “working document” - it is not a “reading document”. Moreover, it is a collection of information based on information that has already, itself, been collected and to a certain degree interpreted. We have not done any first-hand research and in some instances and we therefore depend on the data collected in the ILO database. Moreover, we may have misinterpreted some of the ILO information. Indeed, no two countries have legislated in the same way (though we find regional similarities), and some countries have extremely detailed and complex laws – which can be subject to misunderstanding. Translations also may have introduced errors. In some instances, as we are unsure of the meaning of the original ILO data, we indicate our hesitations with question marks.

We present the information in two forms of files: table and text files. The **table** is composed of one sole file which summarizes, region by region and country by country the information found in the text files. It will be especially useful for persons interested in quickly comparing the situation in countries in a given region. For more details, readers will turn to our more detailed **text files**. These are five files in all, one per region; for each region we list the countries in alphabetical order. Readers wanting still more detailed information can refer to the original **ILO database**.

TABLE FILE

The Table file is a summary of the information contained in the text files. It is composed of 10 columns which correspond to the elements indicated in bold below. In order to save place we have used abbreviations, eliminated some wording (such as “Paid by:”), etc.; and we have tried to harmonize the order of the information in each column.

TEXT FILES

Following the ILO format, we present our text files as five separate regions: Africa, the Americas, the Arab World, Asia and Europe. In each region we have listed the countries in alphabetical order. Countries belonging both to the Arab World and to Africa are found under Africa. Unfortunately, there is no information on a few countries (Liberia, Sierra Leone and South Sudan in Africa; Bhutan, Marshall Islands, Micronesia, Samoa, Suriname and Tuvalu in Asia), on which the ILO database itself is lacking.

We have aimed to present the information, as much as possible, in the same general format. For each country we present it in the following way:

- **Name of Acts:** list of the laws which the ILO has utilized to collect its information. In some cases the list is long, in others it may amount to only one law.
- **Scope of maternity protection:** who is included and/or excluded from the various national laws on maternity protection. This information is sometimes quite detailed, especially if several laws are considered. In general the public and private sectors are covered, in a very few cases, workers in the informal economy and domestic servants are included.
- **Maternity leave:** information concerning the qualifying conditions, the length of maternity leave, a possible compulsory leave before and/or after birth, extensions, etc.
- **Paternity, Parental, Adoption and Part-time leaves:** many countries provide for these other leaves and we summarize this information with, as much as possible, the same elements as for maternity leave above.
- **Maternity benefits:** again we inform on qualifying conditions, as well as on the amount of pay (in %), the duration of the pay, and who pays (Social Security, the employer or a mixed system). Some systems are extremely complex and may be source of errors of understanding on our part. This column is indeed often source of difficulty of interpretation on our part.
- **Paternity, Parental, Adoption leave benefits:** we list here the same type of information as for Maternity benefits above.
- **Medical benefits:** information concerning medical visits during the pre- and post-natal periods, as well as birth, medication, transportation and infant/child health care. When possible, we also note who is responsible for payment, if it is free of charge or not.
- **Health protection:** we inform here about the types of work different categories of workers (all workers, female workers, pregnant, breastfeeding workers, etc.) are allowed to perform or not. Some countries protect all women at all times for example, while others protect women and even men only in vulnerable situations such as during pregnancy or during their reproductive years.
- **Non-discrimination/Job protection:** this covers several elements such as general non-discrimination regarding equality of sexes, and more specific non-discrimination measures regarding equality in employment, access to employment (pregnancy testing), dismissal during pregnancy and leaves of absence, burden of proving the legality of a dismissal. We also include here elements on guaranteeing one's job during pregnancy or after maternity leave.
- **Breastfeeding** information concerns breastfeeding breaks: if there are provisions or not, their length per day, their duration over time, if they are paid or not. We also include information on facilities when it exists.
- **ILO Conventions:** Lastly, we have noted the name and date of the ILO Conventions on maternity protection that each country may have ratified.

ILO CONVENTION RATIFICATIONS

We would like to conclude here with a small table indicating the number of countries per region having ratified the three ILO Conventions on Maternity protection.

Region	ILO C3 (1919)	ILO C103 (1952)	ILO C183 (2000)	Total
Africa	9	4	4	17
Americas	6	7	2	15
Arab World	0	0	0	0
Asia	0	3	0	3
Europe	11	10	23	44
Total	26	24	29	79

We hope this double document will be of use to your work. As it has taken us many months to collate, please consider it still as a work in progress which probably needs updating: please inform us of any changes in your legislation, improvements as well as cutbacks, as well as of any errors you may find.

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