

Legislation on maternity protection in countries belonging to Africa

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ALGERIA

ALGERIA HAS RATIFIED C3 (19.19.1962)

Name of Acts:

- Social Insurance Act, Act No. 83-11, 1983, amended 2008
- Decree No. 84-27 concerning Regulations for the Implementation of Act No. 83-11 Respecting Social Insurance, 1984
- Presidential Decree No. 05-117 concerning Measures of Protection Against Ionising Radiations, amended Decree No. 07-171, 2007
- Labour Relations Act, Law No. 90-11, 1990, amended 1997.

Scope:

- During the pre- and post-natal periods, female workers have the right to maternity leave.
- The following activities, excluded from the scope, have to be regulated by specific legislations : civil and military judges, agents and servers of public institutions and public administrations. Wilayas and communes, as well as staff from public establishments of administrative character. Other categories excluded from the scope are: company CEOs, staff of maritime and flight transportation, staff of fishing and commercial boats, homeworkers, journalists, artists and actors, high performance athletes and home staff.

Maternity leave:

- **Length:** During the pre- and post-natal periods, female workers have the right to maternity leave up to 14 consecutive weeks.
- **Compulsory leave:** the pregnant worker has to stop working before the date of birth, determined by a medical certificate. This period cannot be inferior to 1 week.
A mother is entitled to take 20 working days for a child under 3years of age, and 15 working days at most if the child is between 3 and 7 years of age. In order to attend to a sick child under 7, the mother is entitled to social insurance benefits or to be paid by the employer a sum equal to the amount of social insurance benefits.

Paternity leave:

- **Scope/Length:** Besides the cases of absences foreseen in the Social Security legislation, the employee is entitled to 3 days of absence without loss of remuneration, for the following: worker's marriage, birth of the worker's child, marriage of one of the worker's descendants, death of one of the worker's parents, children or brother/sister (as well as of spouse), death of the spouse, circumcision of one of the children.
- **Conditions:** The employee who intends to take this leave shall justify and notify the employer.

Cash benefits:

- **Maternity leave benefits: Scope:** Every worker, whether employee or related employee, no matter in which activity sector they belong benefits from Social Security.
Conditions: In order to have the right to cash benefits during maternity leave, the female worker has to have worked at least 9 days or 60 hours in the last 3 months preceding the first date she took knowledge of the pregnancy; or 36 days or 240 hours in the last 12 months preceding the first date she took knowledge of the pregnancy.

They shall have at least 15 days or 100 hours of work during the 3 months preceding the date of the first medical certificate of pregnancy; or at least 60 days or 400 hours during the 12 months preceding that date.

The woman must notify Social Security of her pregnancy at least 6 months before the expected date of confinement, and she must have a complete medical examination before the end of the 3rd month of pregnancy, an obstetrical examination during the 6th month, and two gynaecological examinations (one 4 weeks before the birth and one 8 weeks after). If not, cash benefits are reduced by 20%.

The woman must present a certificate to the Social Security Institution indicating she has ceased work, and a wage certificate from the employer.

Amount: The amount payable to the female worker is equal to 100% of the regular wage she receives.

Paid by Social Security which itself is financed by the compulsory contribution of both employers and employees.

- **Paternity leave benefits:** The worker is entitled to leave without loss of wages. therefore, the employer pays for paternity leave.

Medical benefits:

- 100% of medical benefits are guaranteed to workers covered by the *Social Insurance Act*. Hospitalisation costs are guaranteed to a maximum of 8 days. The female worker is also entitled to 100% reimbursement of medical and pharmaceutical expenses. The same rights are granted to self-employed female workers and the spouse of a male worker, provided that she does not exercise a professional activity.
Medical and cash benefits from the sickness insurance are granted in the event of illness or complications.
- Financing of benefits of the Social Security System is ensured by the contributions of employers and persons covered by the *Social Insurance Act*.

Health protection:

- **Night work:** Employers shall not employ women to work at night, with the exceptions authorised by the Labour inspector.
- **Dangerous or unhealthy work:** Pregnant workers who occupy a post involving exposure to ionising radiations shall be transferred to a different job.
Breastfeeding mothers shall not work in a post where a risk of contamination may exist.

Non-discrimination/Job protection:

- **General:** Any provision in collective agreements, conventions or labour contracts stipulating any kind of discrimination in employment, based on sex or family status among other reasons, shall be null and void.
- **Job guarantee:** No mention.

Breastfeeding:

- **Breastfeeding breaks:** No mention.

ALGERIA HAS RATIFIED C3 (19.19.1962)

ANGOLA

Name of Acts:

- General Labour Act, Act 2/00, 1999
- Decree 52/05 on Maternity Protection, 2005
- Presidential Decree n. 8/11 on Maternity Protection, 2011
- Labour Relations Act, Law No. 90-11, 21 1990, amended 1997. **Scope:**
- All pregnant workers are entitled to the rights established in the maternity protection section of the *Labour Code*.

Maternity leave:

- **Length:** The female worker has the right to 3 months (12 weeks) of maternity leave.
- **Compulsory leave:** 8 weeks to be taken after birth.
- **Extensions:** During this period, the labour relation may be legally suspended in case of *illness* leave or any leave similar to it, if foreseen by the social security legislation.
The female worker has the right to an extension of 4 weeks in case of *multiple births*.
If the birth takes place *after the fixed date* for the beginning of the maternity leave, this should be extended for the necessary period so the worker will be able to enjoy at least 8 weeks of leave after the birth.

Cash benefits:

- **Maternity leave benefits: Scope:** The benefit concerns all female workers bound to the compulsory social protection system.
Amount: The amount of the cash benefits shall be of 100% of the average daily wage effectively registered in the last 2 months before the beginning of the leave, but the months where the employee worked less than 20 days shall not be considered in the calculation.
Duration: Maternity leave benefits are due from the first day of the leave and shall correspond to the entirety of the leave period.
Paid by the employer who is reimbursed by Social Security.
The employer shall pay the cash benefits in advance to the employee, completing it until it reaches the total amount due if the female worker was in service. In this case the employer acquires the right to reimbursement before the Social Security System.
The employer shall pay the maternity leave benefits and pre-maternity benefits within 30 days counting from the beginning of the leave.

Medical benefits:

- The worker has the right to medical benefits before and after the birth, having all services guaranteed by the Ministry of Health.

Health protection:

- **Dangerous or unhealthy work:** While pregnant the female worker has the right, without prejudice to remuneration, to not perform any work that could be dangerous to her health, having the employer to assure her an appropriate work.

Non-discrimination/Job protection:

- **Dismissal:** The female worker has the right not to be dismissed, unless she commits disciplinary infraction that would make impossible to maintain the legal labour relation. The prohibition of dismissal mentioned above should be extended up to 1 year after the birth.
- **Job guarantee:** During the pregnancy and until 12 months after the birth, the female worker enjoys the special protection regime against individual dismissal for objective reasons and against collective dismissal.

Breastfeeding:

- **Breastfeeding breaks:** After the birth, the female worker has the right to interrupt her work twice a day, in periods of 30 minutes, in order to breastfeed the child, without prejudice to remuneration, whenever the child stays at her workplace or in a childcare place provided by the employer.

The worker conserves this right for 12 months.

The female worker is entitled to the following amounts as payment for breastfeeding: a) Kz. 1500.- for those secured by Social Security, having a salary up to 5 minimum wages;b) Kz. 1000.- for those secured by Social Security, having a salary superior to 5 minimum wages and inferior to 10 minimum wages;c) Kz. 500.- for those secured by Social Security, having a salary superior to 10 minimum wages.

BENIN

BENIN HAS RATIFIED ILO C183 (10.01.2012)

Name of Acts:

- Act No. 98-004 Implementing the Labour Code, 1998
- Act No. 98-019, Social Security Code, 2003
- Act No. 2007-02 amending Act No. 98.019 2003 enacting a Social Security Code, 2007.

Scope:

- The *Labour Code* applies to all workers working in Benin. Apprentices included. Workers of shipping and fisheries are regulated by special norms.
- Is considered a worker under the *Labour Code* anyone who is committed to his work, for remuneration, under the direction and authority of a person or entity, public or private (exception: Permanent Civil Servants).

Maternity leave:

- **Conditions:** A medical certificate is not expressly required to be presented to the employer though this is not clear.
- **Length:** 14 weeks.
- **Compulsory leave:** 6 weeks before the probable date of confinement and 8 weeks after childbirth.
- **Extensions:** In case of illness derived from confinement the leave may be extended to 4 more weeks. The nature of the illness shall be certified.
No extension is provided for *multiple births*.
Leave in case of sickness of the child: Female workers or apprentices under 21 years have the right to 2 days supplementary leave for each child. Female workers over 21 years old enjoy the same right after the 4th child under 15 years. This supplementary leave is reduced to 1 day if the female worker has the right to less than 6 days of annual leave at the starting date of leave. It is not expressly mentioned if the leave is paid or unpaid.

Cash benefits:

- **Maternity leave benefits:** There are two Social Security regimes: A Mandatory General Regime in favour of workers covered by the scope of the *Labour Code* and a Voluntary Special Regime in favour of independent workers, agricultural workers and informal workers.
- **Mandatory General Regime: Conditions:** According to the *Social Security Code*, qualifying conditions are set by the Ministry of Protection. They appear to be the following: 1) Affiliation to the fund, and 2) 6 months of continuous employment under one or several employers.
Amount: 100% of the salary received before maternity leave.
Duration: The worker is entitled to these benefits during the whole period of maternity leave (14 weeks).
Financing of benefits: Employers shall pay the maternity cash benefit and the Social Security Fund will reimburse them 50%.
- **Voluntary Special Regime:** No information.

Medical benefits:

- All female workers and wives or partners of male workers as well as their children registered in the Social Security System, have the right to medical benefits during pregnancy and confinement. It is not expressly mentioned if this right is enjoyed after confinement.
- **Medical benefits are covered** by Social Security which is financed by contributions of employers, employees, State Subsidies, moratorium interests on lately paid contributions, etc..

Health protection:

- **Night work:** Night work is forbidden only to minors under 18 years.
- **Overtime and work on rest days:** No mention of female workers or pregnant workers.
- **Dangerous or unhealthy work:** a Decree of the Ministry of Labour and of the Ministry of Health regulates the work female workers, minors and pregnant workers are not allowed to accomplish.

Labour inspectors may require a risk assessment for female workers and minors by a medical practitioner in order to establish whether or not the work performed is beyond their forces. This risk assessment is granted upon request to the interested person.

Non-discrimination/job protection:

- **General:** With exception of the measures adopted to protect women and children, employers shall not discriminate in consideration of sex, age, race or ethnic origin of an individual when hiring, promoting or remunerating work.
- **Dismissal:** It is forbidden to dismiss a pregnant worker or a woman during her maternity leave just because of her pregnancy or confinement. Exception provided in the case of misconduct of the employee.
Every dismissal of a pregnant worker or a worker on maternity leave, delivered or maintained by an employer in violation of the prohibition will entitle the woman to a severance allowance equal to 12 months' salary.
- **Guaranteed right to return to work:** the right to return to the same work performed before leave is not expressly provided.

Breastfeeding:

- **Breastfeeding breaks:** During a period of 15 months after returning from her maternity leave, the working mother has the right to nursing breaks up to 1 hour per day.
It is not mentioned whether they are paid or unpaid.
- **Breastfeeding facilities:** No reference made to breastfeeding facilities.

BENIN HAS RATIFIED ILO C183 (10.01.2012)

BOTSWANA

Name of Acts:

- Employment Act, 1982
- Employment (Maximum Period of Employment Security Arising from Pregnancy) Order 1984, Statutory Instrument No. 153, 1984
- Constitution of Botswana.

Scope:

- Maternity protection under the *Employment Act* covers employees in the private and public sectors, except for certain categories of civil servants.

Maternity leave:

- **Conditions:** Notice must be given to the employer by submitting a medical certificate indicating that the confinement is expected to take place within 6 weeks immediately after the date of the certificate.
- **Length:** 12 weeks.
- **Compulsory leave:** 6 weeks after confinement.
- **Extension:** The *Labour Code* stipulates 2 weeks paid leave in case of *illness* arising out of confinement, in addition to the 6 weeks of postnatal leave. However, a subsidiary labour legislation provides a further extension up to 6 weeks, based on a medical certification regarding an illness arisen from confinement.

Cash benefits:

- **Maternity leave benefits: Amount:** The maternity benefit is at least 50% of the basic pay and other benefits she would otherwise be entitled to receive.
Duration: 12 weeks (plus 2 weeks more, if the maternity leave period of 6 weeks after confinement is increased up to 6 more weeks, in case of illness following confinement).
The amended 2010 *Employment Act* provides for up to 20 days of paid sick leave a year.
Paid by: The amended 2010 *Employment Act* requires employers in designated areas to pay maternity benefits to female employees. The cash benefits must be paid by the employer in three installments.
Notice of intention to terminate a contract which is given without a good cause to a woman worker within 3 months immediately before the birth of her child will not affect the employer's obligation to pay the maternity allowance.

Medical benefits:

- Pre-natal, childbirth and post-natal care are not covered:
Except in any personal capacity, no employer shall be liable to pay the medical expenses or any part of such expenses incurred by a female employee during or attributable to her pregnancy or confinement.
There are no legal provisions either in Social Security or in Public Health Insurance covering medical costs related to maternity.
The Ministry of Health does not make any reference to medical benefits during pregnancy, confinement or the post-natal period.

Health protection:

- **Night work:** The *Employment Act* does not include an express prohibition for pregnant workers or nursing mothers.
Night work is prohibited for young persons between 15-18 years old to work from 11pm to 6am. Therefore, a pregnant worker between 15-18 years old is included in the prohibition.
- **Overtime and work on rest days:** It is not expressly prohibited for a pregnant worker or a nursing mother to work overtime.
Nevertheless, no employee shall be required to work more than 9 hours in any one working day or a total of 45 hours in any working week of five days, or to work more than five hours without an interval of at least half-an-hour.

There is no express legal prohibition to employ pregnant women on rest days and paid public holidays. However, an express permission by the Commissioner is needed to employ a child or a young person on rest days and paid public days, therefore, a pregnant worker between 15-18 years old will be subject to this provision.

- **Dangerous or unhealthy work:** There is no express legal prohibition to employ pregnant women in dangerous, unhealthy or immoral work. It is prohibited to employ a child and a young person in any work which is harmful to his health and development, dangerous or immoral, therefore, a pregnant worker between 15-18 years old is included in the prohibition.

Non-discrimination/job protection:

- **Discrimination:** There are no legal provisions prohibiting discriminatory measures when, hiring, promoting, training or remunerating work of women and men that perform the same work and because of sex, pregnancy and civil status.
- **Dismissal:** If an employer terminates an employee's contract without good cause within a period of 3 months immediately before her confinement, he remains under the obligation to pay her maternity allowance.

Notice of dismissal may not be given during maternity leave or during any extension for a maximum of 6 weeks, nor at such a time that the notice would expire during maternity leave.

- **Job guarantee:** The right of a pregnant woman or nursing mother to return after her leave to the same job and under the same working conditions she enjoyed before taking this leave is not mentioned.

Breastfeeding:

- **Breastfeeding breaks:** Two paid 30-minute breaks a day for 6 months after the woman's return to work. This applies whether the employee is breastfeeding or not. Nursing breaks are paid as if they were ordinary working time.

BURKINA FASO

BURKINA FASO HAS RATIFIED ILO C3 (30.06.1969)

BURKINA FASO HAS RATIFIED ILO C183 (04.03.2013)

Name of Acts:

- Labour Code, Act No. 028-2008, 2008
- Social Security Code, Act No. 015-2006, 2006
- Order respecting the Employment of Women and Pregnant Women, No. 5254 IGTLS/AOF, 1954
- Decision No. 436/ITLS/HV, 1953
- Decree No. 2007-413/PRES/PM/MFB on the General Statute of the Establishment, Unity, Progress-Public Justice of Social Security, 2007
- Decision No.1244 /FP.T/DGTLS, determining Modalities of Application of Weekly Rest, 1976
- Order No. 2008-008/MTSS/SG/DGPS concerning the Affiliation, Registration of Workers and Others Insured by the Regime Managed by the National Fund of Social Security and the Duties of Employers in the Operations of the Regime, 2008
- Joint Decision No. 2008-023/MS/MTSS/SG/DGPS concerning the Terms to Grant Social and Sanitary Services, 2008
- Joint Order No.2008-025/MS/MTSS/SG/DGPS concerning the Regulation of Medical Expertise, 2008
- Order No.2008-001/MTSS/SG/DGPS concerning the Regulations of Service of Social Security Benefits, 2008
- Presidential Decree of November 14 of 2007 concerning the Special Status of the National Fund of Social Security(CNSS), 2007
- ACT No.16-2006/AN, 2006
- Order No. 2006-38/MTSS/SG/DGPS, 2006
- Act 27 concerning the Regime Applicable to Employment and to Servants of Territorial Collectivities, 2006.

Scope:

- The provisions on maternity leave in the *Labour Code* cover all pregnant women working in Burkina Faso, except for public servants, magistrates, employees of the local government and persons working for the army.
- Permanent public servants are entitled to 14 weeks of paid maternity leave.

Maternity leave:

- **Scope/conditions:**A pregnant woman has the right to suspend her work according to a medical opinion without this interruption of service being regarded as a cause of breach of contract.
- **Length:**A pregnant woman is entitled to a maternity leave of 14 weeks starting at the earliest 8 weeks and at the latest 4 weeks before the expected date of delivery, regardless of whether the child was born alive or not.
- **Compulsory leave:**The employer cannot, even with his/her agreement, employ the woman during the first 6 weeks after childbirth.
- **Extension:**The maternity leave can be prolonged 3 weeks in the event of *an illness* resulting from pregnancy or confinement.
Annual leave may be extended for the salaried women or apprentices aged less than 22 years up to two additional days off for every dependent child. The increase of leave leads to an increase of the paid leave allowance.
Leave in case of sickness of the child: In case of serious illness of the child, the period of leave to take care of the child is increased from the initial parental leave period of 6 months to 1 year, renewable once. This leave is unpaid.

Cash benefits:

- **Maternity leave benefits:** There are two types, a pre-natal grant and daily allowances.
- **The Pre-natal grant:** An employed insured woman or a spouse of an employed insured man, who has worked 3 consecutive months for one or several employers, is entitled to receive a prenatal allowance as from the day she announces that she is pregnant. If this announcement is made during the first 3 months of pregnancy, the allowance is paid for the 9 months preceding the birth. To receive the prenatal allowance the woman must undergo medical examinations whose modalities shall be determined by Ministerial Order.
- **Maternity allowance: Scope:** Cash benefits concern all women covered by the *Labour Code* who are on maternity leave, including students and apprentices. Self-employed are excluded. Women on maternity leave are entitled to receive cash benefits to compensate for the salary loss during their absence.
Amount: 100% of the earnings gained just before the leave.
Duration: The benefit period is 14 weeks, plus 3 weeks extension on medical grounds, plus any additional period due to confinement occurring later than expected.
- **Financing of benefits:** Both types of benefits are paid by the employer and Social Security. The employer pays the family allowance contribution as well as the professional risks contribution. The benefits under the Social Security Fund are 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.

Medical benefits:

- The expenses related to the employee's confinement in a public medical establishment or a medical establishment approved by the State, as well as any necessary medical care during the maternity leave, are covered.
- Medical benefits are covered by Social Security.

Health protection:

- **Night work:** (between 10 pm and 5 am) is prohibited for women in factories, manufacturing, mines and quarries, building sites and workshops.
- **Overtime and work on rest days:** Not prohibited either for pregnant workers or for nursing mothers.
Nevertheless, a weekly rest is compulsory. It is 24 hours minimum per week and takes place in principle on Sunday except derogations statutorily granted by the minister in charge of labour.
- **Dangerous or unhealthy work:** A woman worker cannot be assigned to work which is likely to affect her reproductive capacities or, in the case of a pregnant woman, her health or that of the child. The nature of the work prohibited for women is determined by law after decisions of the advisory Work Commission.
- **Transfer:** A female employee who usually occupies a work position acknowledged by a relevant authority as dangerous for her health has the right, when she is pregnant, to be moved without salary reduction to another position that is not prejudicial to her state. This right is also granted, in individual cases, to any women who provides a medical certificate showing that a change in the nature of her work is necessary in the interest of her health and that of her child.
However, in the case of a dangerous job and the impossibility of transferring the worker to a different post, no leave is provided, either paid or unpaid to the pregnant worker or nursing mother. Nor is the right to return to the same work provided.

Non-discrimination/Job protection:

- **General:** According to the *Labour Code* all discrimination in employment is prohibited. Discrimination means any distinction, exclusion or preference (for example based on sex) which destroys or deteriorates the equality of opportunity and treatment in employment. All discrimination is prohibited as to access to employment, working conditions, vocational training, the preservation of a post or dismissal, when determining the level of wages, and in particular

when fixing the rates of remuneration, the principle of equal pay for men's work and women's work of equal value must be respected.

- **Dismissal:** During the period of maternity leave, the employer cannot dismiss the female worker. Any abusive layoff brings about the reinstatement of the worker or in the event that reinstatement is not possible, then payment of damages is due to the worker. Dismissal is considered abusive when a woman worker can demonstrate it is due to pregnancy or the birth of her child. In the case of a dispute regarding the reason for dismissal, the employer must provide proof to the relevant court of the legitimate reasons justifying the breach in contract.
- **Guaranteed right to return to work:** not provided.

Breastfeeding:

- **Breastfeeding breaks:** During a period of 14 months after returning to work from maternity leave, the woman has the right to breastfeeding breaks. The total duration of these breaks cannot exceed one hour and a half per working day. Breastfeeding breaks are counted as working time and remunerated accordingly.
- **Breastfeeding facilities:** Breastfeeding rooms can be created under conditions fixed by law upon advice of the advisory Work Commission.

BURKINA FASO HAS RATIFIED ILO C3 (30.06.1969)

BURKINA FASO HAS RATIFIED ILO C183 (04.03.2013)

BURUNDI

Name of Acts:

- Labour Code (Decree law No. 1/037), 1993
- Law No. 1/10 to establish a Social Security Code, 1999.

Scope:

- Every female worker whose state of pregnancy has been previously attested by a doctor shall suspend her work without previous notice.
- The interruption for maternity cannot be considered a cause of breaking the labour contract and every female worker is entitled to maternity leave as long as they have presented a medical certificate stating their pregnancy.

Maternity leave:

- **Scope/Condition:** Every female worker whose state of pregnancy has been previously attested by a doctor shall suspend her work without previous notice.
- **Length:** The duration of the maternity leave is of 12 weeks, with the possibility of extension to 14 weeks.
- **Compulsory leave:** at least 6 weeks have to be taken after the birth.
- **Extension:** 2 weeks.
When the birth takes place after the presumed date, the pre-natal leave can be extended until the effective date of birth, without reducing the compulsory leave.

Cash benefits:

- **Maternity leave benefits:** contradictory information.
Amount: Cash benefits represent 100 % of the wage at the time of the leave.
The amount of the daily benefit to which the worker is entitled for the maternity leave is calculated on the basis of the worker's monthly average salary, and cannot be less than 2/3 of it for the daily benefit in cases of disease or accident and 50% in case of maternity.
Duration: whole maternity leave (12 weeks).
Paid by: The worker on maternity leave is entitled, from the employer, to 50% of her monthly salary in cash at the time of the interruption, as well as to all in-kind payment she was entitled to. Financing of benefits is paid by the Social Security body to which her employer is affiliated, with regards to medical care, as well as to other benefits. The act regulating such body shall precise the modalities of application. The maternity leave benefits shall be paid for the duration of the leave and they are due only if the worker's salary has been suspended.

Medical benefits:

- The illness and maternity insurance covers all conditions arising from a disease, accident occurring outside of work, maternity, or birth and their consequences.
Medical care covers: medical consultations, surgery and special medical practices, dental surgery, acts using ionising radiation practiced by a doctor or a dental surgeon, and biological medical acts, acts practiced by medical assistants and nurses, hospitalisation and treatment fees, accessories and dressing fees, pharmaceutical and orthopedic products, medical eye glasses, transportation fees, if justifiable.
- The Social Security System covers only the medical care provided within the national territory.

Health protection:

- **Dangerous work:** The pregnant worker cannot work in a post that exceeds her physical capabilities and shall be transferred to another convenient work.
- **Transfer:** If that is not possible, the labour contract shall be terminated, leaving the employer to pay an indemnity of notice, and where appropriate, severance pay.

Non-discrimination/Job protection:

- **Dismissal:** During the maternity leave, the employer cannot terminate the labour contract. The employer is also forbidden to terminate the contract before or after maternity leave because of the birth or the pregnancy.

- **Job guarantee:**The interruption for maternity cannot be considered a cause of breaking the labour contract and every female worker is entitled to maternity leave as long as they have presented a medical certificate stating their pregnancy.

Breastfeeding:

- **Breastfeeding breaks:**During the breastfeeding period, the worker is entitled to a 1-hour breastfeeding break, during 6 months.
This period shall be paid as working time.

CAMEROON

CAMEROON HAS RATIFIED C3 (25.05.1970)

Name of Acts:

- Labour Code Law No. 92/007, 1992
- Family Allowance Code, Act No. 67-LF-7, 1967, Official Yearbook of the Ministry of Labour of 1993
- Ordinance fixing the Conditions of Attribution and the Modes of Payment of the Family Allowances, Ordinance No. 007-MTLS-DPS, 1970
- Ordinance relating to the Employment of Women, Ordinance No. 16, 1969.

Scope:

- Maternity leave is granted all women employees as well as apprentices.
- It does not cover employees in the Public Service, the Judicial and Legal Service, the Army, the National Security, Prison Administration and auxiliary staff.

Maternity leave:

- **Length:** Every pregnant woman is entitled to maternity leave for a period of 14 weeks, starting 4 weeks before the birth.
- **Compulsory leave:** a pregnant woman cannot be employed during the period of 4 weeks preceding the birth, subject to her having attested her state to her employer nor during the period of 6 weeks after the birth.
- **Extension:** This leave can be extended 6 weeks in case of *illness* duly attested and resulting either from the birth or the pregnancy.
Where the *confinement occurs before the due date*, the rest period shall be extended so that the worker receives the full 14 weeks of leave to which she is entitled.
Where the *confinement occurs after the due date*, leave taken before may be extended to the date of confinement without such extension leading to the reduction of the postnatal leave.

Paternity leave:

- The law does not include explicit paternity leave provisions, but employees can take a maximum of 10 days per year of paid special leave of absence, not deductible from annual leave, on the occasion of family events directly concerning their own home.

Cash benefits:

- **Maternity leave benefits:** The Social Security provides various types of cash benefits before and after childbirth (pre-natal allowances, maternity allowances and daily allowances for salaried workers when they stop work to give birth).
Scope: Every employee covered by the *Labour Code* can receive family benefits.
- **Pre-natal allowance:** the woman has to be employed or the spouse of a male employee. She has to notify her pregnancy to the National Social Insurance Fund. She has to undergo two medical examinations, one within the 3rd and 4th months of pregnancy, which shall indicate the presumed date of confinement and another examination within the beginning of the 7th and the end of the 8th month of pregnancy.
Women receive their allowances in two payments, one after the first medical examination and the other after the second medical examination (two payments of 8.100 Cameroon Francs after each of the medical examinations). If the woman does not comply with the condition of undergoing medical examinations, the allowance is not granted.
- **Maternity allowance:** the woman has to be employed or the spouse of a male worker. She has to present a medical certificate to the National Social Insurance Fund indicating that the child is born, and she has to declare to the civil authorities the birth of the child and present an official birth certificate to the Fund within 12 months after the birth.

Amount: 100% of the amount of wages received before maternity leave for the period of maternity leave (14 weeks). Maternity benefits are paid in one amount after birth or immediately when they are claimed.

Benefits are paid by the National Social Insurance Fund.

- **Paternity leave benefits:** Full wages during a maximum of 10 days per year, paid by the employer.

Medical benefits:

- Medical benefits include the two medical examinations that women shall undergo to receive prenatal allowances, medical care for confinement and a medical examination for the child when he/she reaches 6 months of age.

Health protection:

- **Night work:** (from 10 pm to 6 am) in industries shall be prohibited for women, except when their work consists of management duties or they work in services not involving manual labour.
- **Dangerous or unhealthy work:** In general, work exceeding women's strength, dangerous or unhealthy work and work of immoral nature are prohibited for women. No pregnant woman may be required to carry, push or drag loads which are beyond her strength during pregnancy and the 3 months following confinement.
- **Risk assessment:** A pregnant woman, like other women workers, may request the Labour inspector to order an examination by an approved medical practitioner in order to ascertain that the work which is given to her is not beyond her strength.
- **Transfer:** A woman may not be kept on any job which has been found to be beyond her strength, and must be transferred to more suitable work. If this is not possible, the contract is terminated without notice and without either party being responsible.

Non-discrimination/Job protection:

- **Dismissal:** An employer may not dismiss a woman because of her pregnancy or during maternity leave. However, a woman worker whose pregnancy has been medically certified or who is nursing her child may terminate her employment contract without notice and without being obliged to pay compensation on that account.
During the period of maternity leave, the employer cannot terminate the employment contract of the woman.
- **Job guarantee:** No mention.

Breastfeeding:

- **Breastfeeding breaks:** For a period of 15 months following the birth of the child the mother shall be entitled to nursing breaks. The total duration of the breaks shall be of 1 hour per day. It can be taken in several parts according to the rules of the enterprise or the agreement of the parties. Nursing breaks are taken during working time and paid as such.
- **Breastfeeding facilities:** In enterprises where more than 50 women are permanently employed, a clean, separate nursing room near the place of work with seats, drinking water, and facilities for heating bottles and food must be provided.

CAMEROON HAS RATIFIED C3 (25.05.1970)

CAPE VERDE

Name of Acts:

- Law Decree No.5/2007 enacting the Labour Code, 2007
- U.S. Social Security Administration, 2011.

Scope:

- The *Labour Code* applies to all workers in a subordinate employment relationship in private, cooperative and mixed companies. It also applies to workers, under an employment contract, providing service to a collective person of public law or equivalent, under the orders and direction of the respective bodies, but without being covered by the legal statute of the public service.

Maternity leave:

- **Length:**In the event of birth, women are entitled to 60 days (8 weeks, plus) of maternity leave.
- **Extension** possible in case of *dangerous, unhealthy job* (see Health protection, below).

Paternity leave:

- **Scope/Condition/Length:**The father is entitled to paternity leave, for a period equal to that of the maternity leave, or equal to the remaining days in case the mother has already enjoyed part of the maternity leave, in the event of: a) physical or mental incapacity of the mother, and while the incapacity lasts; b) death of the mother.
- In the case foreseen by b) the minimum duration of the leave conceded to the father has to be of at least 30 days. The death or physical or mental incapacity of the mother during the 120 days immediately following the birth, entitles the father to the rights foreseen in the preceding paragraphs.

Cash benefits:

- **Maternity leave benefits: Conditions:** The insured must have at least 4 months of contributions to the Social Security System.
Amount: During maternity leave, the worker is entitled to receive from the employer the difference between her normal salary (equal to 90% of the insured's last monthly earnings or the average of earnings in the last 4 months, whichever is higher).
Duration: Whole maternity leave (60 days).
Cash benefits are paid by the employer and the Social Security System: during maternity leave, the worker is entitled to receive from the employer the difference between her normal salary (equal to 90% of the insured's last monthly earnings or the average of earnings in the last 4 months, whichever is higher) and the benefits paid by Social Security.
If the worker has not paid into the Social Security System, then the employer must pay the full amount of the benefit during the maternity leave period (60 days).
- **Paternity leave benefits:** same as for maternity leave since the father replaces the mother unable to take her leave.

Medical benefits:

- No mention.
- The pregnant worker may, whenever possible, attend to **pre-natal medical examinations** outside the regular working hours. Whenever the medical examination is only possible during the working hours, the employer may request an attestation.

Health protection:

- **Night work and overtime:** During pregnancy and after recent birth, workers are entitled to the right to not perform overtime work or night work.
Transfer: Shall also be transferred to daytime work, pregnant workers, who perform night work or shift work, 180 days before the presumed date of birth, remaining in daytime work for a period not inferior to 1 year after the birth, unless the employer works exclusively during the night work regime or in a shift work regime.
- **Work on rest days:** Pregnant women, or women with children under the age of 10, are not obliged to perform overtime work during the weekly rest period or holidays.

- **Dangerous or unhealthy work:**The pregnant woman must work in conditions that do not harm the pregnancy.
- **Transfer:**The pregnant worker in a risk situation to herself or the baby shall enjoy a special leave for the time necessary to prevent the risk, if another appropriate post is not available.

Non-discrimination/Job protection:

- **Non-discrimination:**The employer who denies access to work to a pregnant worker or uses any means or strategies to create instability in the work or force the woman to quit her job, shall be punished with a fine of 1 year of salaries that would be due to the worker, plus other possible sanctions.
- **Dismissal:**Unless proven otherwise, the dismissal of a pregnant woman or breastfeeding is presumably done without just cause.
- **Job guarantee:** No mention.

Breastfeeding:

- **Breastfeeding breaks:**For the purposes of breastfeeding, the worker is entitled, during the first 6 months after the birth, to 45 minutes of break in each work period.
Not clear if the time off is paid or not.

CENTRAL AFRICAN REPUBLIC

CENTRAL AFRICAN REPUBLIC HAS RATIFIED C3 (9.06.1964)

Name of Acts:

- Social Security Code, Loi No. 06.035, 2006
- Labour Code, Loi No. 09.004, 2009
- Order relating to the Employment of Women and Pregnant Women No. 3759, 1954.

Scope:

- The *Labour Code* applies to professional relationships between workers and employers, resulting from a contract of employment executed on the territory of the Central African Republic. It also applies to personnel of public enterprises, mixed economy societies and public offices.
- It does not apply to magistrates and civil servants, military personnel, the Republic Guard and the self-employed.

Maternity leave:

- **Length:** In the event of pregnancy every woman is entitled to the right to suspend work for a period of 14 weeks, being 6 weeks before the birth and 8 weeks after the birth. This period of suspension cannot be considered as cause for contract breaking.
- **Compulsory leave:** not clear, but a period after leave is obligatory.
- **Extensions:** The maternity leave can be extended for 3 weeks in case of an *illness*, duly certified by a doctor, resulting from the birth or the pregnancy. During this period the employer cannot dismiss the worker.

Cash benefits:

- **Maternity leave benefits: Scope/Duration:** Every pregnant woman is entitled, for a period of 14 months, to free medical care and to 50% of the salary she received at the moment of the suspension of the employment contract. She conserves the right to all in-kind payment. These cash entitlements are: pre-natal and post-natal allowances.
- **Pre-natal allowances:** An employed woman or the wife of an employed man, who has been employed for 6 consecutive months with one or several employers, shall be entitled to prenatal allowances from the date on which she reports her pregnancy, up to 9 months. The payment of prenatal allowances shall be subject to the condition that the woman agrees to be medically examined as often as may be prescribed in the rules of the Office.
- **Post-natal allowances:** In addition to the pre-natal benefits, women workers are entitled, during the period of maternity leave, to a daily indemnity destined to compensate the loss of remuneration during such leave.
Conditions: The maternity daily indemnity will only be paid if the worker ceases all work during the whole period.
Amount: The maternity daily indemnity is equal to half of the average daily remuneration subject to the contribution (50%).
- **Both types of cash benefits are paid** by Social Security.

Medical benefits:

- Every pregnant woman is entitled, for the period of 14 months, to free medical care and to half of the salary she received at the moment of the suspension of the employment contract.

Health protection:

- **Night work:** In factories, manufactures, mines, quarries and building sites women cannot be employed to perform night work. The rest period for women shall be at least 11 consecutive hours and shall include the period from 10 pm to 5 am.
- **Dangerous or unhealthy work:** (applicable to all women): it is prohibited to employ women in jobs which exceed their strength, are dangerous, or by their nature and the conditions under which they are carried out may harm morality. They must be assigned appropriate work. If this is not

possible, the contract may be dissolved by the employer accompanied by a compensation for giving notice, as applicable.

A decree by the Minister of Labour and the Minister of Public Health determines, following the opinion of the Permanent National Board of Labour (Conseil National Permanent du Travail), the nature of work that is prohibited for women.

The Labour inspector may request the medical examination of a woman in order to verify whether the assigned work does not exceed her forces. Such an examination may be requested by the interested parties.

- **Transfer:** At the initiative of the employee or of the employer, if the health of the worker requires it, the employee can be transferred temporarily to another post. In case of disagreement between the worker and the employer concerning the transfer, or if the change was initiated by the employer, the medical necessity of the transfer and the aptitude of the worker to carry out the new work can only be established by an occupational health practitioner. The transfer to another post cannot proceed without the agreement of the employee.

The temporary transfer cannot exceed the duration of the pregnancy and shall end once the woman's health allows her to return to her original post.

The transfer to another post cannot reduce the remuneration paid to the person. However, this does not apply if the transfer to another post is initiated by a worker who has been employed in the enterprise for less than 1 year.

Non-discrimination/Job protection:

- **General:** Equal remuneration for equal work is guaranteed by law. The law assures equality of opportunities and treatment with regard to employment, without any discrimination.
- **Job guarantee:** During the period of maternity leave, the employment contract is suspended. This period of suspension cannot be considered a cause for contract breaking. A refusal to reintegrate any worker after a period of suspension in the workplace is considered as an abusive termination of contract, giving the right to compensation.

Breastfeeding:

- **Breastfeeding breaks:** During a period of 15 months following confinement, the mother has the right to take paid breastfeeding breaks during normal working hours, up to 1 hour in total per day. The time for the nursing breaks is determined through agreement between the worker and the employer. In case no agreement is reached, breaks should be in the middle of each half of the working day.
- **Breastfeeding facilities:** A woman may always breastfeed her baby in the establishment. A nursing room must be provided in or near establishments employing more than 50 women.

CENTRAL AFRICAN REPUBLIC HAS RATIFIED C3 (9.06.1964)

CHAD

Name of Acts:

- Law No. 38/PR/96 to establish a Labour Code, 1996
- Decree NO. 58/PR-MTJS-DTMOPS, on the Work by Women and Pregnant Women, 1969.

Scope:

- No mention.

Maternity leave:

- **Length:** 14 weeks: The woman has the right to suspend her employment contract during a period of 6 weeks before the presumed date of birth and 8 weeks after the birth.
- **Compulsory leave:** The employer cannot require a pregnant woman to work during the 4 weeks before the presumed date of birth nor during the 6 weeks after the birth.
- **Extension:** In case of *illness* medically attested resulting either from the pregnancy or the birth, the duration of the pre-natal and post-natal leave can be extended, respectively, by 3 weeks.

Cash benefits:

- **Maternity leave benefits: Conditions:** The insured woman must have at least 6 consecutive months of employment immediately before work ceases.
Amount: Unclear if 100% of wages earned before starting maternity leave or 50% of the insured's last daily wage is paid for 6 weeks before and 8 weeks after the expected date of childbirth; may be extended up to 3 weeks if there are complications arising from pregnancy or childbirth.
Duration: 14 weeks: 6 weeks before the birth and 8 weeks after the birth.
Benefits are paid by Social Security Fund.

Medical benefits:

- During the period of the maternity leave, the woman is entitled to medical care - to be paid by the employer - in the conditions foreseen by the existing collective agreements, as long as they are not covered by the National Social Security Fund.

Health protection:

- **Night work:** is prohibited for women in industry.
- **Dangerous or unhealthy work:** The Medical Inspector of Labour may require the examination of women and children by a licensed physician to verify if the work they perform is beyond their capabilities. This request is a right based on the interest of these workers.

Non-discrimination/Job protection:

- **General:** No employer may take into account sex, age or the nationality of the workers for making decisions regarding hiring, leadership and division of labor, vocational training, advancement, promotion, compensation, granting of benefits, discipline or breach of contract.
- **Dismissal:** The employer cannot dismiss a pregnant woman, unless there is a gross negligence from the employee not linked to the pregnancy or in case of impossibility of maintaining the employment contract.
In any case, no employer can dismiss a woman during the periods of suspension of the employment contract, having the woman used her right to suspension or not.
- **Burden of proof:** In case of dispute regarding the grounds for dismissal, burden of proof for the legitimacy of the claim rests with the employer.
- **Job guarantee:** The woman has the right to suspend her employment contract during a period of 6 weeks before the presumed date of birth and 8 weeks after the birth.

Breastfeeding:

- **Breastfeeding breaks:** During a period of 15 months after the birth, the woman is entitled to a rest break for breastfeeding.
The total duration of such break shall not exceed 1 hour per day.
It shall be paid and considered as working time.

COMOROS

Name of Acts:

- Labour Code, Loi No. 84-018/PR
- Order on Night Work for Women and Children in Industries, N. 66/84/IT-C, 1965.

Scope:

- The *Labour Code* applies to workers and employers exercising their job in the Comoros.
- A worker is anyone, regardless of sex or nationality, who engages him/herself into a professional activity under the direction or authority of another person, natural or moral, public or private.

Maternity leave:

- **Length:** In the case of pregnancy every woman has the right to suspend work for the period of 14 consecutive weeks, 8 of which have to be taken after the birth.
- **Compulsory leave:** 8 weeks after the birth.
- **Extension:** This period can be extended up to 3 weeks in case of duly attested *illness* resulting either from the pregnancy or the birth. This suspension cannot be considered as a cause for the termination of the employment contract.

Cash benefits:

- **Maternity leave benefits: Amount:** The woman is entitled to the totality of the salary (100%) she was receiving before taking maternity leave.
During maternity leave, the woman retains her rights to all in-kind payments.
Duration: Benefits are ensured during the whole period of maternity leave.
Benefits are paid by the employer until a Social Security System is put in place.

Medical benefits:

- No mention.

Health protection:

- **Night work:** Night work is all work performed between 20:00 pm- 6:00 am. Women and young workers, as well as apprentices, cannot be employed in any kind of night work in industrial establishments, public or private, or in their facilities. This does not apply to night work performed by adult women and young male workers over the age of 16 working with material likely to rapidly deteriorate, temporary work, or in a case of force majeure which could not have been predicted or prevented and does not happen periodically.
The daily rest period of women and young workers is of 12 consecutive hours.
- **Dangerous or unhealthy work:** The Labour Inspector can require the examination of women and young workers by a certified doctor, in order to verify if the work performed does not exceed their strength. This requirement is a right of the concerned workers.
A woman or a young worker cannot be maintained in a work that exceeds their strength and shall be moved to more appropriate work. If that is not possible, the employment contract shall be terminated with payment of notice indemnity.

Non-discrimination/Job protection:

- **General:** No employer shall take into account race, colour, sex, religion, political opinion, national ascendance or social origin, with respect to hiring, employment, training and professional development, remuneration and the granting of social benefits, the division of labour, disciplinary measures and dismissal.
- **Dismissal/Job guarantee:** Every woman can suspend work for the period of 14 weeks due to pregnancy and child birth (or to illness related to birth), without it's being cause for dismissal.

Breastfeeding:

- **Breastfeeding breaks:** For 15 months after the birth of the child.
The total duration of such breaks cannot exceed 1 hour per day.
No mention if the breaks are paid or not.
The mother can, during this period, quit her job without notice and without having to pay any indemnity for termination.

CONGO

Name of Acts:

- Labour Code, Act No. 45/75, 1975, 1996
- Social Security Act, Act No. 004-86, 1986.

Scope:

- Every pregnant worker whose condition has been medically attested has the right to interrupt her work without notice and without having to pay for the termination of the contract.

Maternity leave:

- **Length:** 15 consecutive weeks.
- **Compulsory leave:** 9 weeks are to be taken after the birth. It is forbidden for pregnant women to work during the 15 weeks of maternity leave.
- **Extension:** The leave can be extended 3 more weeks, if attested *illness* resulting from the pregnancy.

Cash benefits:

- **Maternity leave benefits:** Two types: Pre-natal and post-natal benefits:
- **Pre-natal benefits** are due for the 9 months preceding the birth, if the declaration of pregnancy is made to the Social Security Fund during the first 3 months of pregnancy.
Conditions: The right to pre-natal benefits is conditioned to the observation, by the mother, of the medical prescriptions following the modalities fixed by the Minister responsible for Social Security.
Whenever the mother is not able to pursue, for reasons of force majeure, the medical examinations prescribed at the established dates, a commission is called to analyze the situation and determine the attribution of the whole or part of the benefits.
- **Post-natal benefits: Conditions:** In order for the worker to be entitled to the family or maternity benefits, he/she has to prove she was exercising a paid activity during 6 consecutive months before the beginning of the benefits, and in which he/she was working at least 20 days or 133 hours. A decree from the Minister responsible for Social Security shall determine the conditions of entitlement of the mentioned benefits for those in a casual or irregular work.
Amount: 100% of salary. She is also entitled to the in-kind payments she received when beginning the interruption of work.
Duration: Every female worker shall be entitled to a daily maternity benefit due for the entire period of the maternity leave. In the case of a medical condition resulting from the pregnancy or birth, the benefit can be extended up to 3 weeks.
- **Both types are paid by:** the pregnant woman is entitled to half her salary (50%) from the employer and the other half of the salary (50%) from the Social Security System. The total amount equals what she was receiving before the interruption of the work.
A Social Security regime exists that includes a branch responsible for family/maternity benefits.

Medical benefits:

- Women receive pre-natal benefits as long as they follow the prescriptions regarding medical check-ups during pregnancy.
- Medical benefits are covered by Social Security.

Health protection:

- **No night work** for women in plants, factories, mines, mining sites, workshops and outbuildings.
- **Dangerous or unhealthy work:** The Inspector of Labour and Social Legislation may require the examination of women and children by a licensed physician, to ensure that the work they are performing is not beyond their capacity. This requirement is based on their interest.

Non-discrimination/Job protection:

- No mention.

Breastfeeding:

- **Breastfeeding breaks:** During a period of 15 months after the birth of the child, the female worker has the right to breastfeeding breaks. These breaks shall not exceed 1 hour per day, and can be divided in two smaller breaks of half an hour each.
No mention of their being paid or not.

CONGO, DEMOCRATIC REPUBLIC OF THE

Name of Act:

- Labour Code, Law No. 015/2002, 2002.

Scope:

- Every woman has the right to suspend her work for a period of 14 weeks due to maternity.

Maternity leave:

- **Length:** 14 weeks.
- **Compulsory leave:** 8 weeks post-natal, and 6 weeks pre-natal.

Cash benefits:

- **Maternity leave benefits: Amount:** During the period of maternity leave, the worker is entitled to 2/3 of her salary (66.6%), as well as the in-kind contractual advantages she used to receive. **Benefits are paid** by the employer.

Medical benefits:

- No mention.

Health protection:

- **Dangerous or unhealthy work:** The child, the woman or the disabled person cannot be maintained in a work admittedly harder than what they can endure, and they should be transferred to another post.
- **Termination:** If that is not possible, the employment contract has to be terminated, at the initiative of the employer, with payment of due compensation.

Non-discrimination/Job protection:

- **Discrimination:** Maternity cannot constitute a source of discrimination with regards to employment. In particular, it is forbidden to request that a woman submit to a pregnancy test or to demand her to present a medical certificate attesting if she is pregnant or not, unless the work is partially or completely forbidden for pregnant or breastfeeding women, or engenders a known or relevant risk to the woman or to the child.
- **Dismissal:** During that period, the employer cannot terminate the employment contract.
- **Job guarantee:** No mention, though not possible to terminate the employment of a woman during maternity leave. This implies she can return to a job with the same employer after her leave.

Breastfeeding:

- **Breastfeeding breaks:** If the woman is breastfeeding her child, she is entitled to two breastfeeding breaks per day, of half an hour each. This period shall be paid as working time.

CÔTE D'IVOIRE

CÔTE D'IVOIRE HAS RATIFIED ILO C3 (05.05.1961)

Name of Acts:

- Act to establish the Labour Code, Act No. 95/15, 1995
- Act to amend the Social Insurance Code, Act No. 99-47, 1999
- Decree No. 96-149 to establish the Rate of Contributions for Benefits and Allowances for Salaried Women During Pregnancy and Maternity Leave, 1996
- Decree No. 95-307 amending Chapter IV of the Labour Code, 1995
- Act No. 2001-636 to establish the Institution, Organization and Operation of a Universal Sickness Insurance, 2001.

Scope:

- Maternity leave covers all women employees, except permanently established public servants, who are covered by separate legislation.
- Women working in the private sector and public sector.

Maternity leave:

- **Length:** 14 weeks.
- **Compulsory leave:** 8 weeks after birth.
- **Extension:** another 3 weeks in case of *illness*, duly medically certified, arising from the pregnancy or the birth
Where the confinement occurs *before the due date*, the rest period shall be extended so that the worker receives the full 14 weeks of leave to which she is entitled.

Cash benefits:

- **Maternity leave benefits:** The set of family benefits provided by the Social Security System presented in the *Labour Code* are: Pre-natal benefits, maternity benefits, daily benefits for female workers.
- **Pre-natal allowances: Conditions:** the woman is employed or is the spouse of a male employee; she has notified the National Social Insurance Fund of her pregnancy before the end of the 3rd month of pregnancy; she has undergone three medical examinations during pregnancy.
Payment: She receives her allowances in three payments: one after the first medical examination (towards the 3rd month of pregnancy); another after the second medical examination and the 3rd after the last medical examination (towards the 8th month of pregnancy).
Amount: The amount to which the woman is entitled is a flat rate.
Duration: If the declaration, along with a medical certificate, is sent to the National Social Security Fund in the first trimester of pregnancy, the pre-natal allowance is due for the 9 months preceding the birth.
- **Maternity allowances: Conditions:** the woman is employed or the spouse of a male worker; she presents to the Fund a medical certificate stating that the child has undergone five periodical visits.
Payment: Women receive their allowances in three payments: one equivalent to 1/2 of the total payment at the birth of the child, another equivalent to 1/4 of the total payment when the child is 6 months old, and the last, equal to 1/4 of the total payment when the child is 12 months old.
Amount: The amount to which the woman is entitled is a flat rate.
- **Daily maternity allowances: Conditions:** the woman is employed either in the private sector or as a temporary, adjunct employee or daily employee in the public sector; she has at least 3 months of employment with one employer; has presented a medical certificate of her pregnancy to the Fund; has ceased working and has presented a certificate indicating the date she suspended her work; she has also presented a receipt indicating the payment of her last salary preceding her work suspension.

Amount:The amount is equal to the salary she received at the moment she suspended her employment contract (100%).

Duration:These benefits are due during the total duration of 14 consecutive weeks of suspension of her employment contract and eventual extension in case of illness, duly certified, resulting from the pregnancy or the birth.

Payment:The maternity benefits shall be paid monthly, and by fraction of month according to the division of the maternity leave.

- **Maternity indemnity:** moreover, every woman or a male worker's partner who gives birth to a living child, under medical control, shall receive a maternity indemnity (flat rate). This indemnity shall be paid in three fractions: 50% at the birth of child or immediately after the request; 25% once the child reaches the age of 6 years; 25% once the child reaches the age of 12 years. In case of *multiple births*, each birth is considered as a different maternity.

- **All cash benefits paid by:**the Universal Health Insurance (UHI) that guarantees every person residing in the Ivorian territory the coverage of risks related to illness and maternity. This guarantee is a right acquired through the compulsory affiliation of the beneficiaries to one of the regimes foreseen by the present act.

The National Social Security Fund has established for this purpose a managing account of the National Social Insurance Fund, financed by the contribution of employers (for family benefits), interests, fines and other income and exceptionally, by contributions from the General Budget of the State.

Medical benefits:

- Since the 3rd month of pregnancy, the woman has the right, to the limit of the rates of the health administration, to the reimbursement of the payments made for medical care in relation with the pregnancy and the birth.
- This reimbursement of the payments is paid by the National Social Security Fund.

Health protection:

- **Dangerous or unhealthy work:**A woman or a young worker may not be kept on any job which has been found to be beyond their strength, and must be transferred to more suitable work.
- No pregnant women or breastfeeding mothers shall be employed in positions where intoxication due to benzene can occur.
- **Transfer/Job termination:**If this is not possible, the contract is terminated with compensation for notice and dismissal. The Labour inspector may order the examination by an approved medical practitioner of women and young persons at a certain workplace, in order to ascertain that their work is not beyond their strength. The concerned workers can also request such examinations.

Non-discrimination/Job protection:

- **General:**With the exception of specific provisions aiming to protect women, no employer can take into account the sex, among other reasons, to take decisions regarding the recruitment, control and distribution of work, vocational training, promotion, remuneration, or termination of the employment contract.
- **Specific:**The employer shall not take into account the pregnancy of a woman to refuse to hire her or to terminate her contract of employment during a trial period.
*Medical certificate:*In the cases where a medical certificate is required for employment, the pregnant woman can present an incomplete dossier if certain medical examinations normally prescribed show themselves to be dangerous for the woman's or the foetus' health. The medical examinations that were not done at that time shall be presented after the birth.
- **Dismissal:**Except in cases of serious fault or the impossibility to continue the contract of employment for reasons unrelated to pregnancy or confinement, an employer may not dismiss a woman during pregnancy or during 12 weeks after childbirth.

If the dismissal is given without knowledge of the pregnancy of the woman, the woman shall have 15 days, from the notice of dismissal, to justify her state by means of a medical certificate. The dismissal shall therefore be cancelled, unless it was pronounced for one of the reasons, that would justify such dismissal (serious fault, etc.).

A woman worker whose pregnancy has been medically certified or who is nursing her child may terminate her employment contract without notice and without being obliged to pay compensation on that account.

- **Job guarantee:** After the end of the suspension of her contract due to maternity leave, the working woman shall return to her previous job.

Breastfeeding:

- **Breastfeeding breaks:** For a period of 15 months following the birth of the child the mother shall be entitled to nursing breaks.

The total duration of the breaks shall not exceed 1 hour per day.

No mention of payment of breaks.

CÔTE D'IVOIRE HAS RATIFIED ILO C3 (05.05.1961)

DJIBOUTI

Name of Acts:

- Labour Code, Law No. 133/AN/05/5ème L, 2006
- Act No. 73/AN/89 2nd L on Family Pensions, 1989.

Scope:

- Every pregnant woman is entitled to maternity leave.

Maternity leave:

- **Length:** 14 weeks.
- **Compulsory leave:** starts 8 weeks before the birth and finishes 6 weeks after the birth.
- **Extension:** The period of 14 weeks can be extended another 3 weeks whenever an *illness*, resulting from the pregnancy or birth is diagnosed by a doctor.

Paternity leave:

- Fathers are entitled to 3 days of paid leave for the birth of a child.

Cash benefits:

- **Maternity leave benefits: Amount:** 100%. During the maternity leave, the pregnant worker is entitled to the integrality of the salary she received at the moment the contract was suspended. However some categories of workers are entitled to only 50% of their salary. It is not clear which categories these are.

Duration: Maternity leave benefits shall be paid for 14 weeks. However, if the woman does not stop working until 2 weeks before the birth, she shall receive the benefits only when she effectively stops working.

Benefits are paid: 50% by the Social Protection Body and the other 50% by the employer. In some cases only the employer is responsible for the payment (50%).

- **Paternity leave benefits: Duration:** 3 days paid
Amount: no further information.

Medical benefits:

- No mention.

Health protection:

- No mention.

Non-discrimination/Job protection:

- **Dismissal:** Unless the worker commits a gross negligence not linked to the state of pregnancy, or the employer is unable to maintain the employment contract, no employer can dismiss a woman in the apparent or certified state of pregnancy.

If the dismissal is pronounced in ignorance of the state of pregnancy, the worker has 15 days to justify her state. Once the state of pregnancy is justified, the dismissal is cancelled, unless pronounced for the reasons mentioned above.

Any dismissal that violates this entitles the worker to claim damages. These damages are due without prejudice to any other compensation to which the worker would be entitled to for the reason of the dismissal.

- **Job guarantee:** The employer cannot dismiss a worker during her maternity leave. Any notice of dismissal eventually given before the maternity leave is suspended during such period. No right to dismiss during maternity leave implies the worker has the right to return to a job.

Breastfeeding:

- **Breastfeeding breaks:** For a period of 15 months after her return to work, the mother has the right to daily rest periods for breastfeeding.
The total duration of this rest cannot exceed 1 hour per workday to be taken at the beginning or end of the working day, unless more favorable conditions are provided for in collective agreements.
Deductions from salary due to the temporary absence cannot be made.

EGYPT

Name of Acts:

- Social Insurance Law No. 79, 1975, amended to Act No. 1, 1991
- Child Law No. 12, 1996, published October 2008
- Labour Law No. 12, 2003
- Law 126, amending the Child Law, 2008
- Decree 121, concerning Nursery Schools, 2003
- Decree 153 concerning Medical Examination of Workers before their Employment and Discovery of their Faculties, 2003
- Decree 155, determining the Works for which Women May Not Be Employed, 2003
- Decree 180, concerning the Regulation of Medical Care for Workers, 2003
- Decree 183, organizing the Employment of Women at Night Work Shifts, 2003.

Scope:

- The maternity leave provisions of the *Labour Law 2003* cover all natural persons working in return for a wage with and under the management or supervision of the employer except: a) public servants of the state agencies, including the local government units and public authorities; b) domestic service workers and the like; c) dependent family members of the employer. Female workers engaged in basic agricultural labour are also excluded.
- A female official and civil servant of the state, a worker of the public sector, the public enterprise sector and the private sector shall be entitled to delivery leave under the *Child Act*.

Maternity leave:

Rights differ depending on the law covering the worker: *Labour Law* or *Child Law*.

- **Labour Law: Conditions:** According to the *Labour Law*: 10 months in the service of the employer, and presentation of a medical certificate indicating the date of delivery.
Length: Working women are entitled to 3 months' (12 weeks) paid maternity leave, twice during her period of service.
Extensions: The *Labour Law 2003* does not provide for leave particular to cases of pregnancy-related illness or complications; however, workers are entitled to sick leave.
- **Child Law: Conditions:** Under the *Child Law*, there is no qualifying period.
Length: Working women are entitled to 3 months' (12 weeks) paid maternity leave, three times during her period of service. A woman working in the state service, the public sector or the public enterprise sector, or in a private enterprise employing 50 workers or more is entitled three times in her period of service to 2 years' unpaid leave to care for her child.

Cash benefits:

- **Maternity leave benefits: Conditions:** To be entitled to compensation for maternity leave, women must have contributed to social insurance schemes for at least 10 months before confinement. Moreover, they must not work during maternity leave.
- **Amount:** Compensation shall be equal to the worker's comprehensive wage (100% of wage). However, the employer may deprive her of the compensation for her comprehensive wage during the leave period, or recover the amount paid, if it is proved that she worked during the leave for another employer.
- **Duration:** Mothers are entitled to 90 days' (12 weeks) paid maternity leave under both the *Labour Law* and under the *Child Law*.
- **Benefits paid by:** Under both laws, cash benefits are financed in accordance with the *Social Insurance Law*. Responsibility for financing the compensation for wages while on maternity leave is split between the Social Insurance Scheme and the employer. Since 2009, the Social Insurance Scheme bears 75% of the cost and the employer bears 25%.
Where a mother elects to take extended leave to care for her child under the *Labour Law* or the *Child Law*, the department/authority to which the female worker is attached shall bear the social contributions payable thereby in addition to the female worker's contribution share, or it shall

grant the female worker a wage compensation equivalent to 25% of the wage she is entitled to receive at the date the leave period begins depending on her choice.

Medical benefits:

- The *Social Insurance Law 1975* provides an entitlement in certain circumstances to medical maternity benefits.
- In accordance with the *Social Insurance Act*, if a pregnant woman has paid contributions throughout the previous 3 consecutive months, or for 6 interrupted months provided the last 2 are consecutive, she is entitled to medical benefits which include: a) medical services rendered by general practitioners; b) medical services of specialists; and c) medical care at home, when necessary.
- Certain employers are required to provide medical facilities at the workplace under Decree 180 of 2003 concerning the *Regulation of Medical Care for Workers*. This is primarily directed at care for work-related injuries, but the obligation to provide qualified nurses and access to medical facilities arguably goes beyond to other medical requirements for workers.
- Benefits are paid by Social Security. The source of funds are as follows: a) insured persons (1% of salary); b) employer (4% of salary, or 3% if provides cash sickness benefits to workers); c) widows (2% of pension); d) pensioners (1% of pension); e) government (only as an employer). The insured patient may pay a small fee in the course of his/her medical treatment according to the rules and conditions prescribed in a ministerial order.

Health protection:

- The *Labour Law 2003* and the *Child Law 1996* establish various restrictions and entitlements designed to protect the health of the mother and child. The *Child Law* imposes restrictions on hours that may be worked by pregnant women and new mothers.
- **Night work:** Women, whether pregnant or not, may not be employed at night work shifts (7pm – 7am) in any industrial establishment. In special cases where allowed, the employer shall provide all guarantees of protection, care, transportation and security for the female workers, These rules do not apply to women who occupy administrative supervisory or technical positions, or in force majeure cases.
- **Overtime:** Pregnant women may not work extra hours during pregnancy and for 6 months after the date of delivery.
- **Shorter working days:** The daily working hours of the pregnant woman shall be decreased by at least one hour starting from the 6th month of the pregnancy.
- **Dangerous work:** Employers are prohibited from employing women, whether pregnant or not, in 29 categories of work. Employers are prohibited from employing pregnant women or breastfeeding mothers in work involving exposure to benzene or products comprising benzene.

Non-discrimination/Job protection:

- **General:** Subject to the *Labour Law*, female workers have equal rights with men. Discrimination in wages because of the sex, origin, language, religion or creed shall be prohibited.
Specific: There are special conditions for the employment of women, including maternity leave rights and some restrictions as to when and where women may work.
- **Pregnancy testing:** Employers are required to medically examine workers before joining the work to ascertain their safety and health fitness pursuant to the type of work to be assigned to the worker, no prohibition of pregnancy testing has been identified.
- **Dismissal:** Under the *Labour Law* a woman cannot be discharged or terminated while on maternity leave.
- **Burden of proof:** There is no indication that the burden of proof lays on the employer.
- **Job guarantee:** No indication.

Breastfeeding:

- **Breastfeeding breaks:** Employers are to provide nursing mothers with paid breaks for breastfeeding and nursing facilities with the exception of agricultural workers.
A woman worker who breastfeeds her child during the 24 months following childbirth, is entitled to two breaks of at least half an hour in addition to regulation breaks; she may choose to combine them.
Such breaks are part of her working time and are not subject to wage deductions.
- **Breastfeeding facilities:** With the exception of agricultural workers, the employer who employs 100 or more female workers in the same place shall establish a nursery or entrust to a nursery the task of caring for the children of the female workers.
With the exception of agricultural workers, establishments employing less than 100 female workers in the same premises shall participate in implementing the obligation prescribed in the previous clause according to the conditions and terms set by decree.

EQUATORIAL GUINEA

EQUATORIAL GUINEA HAS RATIFIED C103 (12.06.1985)

Name of Acts:

- Labour Code: Act No. 2 to promulgate the Labour Code, 1990
- Decree No. 100 to promulgate the Regulations of the Social Security Scheme, 1990.

Scope:

- Protection provided under the *Labour Code* covers all women working for an employer on the basis of a contract of employment.

Maternity leave:

- **Conditions:** The woman shall inform her employer, by submitting a medical certificate attesting her pregnancy.
- **Length:** 12 weeks, 6 weeks before and 6 after birth.
- **Compulsory leave:** There is no specific provision stating the duration of compulsory leave, though an indication of the division of the 12 weeks of leave.
- **Extension:** Maternity leave shall be extended when there is an *error in determining the date of birth*.

In case of *illness*, attested by a medical doctor, caused by the pregnancy, the woman shall be entitled to a supplementary pre-natal rest or to an extension of the postnatal rest. The duration of such rests shall be determined by the authority.

Cash benefits:

- **Maternity leave benefits: Scope:** All workers from Equatorial Guinea who work in the territory of the country and the public servants (civil and military) who work for the State, and in local and autonomous institutions.

Provisions are also applicable to workers from Equatorial Guinea who reside abroad.

Furthermore considered as workers from Equatorial Guinea are those from Ibero-American countries which have ratified the Ibero-American Social Security Agreement.

Conditions: To be entitled to cash maternity benefits, women shall have a period of 12 months of contributions immediately prior to confinement.

Amount: 75% of salary on the basis of the contributions paid. If eligibility conditions are not fulfilled, the mother receives a lump-sum equal to 2 months of salary.

Duration: shall be paid to all women covered by the Social Security for full duration of leave (12 weeks).

Benefits are paid by the Social Security System, which is financed by the contributions of the insured, employers, the State and other sources such as interest.

Medical benefits:

- Medical benefits are provided for the insured woman and the spouse of an insured male worker.

Health protection:

- **Overtime, dangerous, unhealthy work:** Pregnant workers cannot perform overtime work, nor perform inappropriate tasks or tasks harmful to her state.

Employers shall take measures to prevent dangerous work and protect workers against work hazards.

Employers shall take measures to protect workers from dangerous radiations and to predict the execution of dangerous works in separate places and properly equipped.

Non-discrimination/Job protection:

- **General:** The State guarantees equality of opportunity and treatment in employment. Discrimination on the basis of sex is prohibited. Each worker has the right to not to be discriminated in any way or for any reason.
- **Dismissal:** The employment contract can be suspended during the period of maternity leave of a worker. However, during the suspension of the employment contract, the worker cannot be

dismissed and the employment relation is still in force. This means that there is no obligation for the worker to perform work, nor for the employer to pay a salary.

While she is still working, the pregnant woman cannot be dismissed except in the case of a fully justified cause and with the authorization of the Labour delegate.

The worker cannot be dismissed during maternity leave, or a rest period due to illness resulting from pregnancy, nor can a dismissal be accepted because notice expired during maternity leave.

- **Job guarantee:** Once maternity leave is ended, the worker has the right to return to the same job and to continue performing it in the same conditions as before the suspension of the contract.

Breastfeeding:

- **Breastfeeding breaks:** During the period of breastfeeding, women are entitled to two 30-minute paid breaks per day, in order to breastfeed their child.

These periods shall be chosen by the employee, but preferably those that are convenient to the employer.

No mention if they are paid or not.

EQUATORIAL GUINEA HAS RATIFIED C103 (12.06.1985)

ERITREA

Name of Act:

- The Labour Proclamation of Eritrea, Proclamation No. 118/2001, 2001.

Scope:

- The scope of the maternity leave entitlements mirrors that of the *Labour Proclamation* (no other information regarding this).

Maternity leave:

- **Length:**60 consecutive days (8 plus weeks).
Maternity leave begins the day after delivery. Possibility to choose to take the leave in two parts, one preceding the presumed confinement and the other after delivery.
- **Compulsory leave:** No compulsory leave is prescribed by the *Labour Proclamation*.
- **Extension:**An employee who falls sick following the end of maternity leave, shall be granted *sick leave*.The employee also has the right to sick leave both before and after taking maternity leave. There is no provision for leave specific to *illness or complications* associated with pregnancy or birth.

Cash benefits:

- **Maternity leave benefits: Scope:**The scope of payment mirrors that of the maternity leave entitlement.
Amount:No mention of amount payable to the employee (% of salary, flat rate).
Benefits are paid by the employer.

Medical benefits:

- None identified.
- However, the worker has the right to paid leave to attend medical examinations during pregnancy upon presentation of a medical certificate of the examination.

Health protection:

- **Night work:** Prohibited for pregnant workers (10pm - 6am).
- **Overtime:** Prohibited for pregnant workers.
- **Dangerous or unhealthy work: Transfer:** Where a pregnant employee's job is dangerous to pregnancy or health, she may, upon official medical certification, be transferred with the same wage to another temporary job. She is entitled to be reinstated to her former job after the end of maternity leave.

Non-discrimination/Job protection:

- **General:**The *Labour Proclamation* imposes a general obligation not to discriminate against women as regards opportunity or treatment in employment or remuneration, on the basis of their sex.
- **Dismissal:**An employer may neither terminate the contract of employment nor serve notice of termination to an employee on maternity leave or on sick leave that has arisen out of her pregnancy or confinement.
- **Job guarantee:** Where a pregnant employee is transferred from her position because it poses a risk to her health or pregnancy, she shall be entitled to be reinstated to her former job at the end of her leave.

Breastfeeding:

- **Breastfeeding breaks:**No mention.

ETHIOPIA

Name of Acts:

- Constitution of The Federal Democratic Republic of Ethiopia, 1995
- Labour Proclamation No. 377/2003, 2003
- Social Health Insurance Proclamation No. 690 /2010, 2010
- Civil Code, Contracts for the Performance of Services, 1960
- Regulation No.302/1964, 1964.

Scope:

- The *Labour Proclamation* does not apply to the following categories of work: a) upbringing, treatment, care or rehabilitation; b) education or training, other than of an apprentice; c) managerial work, including related legal advisory work; d) non-profit making work; e) government services work governed by special laws, such as armed forces, police, state administration, judges and prosecutors; f) self-employment.
- However, workers who perform the above categories of work have limited maternity leave entitlements under the *Civil Code, 1960*.

Maternity leave:

- **Categories of maternity leave:**The *Labour Proclamation* provides a statutory entitlement to four levels of “maternity leave”:
 - 1) paid leave to attend medical examinations related to the pregnancy;
 - 2) paid leave during pregnancy upon recommendation of a medical doctor;
 - 3) 30 days’ (4 weeks) paid pre-natal leave; and
 - 4) 60 days’ (8 weeks) post-natal leave.Workers who are not covered by the *Labour Proclamation 2003* have a right to 1 month’s leave (4 weeks) during the period of confinement.
- **Conditions:** Where an employee takes leave to attend a pregnancy-related medical examination 1), the employee has to present a medical certificate of her examination to her employer. The right to take paid leave during the pregnancy 2), other than during the 30 days preceding the presumed confinement date 3), is contingent upon the recommendation of a medical doctor. No further qualifying conditions are imposed on maternity-related leave 3), 4).
- **Length:**The birth-related leave entitlement is up to 90 days (12 weeks) 3) 4). The period of other maternity-related leave entitlements is not prescribed. The maternity leave entitlement consists of 30 consecutive days of leave with pay preceding the presumed date of her confinement and a period of 60 consecutive days of leave after her confinement. Where the actual date of confinement is earlier than the presumed date, the period of post-natal leave will commence from the date of the birth. Where the actual date of confinement is later than the presumed date of confinement, the employee will be entitled to take additional paid leave until her confinement.
- **Compulsory leave:** The *Labour Proclamation* does not impose any compulsory maternity-related leave.

Paternity leave:

- The *Labour Proclamation 2003* does not expressly provide for paternity leave. However, it provides an entitlement to up to 5 consecutive days’ unpaid leave in the case of exceptional and serious events.

Cash benefits:

- **Maternity leave benefits: Scope:**The scope of the entitlement to maternity leave pay mirrors the scope of the relevant entitlement to maternity leave.
Amount/Duration:*Labour Proclamation 2003:*Maternity leave is paid full pay (100%) during full period of maternity leave (pre- and post-natal).

Periods of leave taken to attend pregnancy-related medical examinations, upon recommendation by a medical doctor are paid 100%.

Workers who are not covered by the Labour Proclamation 2003 have a right to 1 month's paid leave during the period of confinement. The *Civil Code* requires that employers, whose employees are taking 1 month's maternity leave in accordance with its terms, pay the employee half her salary (50%) during the period of maternity leave.

Benefits are paid by the employer and administered by Social Security.

Medical benefits:

- The *Social Health Insurance Proclamation No. 690* passed in 2010 established a Social Health Insurance Scheme to "provide quality and sustainable universal health care" for the benefit of members and their families. All employees are required to be members.
- However, it does not deal expressly with maternity-related health care, so it is not clear what services are covered or not.
- The Social Health Insurance Scheme is financed by members' contributions, employers' contributions, investment income and other related sources.

Health protection:

- **Night work:** Pregnant women are not to be assigned to night work between 10pm and 6am.
- **Overtime:** Pregnant women are not to be employed on overtime work.
- **Dangerous or unhealthy work:** There is a general prohibition on employing women (whether they are pregnant or not) in types of work that may be listed by the Minister to be particularly arduous or harmful to their health.
- **Transfer:** Pregnant women shall be transferred to another place of work if their job is dangerous to their health or pregnancy as ascertained by a medical doctor (*Labour Proclamation, 2003*).

Non-discrimination/Job protection:

- **Job guarantee:** where a pregnant employee is transferred from her position because it poses a risk to her health or pregnancy, she shall be entitled to be reinstated to her former job after the end of maternity leave.

Breastfeeding:

- **Breastfeeding breaks:** No mention.

GABON

GABON HAS RATIFIED ILO C3 (03.06.1961)

Name of Acts:

- Act No. 12/2000 amending some articles of the Labour Code of the Republic of Gabon, 2000
- Ordinance No. 1bis/76 extending Social Security Legislation, 1976
- Act No. 3/94 to establish the Labour Code, 1994
- Act No. 6/75 to institute a Social Security Code, 1975
- Ordinance No. 3/87/PR, 1987, modifying Article 10 of the Social Security Code, 1987.

Scope:

- Maternity leave under the *Labour Code* covers all women employees, including apprentices and trainees.
- Permanently established public servants are not covered by this law.

Maternity leave:

- **Length:** The pregnant woman is entitled, because of her pregnancy, to maternity leave of 14 weeks, being 6 weeks before the birth and 8 weeks after the birth.
- **Compulsory leave:** Not precisely stated if the division is compulsory or not.
- **Extension:** Where the confinement occurs *after the presumed date*, the prenatal period shall be extended until the date of birth, with no reduction of the post-natal leave. Maternity leave may be extended by 3 weeks in case of a duly certified *illness* resulting either from the pregnancy or confinement and shall not be considered as a breach of contract. In the event of *multiple births*, the postnatal period is extended by 2 weeks.

Paternity leave:

- No specific paternity leave provisions.
- Paid family-related leave of a maximum of 10 days is granted.

Cash benefits:

- **Maternity leave benefits: Types of benefits:** Pre-natal allowances and Maternity allowances.
Scope: Every worker, as defined by the *Labour Code*, is subject to the Social Security Regime. That is, every person, regardless of sex and nationality, who has engaged in a professional activity and receives a remuneration, under the supervision or authority of another person, either an individual or a company, public or private.
- **Pre-natal allowances: Conditions:** women employed or spouses of a male employee if the marriage is recognized by the civil authorities; the couple shall send to the Social Security Fund a declaration indicating that they are the mother and father of the expected child. The person in the couple who is employed shall have at least 4 continuous months of employment with one or more employers. The woman shall undergo two medical examinations during pregnancy (on the 3rd and 6th months).
- **Maternity allowances: Conditions:** Women who are employed or spouses of a male worker, or single salaried women. If married, the marriage shall be recognized by the civil authorities. If married, the employed person of the couple shall have at least 4 continuous months of employment with one or more employers. The woman shall present to the Fund a medical certificate that states that the child is born, declare to the civil authorities the birth of the child and present an official birth certificate to the Funds.
Amount: During maternity leave, the woman is entitled to free medical care and to the totality of the salary (100%) she was receiving at the time of the suspension of work. She maintains the right to any in-kind payments received previously.
- **All maternity benefits are paid** by the National Social Security Fund.
- **Paternity leave benefits:** Paid but no mention of amount nor of who pays.

Medical benefits:

- Every female worker is entitled to pre-natal benefits during the 9 months preceding the birth, according to what is established by the Ministry of Labour and Social Security. In order to be entitled to the pre-natal benefits, the female worker has to fulfill the conditions established in the *Social Security Code*.

The right to pre-natal benefits is subject to medical examinations. The number of examinations and their periodicity shall be determined by an order from the Minister of Labour and Social Security.

During maternity leave, the woman is entitled to free medical care and to the totality of the salary she was receiving at the time of the suspension of the work.

- **Financing of benefits:** Paid by the National Social Security Fund. The woman maintains the right to in-kind payments. The National Social Insurance Fund is financed by contributions of employers and employees, interests, fines and other income.

Health protection:

- **Night work:** Women, without any distinction of age, and children younger than 18 years of age, cannot be employed during the night, in any establishment, either public or private, nor in any workplace of these establishments.

Exceptions: when only the members of the same family work in the establishment; in case of force majeure; when work implies the use of materials which would experience rapid deterioration, and night work is necessary to save these materials of an inevitable loss; where women occupy executive posts and they work in services not involving manual labour.

- **Dangerous or unhealthy work: Assessment of workplace risks:** A pregnant woman, like other women workers, may request the Labour inspector to order an examination by an approved medical practitioner in order to ascertain that the work which is given to her is not beyond her strength.

Transfer: During pregnancy and 3 months after the date of resumption of work, a woman whose work is considered as dangerous or who presents a medical certificate indicating that the nature of her work should be changed due to medical reasons, shall be transferred to a more suitable work without reduction of wages. If this is not possible, the contract is suspended for a maximum of 3 months.

In case of impossibility of transfer to a more suitable job, the contract of employment of a woman worker is suspended for a maximum of 3 months. During this period she is entitled to half of the wages she received before the suspension of the contract.

Non-discrimination/Job protection:

- **General:** Every worker is equal by law and shall benefit of the same protection and guarantees. Any discrimination with regards to employment or conditions of work based, notably, on the race, color, sex, religion, political opinion, national ascendance or social origins is forbidden.

- **Dismissal:** An employer shall not dismiss a woman worker because of her pregnancy or confinement.

Employers may not dismiss a woman during pregnancy or during the 15 months after childbirth without the authorization of the Labour inspector. The maximum period for the Labour Inspector to take a decision about this authorization is 1 month. If the decision has not been taken after this period, the employer's dismissal is presumed to be authorized.

Dismissal shall not be given to a woman during the extension of maternity leave in case of multiple births or in case of illness or complications.

However, a woman worker who is nursing her child may terminate her employment contract without notice and without being obliged to pay compensation on that account.

- **Job guarantee:** No employer can dismiss or take any other measures of retaliation against a worker because of pregnancy or birth. Every dismissal of a pregnant woman, whose pregnancy has been medically certified or is apparent, or every dismissal in the 15 months following the birth is subject to the previous authorisation of the Labour inspector.

The suspension of contract is a temporary interruption of part or the whole contract, which does not imply a breaking of the contract (implying that the woman is entitled to return after maternity leave, to her former job).

Breastfeeding:

- **Breastfeeding breaks:**For a period of 12 months following the resumption of work, the mother shall be entitled to nursing breaks.

These breaks shall last 2 hours per day during the first 6 months and 1 hour per day during the last 6 months.

The breastfeeding periods are to be considered as work time and shall be paid as such.

GABON HAS RATIFIED ILO C3 (03.06.1961)

GAMBIA

Name of Acts:

- Labour Act, 2007
- Constitution
- Act No.12, to provide for the Control and Management of the Manufacture, Distribution and Use of Hazardous Chemicals and Pesticides and To Make Provision for Matters Connected Therewith, 1994
- Factories Regulations No.18, 1963
- Public Health Act, 1989
- Children's Act, 2005
- The Gambia National Gender Policy, 2010-2020.

Scope:

- The *Labour Act* applies to all employment by any employer with the exception of: the Civil Service, the Armed Forces (except those employed in a civil capacity), the National Guard, the Police Force, the Security Service or the Prisons Service (except those employed in a civil capacity), domestic service, employment of a member of the employer's household living in the employer's house.

Maternity leave:

- **Conditions:** Employee with 2 years continuous service with the same employer, or whose period of service with the same employer has been interrupted by one or more periods, none of which exceeds 7 months and who has in aggregate not less than 18 months service with the same employer.
- **Length:** At least 12 weeks (6 weeks before, 6 weeks after birth).
- **Compulsory leave:** 6 weeks immediately preceding the expected date of confinement.
- **Extension:** An employee is entitled to accumulate days of paid sick leave provided for by the Joint Industrial Council Agreement, a collective agreement, or otherwise by his or her contract of employment up to a maximum entitlement attainable by any 12 months of employment. No extension provided either for *multiple births* or for *illness* following confinement. No leave in case of *illness or complications* though general rules for sickness apply. Therefore, an employee is entitled to accumulate days of paid sick leave provided for by the Joint Industrial Council Agreement, a collective agreement, or otherwise by his or her contract of employment up to a maximum of the entitlement attainable by any 12 months of employment.

Cash benefits:

- **Maternity leave benefits: Scope/Conditions:** Same scope and conditions as maternity leave.
Amount/Duration: 100% of salary during full 12 weeks of leave.
Benefits are paid by: the employer.

Medical benefits:

- Pre-natal, childbirth and post-natal care are provided in the *Labour Code*. In the Health Policy 2011-2015, ante-natal, delivery and post-partum care are included in the minimum health care package of the Village Health Committee (VHC).

Health protection:

- **Night work** is not prohibited (there are no legal provisions on night work at all).
- **Overtime** is not prohibited. There are no legal provisions on overtime work and its wages, and it is the contract of employment which shall include the rate of remuneration, the normal hours of work, any provisions for sickness or holidays.
- **Work on rest days** is allowed.
- **Dangerous or unhealthy work:** neither the *Labour Code* nor the *Factories Regulations* of 1963 provide legal provisions regarding special risks either for pregnant workers or for female workers. However regarding the inspection of working places there are specific conditions to be followed. The *Labour Code* has also established that employers shall supply employees with

safety equipment or a safety device of such nature and quality as to provide the employee adequate protection, so far as is reasonably practicable. Moreover, measures are stipulated to guarantee safety and health in factories for the protection of all workers.

Assessment of workplace risks: All members of the Factories Board and any Inspector shall have power to enter any factory for the purposes of inspection at all reasonable times.

- **Pregnant/nursing workers:** The *Labour Code* does not enlist any particular risk at work for pregnant women and/or nursing mothers; nor does the *Factories Regulations*. Thus, there is no entitlement for pregnant/lactating workers to the adaptation of conditions, nor any transfer to another post, or paid or unpaid leave allowed in case of danger.

Non-discrimination/Job protection:

- **General:** No non-discriminatory specific measures in the *Labour Act*; however, the *Constitution* recognizes that 1) women shall be accorded full and equal dignity of the person with men; and that 2) they shall have the right to equal treatment with men, including equal opportunities in political, economic and social activities. It is also stipulated in the Constitution, the right to be protected from discrimination by establishing that all persons are equal before the law and no law shall make any provision which is discriminatory either in itself or in its effect.
- **Dismissal:** an employer shall not terminate an employee's appointment or take disciplinary action against an employee unless there is a valid reason for the termination or action connected with the capacity or conduct of the employee or based on the operational requirements of the enterprise. The following reasons do not constitute valid reasons for dismissal or taking of disciplinary action: a) an employee's pregnancy or having taken maternity leave, race, color, sex, religion, political opinion, national extraction, ethnic or social origin.
- **Burden of proof:** A dismissal is unfair among other reasons if it is based on pregnancy or because a female employee has taken her maternity leave, or it is a constructive dismissal. Before deciding to dismiss an employee, the employer shall explain to the employee the reason for which the employer is considering dismissing that employee, and hear and consider any representations made in defense of the employee. Proof that an employer failed to satisfy the previous obligations raises a refutable presumption that the employer did not act with justice and equity in dismissing the employee. There is a conclusive presumption that the dismissal of an employee is unfair if, in a claim or complaint arising out of the dismissal, the employer fails to provide the reason for dismissal. Failure by the employer to deliver to the employee at the time of dismissal a written statement of the reason for the dismissal raises a refutable presumption that the reason for dismissal is wrong or that the employer did not act with justice and equity in dismissing the employee, whichever may be applicable in the context of the case.
- **Job guarantee:** An employee returning from maternity leave shall work at the same job, with the same benefits and entitlements as immediately before her maternity leave began, within 4 weeks of giving notice to her employer of her wish to return to her employment.

Breastfeeding:

- **Breastfeeding breaks:** There are no legal provisions in the *Labour Code*.

GHANA

GHANA HAS RATIFIED C103 (27.05.1986)

Name of Act:

- Labour Act No. 651, 2003.

Scope:

- The *Labour Act* applies to all workers and to all employers except the Armed Forces, the Police Service, the Prison Service and the Security and Intelligence Agencies specified under the *Security and Intelligence Agencies Act* of 1996.
- A woman worker, on production of a medical certificate issued by a medical practitioner or a midwife indicating the expected date of her confinement, is entitled to a period of maternity leave of at least 12 weeks in addition to any period of annual leave she is entitled after her period of confinement.
“Worker” means a person employed under a contract of employment whether on a continuous, part-time, temporary, or casual basis.

Maternity leave:

- **Conditions:** Women workers who intend to take maternity leave shall notify their employer with a medical certificate issued by a medical practitioner or a midwife indicating the expected date of confinement.
- **Length:** At least 12 weeks, in addition to any period of annual leave she is entitled after her period of confinement.
- **Extension:** The period of maternity leave may be extended for at least 2 additional weeks where the *confinement is abnormal* or where in the course of the same confinement *two or more babies* are born. Where an *illness*, medically certified by a medical practitioner, is due to her pregnancy, the woman is entitled to additional leave as certified by the medical practitioner.

Cash benefits:

- **Maternity leave benefits: Scope:** Same scope as for leave.
Amount: Since 2004, a woman worker on maternity leave is entitled to be paid her full remuneration and other benefits to which she is otherwise entitled (before 2004, 50% of remuneration).
Financing of benefits by the employer.

Medical benefits:

- No mention.

Health protection:

- **Night work:** An employer shall not assign or employ a pregnant woman worker to do any night work between the hours of 10 pm and 7 am, except with her consent.
- **Overtime:** An employer shall not engage for overtime a pregnant woman worker or a mother of a child of less than 8 months old, except with her consent.
- **Post far from residence:** An employer shall not assign, permanently or temporarily, a pregnant worker to a post outside her place of residence after the completion of the 4th month of pregnancy, if the assignment, in the opinion of a medical practitioner or midwife, is detrimental to her health. The pregnant woman worker may present a written complaint to the Commission against the employer who contravenes this; the Commission shall investigate the complaint and make the final decision.
- **Dangerous work:** There is a general obligation for employers to ensure that every worker employed by them works under satisfactory, safe and healthy conditions.

Non-discrimination/Job protection:

- **Dismissal:** The employment of a worker shall not be unfairly terminated by the worker's employer. A worker's employment is terminated unfairly if the only reason for the termination is due to the pregnancy of the worker or her absence from work during maternity leave.

- **Burden of proof:** If upon investigation of a complaint by the National Labour Commission it is found that the termination of employment is unfair, the Commission may: a) order the employer to re-instate the worker, b) order the employer to re-employ the worker; or c) order the employer to pay compensation to the worker.
- **Job guarantee:** As a worker cannot be dismissed during maternity leave it is implied that she can return to her work after maternity leave.

Breastfeeding:

- **Breastfeeding breaks:** A nursing mother (who is breastfeeding her child for a period of not more than 1 year), is entitled every day to interrupt her work for an hour during her working hours to nurse her baby.
Interruptions of work by a nursing mother for the purpose of nursing her baby shall be treated as working hours and paid accordingly.

GHANA HAS RATIFIED C103 (27.05.1986)

GUINEA

GUINEA HAS RATIFIED C3 (12.12.1966)

Name of Acts:

- Act L/94/006/CTRN issuing a Social Security Code, 1994
- Order N° 1392/MASE/DN_TLS/90 respecting the Employment of Women and Pregnant Women, 1990
- Ordinance No. 003/PRG/SGG/88, issuing the Labour Code (1988), amended 1991
- Constitution of the Republic of Guinea
- Act L 2001 028 AN establishing the General Statute of Civil Servants, 2001.

Scope:

- Maternity protection under the *Labour Code* covers women working for other persons in the public and private sectors, with the exception of civil servants.

Maternity leave:

- **Length:** 14 weeks.
- **Compulsory leave:** 6 weeks before the expected date of confinement and 8 weeks after the delivery
- **Extension:** Once maternity leave has expired, women may take *unpaid leave* for a maximum period of 9 months.

When confinement occurs before the expected date, the period of interruption of the contract of employment may be extended up to the period of 14 weeks to which the employee is entitled.

In case of *multiple births*, maternity leave shall be extended by 2 weeks.

Leave in case of illness or complications: Prenatal and postnatal leave may be extended each by 2 weeks because of incapacity to work resulting from pregnancy and confinement.

Parental leave:

- **Characteristics:** Once the maternity leave has ended, the female worker is entitled to take unpaid leave for up to 9 months.
- **Scope:** The *Labour Code* applies to persons that work for other persons in the public and private sectors, with the exception of civil servants. The article of *Labour Code* that regulates this leave applies only to mothers, therefore mothers that work for other persons in the public and private sectors are entitled to take “parental leave” (exception of Civil Servants).
- **Conditions:** There are no qualifying conditions to be entitled to this right.
- **Length:** Up to 9 months after end of maternity leave.

Cash benefits:

- **Maternity leave benefits:** Cash benefits are provided before and after childbirth: pre-natal allowances and daily benefits for salaried workers when they stop work to give birth.
- **Pre-natal allowances:** **Scope:** apply to employees and the spouses of a male employee, **Conditions:** to be employed or married to an insured employee. The employed person of the couple shall have at least 6 continuous months of employment with one or more employers (1 month shall be at least 18 working days or 120 hours of work). In addition, women must undergo medical examinations in order to obtain prenatal allowances. Women shall also present a pregnancy certificate to the Social Security Fund within the 3 first months of pregnancy. **Duration:** Prenatal allowances are paid during the whole period of pregnancy.
- **Daily benefits** (during post-natal leave): **Scope:** apply to women employees as provided by the *Labour Code*. **Conditions:** To obtain daily benefits, women shall be employed; be insured for 9 months before confinement. Payment is conditional to the effective suspension of the professional activity. **Duration:** The daily benefits are paid for the post-natal period (8 weeks) and any extensions thereof. **Amount** is 100% during 8 weeks of post-natal maternity leave and any extension thereof.

- **Financing of both types of benefits:** 50% paid by the employer and 50% by the Social Security Fund, which is financed by contributions of employers, penalties, income from investment of funds, donations, and other income.
- **Parental leave benefits:** unpaid leave.

Medical benefits:

- Women workers and the spouses of a male worker are entitled to free medical benefits during pregnancy and confinement.
- **Paid by** the Social Security System either through the branch of family benefits or through the branch of sickness insurance.

Health protection:

- **Night work**, from 8 pm to 6 am, is prohibited for women, except with the authorization of the Labour inspector when women occupy executive posts, posts of a technical nature and of a medical or social nature.
- **Dangerous jobs:** It is prohibited to employ women in mines, underground work and in quarries. No pregnant woman or a woman who has given birth up to 4 weeks after resuming work, may be required to carry loads over 5 kg. It is also prohibited to make a pregnant woman push or drag any load over 30 kg.
Pregnant women and breastfeeding mothers shall not work in activities which imply a risk of exposure to ionising radiations, in activities using mercury, silica, ceruse, lead, sulfuric acid, among others.
- **Transfer:** A pregnant woman may be temporarily transferred to another job without loss of wages for health reasons. If no suitable alternative employment can be found, the worker may go on sick leave until the beginning of maternity leave. The temporary transfer ceases when health conditions allow the woman to return to her previous job or at the latest at the end of pregnancy.

Non-discrimination/Job protection:

- **Discrimination:** The Constitution stipulates that the right to work is recognized for everyone. The State shall create the conditions to exercise this right, and the right to work cannot be limited by reasons of sex, race, ethnic group or personal opinions.
- **Dismissal** is prohibited during maternity leave and during extended unpaid optional maternity leave, except in the event of serious misconduct not connected to pregnancy or if, for a reason unrelated to pregnancy, the employer finds it impossible for the contract to remain in effect. If the Labour Court finds that a woman's contract has been wrongfully terminated, the employer is ordered to reinstate the woman in her job or, if she is not reinstated, to pay her compensation equaling 2 years of wages.
- During pregnancy and after the birth of her child for up to 15 months, a woman worker may terminate her employment contract without notice.
- **Job guarantee:** No specific provisions.

Breastfeeding:

- **Breastfeeding breaks:** Women workers are entitled to breaks not exceeding 1 hour per day for a period of 15 months following the birth of the child.
Not clear if these breaks are paid or not.

GUINEA HAS RATIFIED C3 (12.12.1966)

GUINEA-BISSAU

Name of Acts:

- Act n. 2/86, Labour Code, 1986
- Law Decree No. 5/86, on the Social Security for Workers, 1986.

Scope:

- All female workers.

Maternity leave:

- **Length:** Every female worker is entitled to a maternity leave of 60 days (8 weeks plus), without loss of remuneration, during the whole pregnancy and in cases of delivery of stillborn, or death of living birth.
- **Compulsory leave:** The female worker is obliged to take at least 30 days (4 weeks) of the 60 days of maternity leave immediately after the birth.
- **Leave in case of sickness of the child,** without loss of remuneration, to provide urgent assistance to her child, to accompany the child to medical service, whenever this cannot be done outside working hours.

Cash benefits:

- **Maternity leave benefits: Amount/Duration:** No loss of remuneration (100%), during the whole pregnancy and in cases of delivery of stillborn, or death of living birth.
Financing of benefits: If the employee is covered by the Social Security System which pays the pecuniary benefits, the remuneration due by the employer is diminished in proportion to the amount paid by the Social Security.

Neither the *Labour Act* nor the *Social Security Act* state clearly who should actually pay for maternity leave benefits. It can be assumed that in the case where the female worker is registered in the Social Security System and fulfills the conditions for cash benefits, the system should pay the benefits. If the amount is not equal to her salary, the employer should pay the rest in order to reach the amount of the salary. However, if the employer is not affiliates to the Social Security System, the assumption is that the benefits have to be paid by the employer directly, at the same amount as the salary was before leave.

Medical benefits:

- **Medical check-ups:** The female worker is entitled to be absent from work, without loss of remuneration, for the time necessary to seek medical assistance during pregnancy, whenever such assistance cannot be provided outside the working time, and after the birth, whenever requested by a doctor.
- Medical assistance and necessary medicine are guaranteed to the pregnant worker and her spouse; she shall receive treatment during pregnancy, at birth and post-natally (nursery), in cases where the situation requires it and the resources needed are available.
- Paid by the Social Security Regime.

Health protection:

- **Night work** is forbidden for women with the exception of: 1) women occupying direction or technical responsibility positions; 2) women working in hygiene services and health services or welfare services; and 3) when unforeseen situations or cases of force majeure require it as indispensable to prevent the deterioration of equipments, raw material or products of the company; or 4) when because of its nature, the work can be performed only during the night.
- **Overtime:** female workers are entitled to not perform overtime work during pregnancy and after the birth, for a period medically prescribed.
- **Dangerous or unhealthy work:** The female worker is entitled to not perform tasks medically unadvised, without loss of remuneration, during the pregnancy and after the birth.

Non-discrimination/Job protection:

- **General:** Job offers cannot contain, directly or indirectly, any restriction, specification or preference based on sex, except when it is essential regarding the nature of the work in such a way that it would be qualitatively different when performed by a man or a woman. Employers should assure equality of opportunity and treatment with regards to professional formation and development of the professional career. It shall be guaranteed to female workers the right to equal remuneration as that paid to men, when the same work is performed. It is forbidden to create different professional categories specifically for men and women, or to establish different remuneration for the before mentioned, with inferior amounts when the work is performed by women when the professional category is the same.
- **Job guarantee:** No specific provisions regarding job protection in case of maternity.

Breastfeeding:

- **Breastfeeding breaks:** Female workers are entitled to interrupt their daily work in order to breastfeed their child, for 1 hour, or in two periods of 30 minutes each, without loss of remuneration, for a total of 1 year after the birth.

KENYA

Name of Acts:

- Employment Act, 2007
- National Social Security Fund Act, 1989
- National Hospital Insurance Fund Act No. 9, 1998
- Occupational Safety and Health Act, 2007.

Scope:

- The scope of the maternity leave entitlements mirrors the scope of the *Employment Act*, i.e. all employees employed by any employer under a contract of service (as defined) save for the armed forces, police, National Youth Service and family undertakings in which the only employees are dependents of the employer.
- “Contract of service” is defined to mean an agreement, whether oral or in writing, and whether expressed or implied, to employ or to serve as an employee for a period of time, and includes a contract of apprenticeship and indentured learners but does not include a foreign contract of service.

Maternity leave:

- **Conditions:** A female employee shall be entitled to maternity leave on full pay only if she gives not less than 7 days’ written notice in advance, or a shorter period as may be reasonable in the circumstances, of her intention to proceed on maternity leave.

In order to exercise her right to maternity leave she shall, if required by the employer, produce a certificate as to her medical condition from a qualified medical practitioner or midwife.

- **Length:**The *Employment Act 2007* entitles females to 3 months (12 weeks) maternity leave (before 2004, 2 months) with the possibility of extension by consent or in the case of illness.
- **Compulsory leave:**No period of compulsory leave.
- **Extension:**Maternity leave may be extended with the consent of the employer, by taking *sick leave* or by taking *annual leave*, *compassionate leave* or other leave entitlements. In that event, the 3 months maternity leave entitlement is deemed to expire on the last day of such extended leave.

The *Employment Act 2007* does not provide for an entitlement to leave specific to instances of *illness or complications* related to the pregnancy. However, an employee in that situation will be entitled to take 7 days’ sick leave on full pay, and a further 7 days’ sick leave on half pay, provided she has been employed for 2 consecutive months and produces a certificate of incapacity to work.

Paternity leave:

- A male employee shall be entitled to 2 weeks paternity leave with full pay.
- The paternity leave entitlement mirrors the scope of the *Employment Act 2007*.
- No qualifying conditions are imposed on paternity leave.

Cash benefits:

- **Maternity leave benefits:Amount/duration:**Employees entitled to maternity leave are also entitled to full pay (100%)during the whole period of leave.
Payment is made by the employer.
- **Paternity leave benefits:** 100% of the father’s pay.

Medical benefits: (this information is not clear)

- **Medical benefits may be available** under the *Employment Act 2007* or the *National Hospital Insurance Fund 1998*.
- The *Employment Act* does not provide for pregnancy-specific medical benefits, with the exception of *pregnancy-related illness*. However, an employer shall ensure the provision of sufficient and proper medicine for his employees during illness and if possible, medical attendance during serious illness. Furthermore, employees covered by the *National Hospital Insurance Fund* may be entitled to medical benefits in the event of hospitalisation.

- **Financing of benefits:**To the extent that the employer is liable to provide medical assistance under the *Employment Act*, the benefits are financed by the employer. Where benefits are obtained under the *National Hospital Insurance Fund*, the benefits are financed by compulsory and voluntary employee contributions.

Health protection:

- No statutory requirements specific to the health protection of pregnant women or new mothers are identified.
- However, employers have a general duty to ensure the health, safety and welfare of all workers at his worksite under the *Occupational Health and Safety Act 2007*.

Non-discrimination/Job protection:

- **General:**An employer shall promote equal opportunity in employment and strive to eliminate discrimination in any employment policy or practice.
- **Specific:**Further, no employer shall discriminate directly or indirectly against any employee or prospective employee or harass an employee or prospective employee on the grounds of sex or pregnancy in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment.
Employees who have been employed continuously by their employer for a period of at least 13 months also have protection against unfair termination (Para 45 of the *Employment Act 2007*). The *Employment Act* provides for non-discrimination of women and employment security for employees that take maternity leave.
- **Burden of proof:**In any proceedings where a contravention of the prohibition on discrimination is alleged, the employer shall bear the burden of proving that the discrimination did not take place as alleged, and that the discriminatory act or omission is not based on any of the grounds specified in this section.
- **Dismissal:** Also in a claim arising out of termination of a contract, the employer shall be required to prove the reason for termination Where the employer fails to do so, the termination shall be deemed to have been unfair.
- **Job guarantee:** On the expiry of a female employee's maternity leave, the female employee has the right to return to the job which she held immediately prior to her maternity leave or to a reasonably suitable job on terms and conditions not less favourable than those which would have applied had she not been on maternity leave.

Breastfeeding:

- **Breastfeeding breaks:**No mention.

LESOTHO

Name of Act:

- Labour Code, Order No. 24, 1992, amended to Labour Code Act, 2006.

Scope:

- Maternity protection under the *Labour Code* covers employed women in the public and private sectors, including apprentices, but excluding certain types of public servants.
- The *Labour Code* does not apply to: a) Any person (other than a person employed in a civil capacity) who is a member of the Royal Defense Force; the Royal Lesotho Mounted-Police; or any other disciplined force; b) Such category or class of public officer, such public authority or employee thereof as the Minister may by order specify and to the extent therein specified.

Maternity leave:

- **Conditions:** A pregnant female employee shall give notice of her anticipated confinement by delivering to her employer a written certificate signed by a medical officer or a registered nurse or midwife certifying that the employee's confinement will probably take place within 6 weeks from the date of that certificate.

Within 21 days immediately after her confinement, a female employee shall deliver to her employer a written certificate signed by a medical officer or a registered nurse and midwife certifying the date of confinement.

- **Length:** Total of 12 weeks, 6 before and 6 after confinement upon production of a medical certificate (pre-natal and post-natal leave).
- **Compulsory leave:** 6 weeks after confinement.
- **Extensions:** If confinement occurs *after the anticipated date*, pre-natal leave is extended accordingly with no consequent reduction in post-natal leave.

If a female employee delivers to her employer a written certificate signed by a medical officer or a registered nurse or midwife certifying she is suffering from an *illness* arising out of her confinement and is consequently unfit to return to work, the employer shall not permit or require her to return to work until the expiry of 8 weeks immediately after her confinement. ^

Cash benefits:

- **Maternity leave benefits:** Maternity leave is *unpaid*.

Amount: There is no legal obligation for employers to pay wages during maternity leave, although the contract of employment may provide for paid maternity leave. ("Nothing in this law shall be deemed to impose any liability on an employer to pay wages to a female employee in respect of the period of her absence from work but nothing shall prevent an employer from making any payment on account of wages in respect of such period if the employer so wishes or the terms of the contract otherwise require.")

Medical benefits:

- No information regarding pre-natal, childbirth and post-natal care and the norm that regulates health care in Lesotho. It appears that the Lesotho Health System is divided into different levels: a village network of over 5'000 volunteer community health workers; clinics/health centres, where teams serve from 6'000 to 10'000 people; and health service areas, with teams operating from referral hospitals.

Apart from the village health workers, other categories of community-based health workers include traditional birth attendants, distribution agents, water minders. Health centres or local clinics are responsible for immunization, ante- and post-natal services and basic curative services.

- Financing of benefits: no information regarding the qualifying conditions to have access to these health care services nor the funding of these health-care services.

Health protection:

- **Night work:** Pregnant workers may not be required to work at night for a period of at least 3 months before the expected date of confinement and at least 3 months after childbirth. Alternative

work schedules must be made available to them. This cannot reduce the woman's protection and benefits connected with maternity leave.

- **Overtime** is not prohibited either for pregnant workers or breastfeeding mothers.
- **Work on rest days** is not prohibited either for pregnant workers or breastfeeding mothers.
- **Dangerous work:** There are no special legal provisions to protect pregnant workers or breastfeeding mothers from risks at working places. It is the employers' general duty to ensure as far as is reasonably practicable, the safety, health and welfare at work of all their workers.

No woman can be employed for *underground work* in any mine except with the written approval of the Labour Commissioner in the case of women holding a managerial position, or employed in health and welfare services, or who, in the course of their studies, spend a period of training in the underground parts of a mine; and any others who may occasionally have to enter the underground part of a mine for the purpose of a non-manual occupation.

Arduous work: No employer shall require an employee to lift, carry or move any load so heavy or of such characteristics as to be likely to cause bodily injury. Training required for loads above 50 kg for men and 25 kg for women.

No special provisions for pregnant/lactating workers concerning *work involving exposure to biological, chemical or physical agents*. However, for all employees, who may during the course of their work inhale, ingest or otherwise absorb any substance specified in the Sixth Schedule to the Code, shall be medically examined free of charge at intervals of not more than 6 months or as otherwise specified. Employees will be informed of risks due to their work. Special attention is made to food that cannot be eaten in dangerous premises (dust, fumes, etc.). Maximum permissible limits of exposure to substances hazardous to health are defined.

No special provisions regarding work requiring *special equilibrium*, work involving *physical strain*, with the exception of *noise or vibrations*.

Non-discrimination/Job security:

- **General Non-discrimination:** The application by any person of any distinction, exclusion or preference made on the basis of race, colour, sex, marital status, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, is incompatible with the provisions of the *Labour Code*.

Sexual harassment is prohibited.

Men and women shall receive equal remuneration for work of equal value.

Any distinction, exclusion or preference in respect of a particular job based on the narrowly defined inherent requirements thereof shall not be deemed an act of unlawful discrimination.

- **Dismissal:** Any dismissal of an employee that takes effect during her maternity leave is automatically considered as unfair dismissal. An employer cannot give notice of dismissal or terminate a contract of employment during the statutory maternity leave or during any extension due to certified illness resulting from the worker's pregnancy or confinement rendering her unfit to work. An employer acting in contravention is guilty of an offence and liable to a fine.
- **Job guarantee:** implied by fact that a woman cannot be dismissed during her maternity leave.

Breastfeeding:

- **Breastfeeding breaks:** Mothers are entitled to nursing breaks up to 1 hour a day for 6 months immediately after returning to work after maternity leave. Nursing breaks are counted as working hours and thus are paid.

LIBYA

LIBYA HAS RATIFIED C3 (27.05.1971)

LIBYA HAS RATIFIED C1033 (19.06.1975)

Name of Acts:

- Labour Code, No. 58, 1970, amended by the Labour Code, No. 7, 1997
- Law on Social Security, No. 13, 1980
- Decision on the Promulgation of the Regulations concerning Benefits in Cash to Self-employed Contributors, 1984
- Childbirth Grant and Burial Regulation, No. 389, 1982.

Scope:

- Are included all women covered by an employment contract, including manual workers employed by Government and public bodies.
- Are excluded members of the employer's family, working with him/her and directly supported by him/her; domestic employees and persons in a similar category; persons engaged in pastoral occupations and other forms of agriculture (except those employed in agricultural establishments which wholly or partly industrialise their products, and those permanently employed in operating or repairing mechanically-driven machinery and applications required for agricultural purposes); crews of marine vessels; employees of the Government or public bodies.

Maternity leave:

- **Conditions:** A female employee who has completed 6 months' continuous service with the same employer shall be entitled to maternity leave on condition that she submits a medical certificate stating the presumed date of confinement.
- **Length:** 14 weeks.
- **Compulsory leave:** 30 days following her confinement (4 weeks).
- **Extension:** In case of *illness or complications* arising from pregnancy or confinement, a female employee may extend her absence from work, submitting a medical certificate to this effect. In this case, her total absence from work shall not exceed 3 months (12 weeks).
2 extra weeks in case of *multiple births*.

Paternity leave:

- **Characteristics/Conditions:** Not expressly provided. Employees are entitled to emergency leave for a compelling reason without obtaining prior permission from his manager and he should submit justification for his absence immediately when he returns.
- **Length:** This leave should not be more than 3 days each time up to 12 days in each year.
- The Code does not mention if this leave is paid or unpaid.

Part-time work:

- Not provided expressly for women or pregnant workers.
- **Conditions:** By a GPC decision working hours of women may be reduced in some professions and works. Further details on this subsidiary legislation are not available.
- **Young people:** Teenagers may not be employed in work more than 6 hours a day including a period or more for rest and meal and should not be less than 1 hour so that s/he does not work actually more than 4 continuous hours. They may not work on weekly holidays or official holidays or during night.

Cash benefits:

- **Maternity leave benefits:** There are two forms of benefits: lumps sums (two different possibilities) and maternity allowances.
- The two kinds of **lump-sum grants** are payable to a female Social Security contributor, be she a productive partner, an employee in any public administration unit, a working woman under an employment contract or a woman self-employed contributor (when the terms of eligibility are fulfilled):

1) **Pregnancy aid**, which becomes due, for the period starting as from the 4th month of pregnancy until delivery at a rate of three Dinars per month.

2) **Childbirth grant** of 25 Dinars for each delivered child. To receive the childbirth grant the woman must have been registered with the Social Security System for at least 6 months prior to delivery and paid Social Security contributions for at least 4 months of these 6 months.

- **Maternity allowances: Scope:** Provisions of the law apply on all work relations in Libya whether they are regulatory relations, contractual, or partnership agreements and whether the entitlements are proportion of economic activity or cash amount. Excluded are: the employees whose status is organized by special laws or regulations and also the employees in family activity (couples, origins and branches).

Conditions: Medical certificate stating the expected date of confinement.

In addition, self-employed women must have paid Social Security contributions for at least 4 months during the 6 months immediately preceding the interruption of work due to childbirth. **Amount:** 50% of wages for employees. A self-employed person is entitled to receive a cash benefit in case of childbirth at a rate of 100% of her presumptive income for a period of 3 months (of which at least 6 weeks after the birth).

Duration: 14 weeks, or 16 weeks in case of multiple births.

A self-employed contributor is entitled to receive a cash benefit for a period of 3 months (of which at least 6 weeks after the birth).

Paid by the employer for salaried employees and by Social Security for self-employed.

Medical benefits:

- Affiliation to health insurance is mandatory for every citizen and resident of the country.
- Services included in the mandatory health insurance are medical attention during pregnancy and confinement.
- Financing of benefits: Contributions of affiliates. The State shall pay the contributions for widows, orphans, those without a tutor and the most needy inhabitants.

Health protection:

- **General:** A general provision covers all workers stating that working hours should not exceed 48 hours per week and should not exceed 10 hours per day. Working hours may be reduced for some categories in industries and work as per GPC decision according to the proposal of the employer.
- **Night work:** General provision covering all women: No female worker shall be employed between 8 pm - 7 am, except in such cases and occupations and in such occasions as may be prescribed by order of the Minister of Labour and Social Affairs.
- **Overtime:** General provision covering all women: In no circumstances shall a female worker be employed for more than 48 hours a week, including overtime.
- **Work on rest days:** Not prohibited. According to general provisions applicable to all workers, the labourer or employee has a right to obtain a weekly holiday with pay of at least 24 hours, on Fridays. With the exception of far places or work for which the nature of the work requires continuation of work, the weekly holiday and official holidays will be added and granted together and the total period should not exceed 8 weeks.
- **Leave in case of sickness of the child:** No express provision. There is an emergency leave for compelling reason without obtaining prior permission from one's seniors; the worker should submit justification for his/her absence immediately upon return.
- **Dangerous or unhealthy work:** General provision covering all women: Women should not be employed in work which is not compatible with woman's nature and specified by GPC decision.
- **Risk assessment:** The employer should arrange the necessary insurance for labourers or employees against diseases and occupational risks; and provide health care and social protection for them and their families without contradicting any other legal system. The employer arranges medical examinations for employees prior to resuming work to ascertain their safety and health

according to the type of work they will accomplish, as well as perform analyses periodically for all employees in order to continually protect their health conditions and safety.

Non-discrimination/Job protection:

- **General:** All citizens are equal before the law. No discrimination in wages for work should be made on the grounds of sex or religion or colour. Male and female partners are equal in rights and obligations considering woman's rights during period of pregnancy, child birth and maternity leave and others.
- **Dismissal:** It is prohibited to dismiss a woman or terminate her contract during maternity leave or any extension thereof.
- **Job guarantee:** The right for pregnant employees to return to the same job they held before maternity leave is not expressly mentioned.

Breastfeeding:

- **Breastfeeding breaks:** The working woman has a right during the 18 months following birth to have one or more periods of work suspension during working hours to breastfeed her infant. Minimum of 1 hour daily. These breaks are paid.
- **Breastfeeding facilities:** Employers who employ women with children should allocate places for children's care: several employers can join forces in setting up such facilities.

LIBYA HAS RATIFIED C3 (27.05.1971)

LIBYA HAS RATIFIED C1033 (19.06.1975)

MADAGASCAR

Name of Acts:

- Labour Code, Act No. 2003-044, 2004
- Decree No. 62-152 to prescribe the Conditions of Work of Children, Women and Pregnant Women, 1962
- Decree No. 69-145 to establish a Social Insurance Code, 1969, amended in Decree No. 94-471, 1994
- Decree No. 89-210 concerning Maternity Leave for Civil Servants, 1989.

Scope:

- Article 1 of the *Labour Code* states that the law shall apply to all employers and workers having established an employment contract in Madagascar. There are no exclusions.

Maternity leave:

- **Length:** Every female worker has the right to interrupt her work for the period of 14 consecutive weeks, once established the state of pregnancy.
- **Compulsory leave:** At least 8 weeks have to be taken after birth.
- **Extension:** The interruption can be extended for another 3 weeks in cases of *attested sickness* resulting from the pregnancy or the birth.

Paternity leave:

- Paternity leave as such is not included in the *Labour Code* but the latter entitles all workers covered by the law to a 10-day leave each year for family events which can be used by new fathers.

Cash benefits:

- **Maternity leave benefits: Scope:** Women entitled to benefits are the following: those covered by the *Labour Code*, the *Merchant Marine Code*, students under 30 years of age and students undergoing vocational training, apprentices and taxi drivers who do not own their vehicles. Family workers are excluded. Public employees are covered by a special scheme.
Conditions: Women who have 6 consecutive months of employment, provided that the insured woman works a minimum of 20 days or 134 hours (18 days or 144 hours for agricultural workers) per month and earns at least the statutory minimum wage.
Amount: Female workers are entitled to 100% payment during maternity leave.
Paid by: 50% are paid by Social Insurance (CNAPS) and 50% by the employer. If the woman is not covered by the CNAPS, the employer shall pay the total amount of the replacement salary. She shall keep all in-kind payments she was receiving.
- **Family-related leave:** The law leaves it up to the parties concerned to agree upon payment of such leave.

Medical benefits:

- During maternity leave, the worker is entitled, being the burden of the National Social Security Fund, or failing that, at the expense of the employer, to reimbursement of the fees paid for the birth, and in some cases of medical care, to the limit of the sanitary prices.
- Financing of benefits: by Social Security and employer.

Health protection:

- **Dangerous or unhealthy work:** No pregnant woman may be employed at any work which is beyond her strength, which involves hazards or which is of such nature or is carried out in such circumstances as to injure her morals.
The types of work for which pregnant women may not be employed are to be specified by order. A pregnant woman, like other women workers, may request the Labour inspector to order that she be examined by an approved medical practitioner in order to ascertain that the work which she is given is not beyond her strength. During pregnancy and the 3 weeks following her return to work after confinement, a woman shall not carry, push or drag any load.

- **Transfer:** The pregnant worker has the right to request to change to another post, if attested by a doctor of the intercompany or of the company's medical service, or even from a recognised doctor. During the change, the salary and its elements shall not be changed.
If more suitable work cannot be found, the contract is terminated with payment of compensation in lieu of notice.

Non-discrimination/Job protection:

- **Dismissal:** Maternity leave cannot be taken as a motive for breaking a labour contract.
An employer may not dismiss a woman worker during maternity leave or during any extension due to certified illness resulting from pregnancy or confinement.
During pregnancy and the 15-month nursing period a woman may leave her work without notice and without having to pay compensation for breach of contract.
- **Job guarantee:** no mention.

Breastfeeding:

- **Breastfeeding breaks:** Right to nursing breaks or daily reduction of hours of work during 15 months from the birth, the female worker has the right to interrupt work daily in order to breastfeed.
The total time of the mentioned interruption cannot exceed 1 hour per day of work.
The interruption shall be paid as regular working time.
- **Breastfeeding facilities:** A special nursing room must be provided in or near enterprises employing more than 25 women.

MALAWI

Name of Act:

- Employment Act, No. 6, 2000.

Scope:

- Every female employee is entitled to paid maternity leave.

Maternity leave:

- **Conditions:** No qualifying conditions noted with the exception of time limit.
- **Length:** A female employee shall be entitled, every 3 years, to at least 8 weeks maternity leave on full pay.
- No **compulsory leave**.
- No **extension** of leave noted. In the event of *illness*, certified by a registered medical practitioner, arising out of pregnancy of confinement affecting the employee or her child, the employer shall grant the employee additional leave as the employer may deem fit.

Cash benefits:

- **Maternity leave benefits: Amount/Duration:** 100% for full 8 weeks every 3 years.
- **Other benefits:** During the period when an employee is on maternity leave, her normal benefits and entitlements, including her contractual rights and accumulation of seniority, shall continue uninterrupted and her period of employment shall not be considered to have been interrupted, reduced or broken.
- **Paid by:** The employer shall pay the benefits.

Medical benefits:

- No relevant provisions identified.

Health protection:

- No relevant provisions identified.

Non-discrimination/Job protection:

- **Dismissal:** An employer who terminates the employment of a pregnant woman is guilty of an offence and the **burden of proving** that the employment was not terminated because of pregnancy shall be on the employer.

An employer who is convicted of an offence shall be liable to a fine of MK 20,000 and imprisonment for 5 years. In addition, the Court may order: a) the employer to reinstate the employee, who shall be treated in all respects as if her employment had not been terminated; and b) an award of compensation; if the employer refuses, s/he is liable to a fine of MK 500 for each day during which the offence continues.

- **Job guarantee:** During the period when an employee is on maternity leave, her normal benefits and entitlements, including her contractual rights and accumulation of seniority, shall continue uninterrupted and her period of employment shall not be considered to have been interrupted, reduced or broken.

Upon the expiration of her maternity leave, an employee shall have the right to return to the same job with the same benefits and entitlements as immediately before her absence, unless the job ceased to exist because of economic, technological or organizational requirements of the undertaking; or she is incapable of continuing to perform the job.

In either of the circumstances mentioned above, the employer shall take reasonable steps to find the employee a suitable alternative job within the undertaking. If no suitable alternative job can be found or if the employee unreasonably refuses the offer of a suitable alternative job, the employer shall be entitled to terminate her employment with notice and a severance allowance.

Breastfeeding breaks:

- No mention.

MALI

MALI HAS RATIFIED ILO C183 (05.06.2008)

Name of Acts:

- Act No. 99-04, Social Welfare Code, 1999
- Act No. 92, Mali Labour Code, 1992.

Scope:

- Every pregnant woman is entitled to maternity leave for a period of 14 weeks.

Maternity leave:

- **Length:** 14 weeks starting 6 weeks before the presumed date of birth.
- **Compulsory leave:** 6 weeks before presumed date of birth.
- **Extension:** If the birth occurs *before the presumed date*, the maternity leave shall be extended until it reaches 14 weeks. Leave in case of *illness or complications* resulting from the pregnancy or birth and duly certified by a doctor, entitles the woman to an extension of the leave of up to 3 weeks.

Paternity leave:

- **Length:** Following the birth of a healthy child in the worker's household, the head of the household is entitled to a paid leave of 3 days. The 3 days of leave can be taken consecutively or separately, after agreement between the employer and the worker, but shall be taken within a period of 15 days counting the birth date.
- **Payment** is made within the conditions established by the *Social Security Code*.

Cash benefits:

- **Maternity leave benefits: Conditions:** A few conditions to receive both cash and medical benefits as well as benefits in kind. The employee must: justify her quality as a worker; present a certificate of pregnancy attested by a doctor or a midwife; suspend the work she was performing (certificate by employer); justify her salary (certificate by employer). Moreover she must have worked for at least 9 consecutive months for one or more employers (more than 18 days or 120 hours per month).
Amount: 100% of salary for duration of maternity leave, based on pay at time of leave.
Paid by the National Social Security Institute.
- **Paternity leave benefits** are paid. **Amount:** The remuneration of the leave is equal to the salary and benefits that would be paid to the worker, for the same period of work during the leave time.
Paid by: the employer who is then reimbursed by the National Social Security.

Medical benefits:

- During maternity leave, the female worker is entitled to free care.
- Benefits are paid by the National Social Security Institute.

Health protection:

- **Night work** is forbidden for women and children in industries.
- **Dangerous, unhealthy work:** It is forbidden to employ women, pregnant women and children in work exceeding their strength, presenting potential causes of danger to their health or, due to the nature of the work, susceptible to harm their morality.
- **Transfer:** Women and children cannot be kept in a work exceeding their strength and shall be moved to more appropriate work. If that is not possible, the contract shall be terminated and the termination shall be deemed to have been at the initiative of the employer.

Non-discrimination/Job protection:

- **Dismissal:** No specific measures. However, a pregnant woman, whose state of pregnancy has been medically attested, can terminate her employment contract after giving notice to her employer at least 24 hours in advance, except in cases of force majeure, without having to pay compensation fines for terminating her job.
- **Job protection:** No special guarantee.

Breastfeeding:

- **Breastfeeding breaks:** During a period of 15 months starting from the birth of the child, the female worker is entitled to breastfeeding breaks in the workplace.
The total duration of such breaks shall not exceed 1 hour per day.
These breaks are paid.
The mother can, during the period above, terminate her employment contract.

MALI HAS RATIFIED ILO C183 (05.06.2008)

MAURITANIA

MAURITANIA HAS RATIFIED C3 (8.11.1963)

Name of Acts:

- Act No. 2004-015, to establish a Labour Code, 2004
- Act No. 67-039, to institute a Social Security Scheme, 1967, amended by Ordonnance No. 87-296, 1987
- Order No. 464, regulating Benefits from Social Security, 1967, amended by Decree No. 307, 1992.

Scope:

- Maternity protection under the *Labour Code* covers women working for other persons in the public and private sectors (including labour relations in the merchant marine), with the exception of permanent civil servants.

Maternity leave:

- **Conditions:** No relevant qualifying conditions identified.
- **Length:** In virtue of pregnancy, every woman is entitled to maternity leave for a period of 14 consecutive weeks.
- **Compulsory leave:** 8 weeks after birth. The duration of 8 weeks after the birth is irreducible no matter when the birth takes place.
- **Extension:** The suspension of the contract of employment may be extended by 3 weeks in case of *illness* arising out of pregnancy or confinement.
A woman may also be granted *unpaid leave* for a period preceding maternity leave, as required, on production of a medical certificate indicating her absolute need to rest.

Cash benefits:

- **Maternity leave benefits:** There are several types of benefits: Pre-natal allowances, Birth grant and Daily benefits.
- **Pre-natal allowances** apply to employees and the spouses of male employees. They are paid during the whole period of pregnancy.
Conditions: To receive pre-natal allowances, women must present a pregnancy certificate to the Social Security Fund within the 3 first months of pregnancy. They must undergo medical examinations three times during pregnancy: before the end of the 3rd, the 6th and the 8th month of pregnancy.
- **Birth grant:** Women also receive a birth grant that is paid as a lump-sum; it is given upon proof that the child is born.
Conditions: To obtain it, the mother shall present to the Social Security Fund a birth certificate of her child and a medical certificate stating that the child is born. She is entitled to this grant up to 3 children from her first marriage.
- **Daily benefits** apply only to women employees as provided by the *Labour Code* and the *Merchant Marine Code*.
Conditions: To receive them, women must be employed. They must present a medical certificate stating pregnancy, a certificate from the employer stating they have suspended their work and a pay slip or certificate delivered by the employer justifying their wages at the time they cease working.
Amount: The daily indemnities are paid at **100%** of the average daily wage computed on the basis of earnings during the previous 90 days.
Duration: They are paid for 14 weeks and any extension of the maternity leave period.
- **All benefits paid by** the Social Security Fund, which is financed by contributions of employers, penalties, income from investment of funds, donations, and other income.

Medical benefits:

- For enterprises larger than 750 workers, employers are required to provide medical services for their employees and their dependents through the employer medical service programme,
- For enterprises smaller than 750 workers, they must do so through the joint inter-employer medical service programme.
- The National Office of Occupational Medicine is in charge of the management of medical services in the enterprises. The costs of the functioning of the National Office of Occupational Medicine are covered by employers' contributions.

Health protection:

Several provisions protect all women workers; some protect pregnant workers specifically.

- **Night work:** (from 10 pm to 5 am) is prohibited for women in factories, manufactures, mines, quarries, building sites, workshops and their dependences Permanent dispensations are authorised when women work in health and well-being services and their work does not involve manual labour. Temporary dispensations (up to 15 nights a year) are authorised in special situations of emergency.
- **Overtime: work day:** In industrial and commercial establishments no woman shall be employed for more than 10 hours of actual work in the day.
- **Dangerous, unhealthy jobs: Inspection:** A pregnant woman, like other women workers, may request the Labour inspector to order an examination by an approved medical practitioner in order to ascertain that the work which is given to her is not beyond her strength.
No woman or pregnant woman shall be employed in any work which is beyond her strength, or which involves hazards or is of such nature or is carried out in such circumstances as to injure her morals. No woman shall be employed on underground work in mines or quarries.
No woman shall be required to *carry, drag or push any load* exceeding the following weights: portorage 25 kg; transport in cars running on rails (including weight of vehicle 600 kg; transport in wheelbarrows (including weight of vehicle) 40 kg; transport on three-wheeled or four-wheeled vehicles (including weight of vehicle) 60 kg; transport in two-wheeled hand carts (including weight of vehicle) 130 kg. No woman shall be required to carry, push or drag any load during the 3 weeks following the normal resumption of work after confinement.
No woman shall be *admitted to the premises where the following operations are carried out* (non-exhaustive list): manufacture of or painting with a base of white lead, work in places where flesh, remains and waste from slaughtered animals are stored, manufacture of alkaline chlorides, treatment of fruit against insects with nitrogen trichloride or with acetylene or ethylene, work in workshops for quicksilvering of mirrors, lead casting and rolling, manufacture of litharge, massicot and minium, etc.
The employment of women in the following premises shall be subject to conditions (non-exhaustive list): manufacture of sulphuric acid, bleaching, application of rubber coatings, gold and silver plating, pickling or galvanising of iron, dye works, etc.
- **Transfer:** A woman may not be kept on any job which has been found to be beyond her strength, and must be transferred to more suitable work. If this is not possible, the contract is terminated with compensation in lieu of notice.

Non-discrimination/Job protection:

- **General:** The principle of equality shall prevail in different labour aspects such as access to employment, recruitment and salary. Any form of discrimination, distinction, exclusion or preference based on race, sex, religion, among other reasons, is contrary to this principle.
- **Dismissal** is considered abusive when it is based on non-justified grounds, or when it is based on the sex of the worker. Maternity leave cannot be considered a cause for the termination of employment: dismissal is prohibited during maternity leave.
- **Burden of proof:** In case of conflict, the proof of the existence of a justified reason for dismissal lies on the employer.

- **Termination by employee:** During pregnancy and after the birth of her child for up to 15 months, a woman worker may terminate her employment contract without notice and without being obliged to pay compensation on that account.
- **Job guarantee:** No specific provisions.

Breastfeeding:

- **Breastfeeding breaks:** Women workers are entitled to breaks not exceeding 1 hour per day for a period of 15 months following the birth of the child. These breaks may be distributed in two periods, upon agreement with the employer.
The breastfeeding breaks shall be counted as working time and paid as such.

MAURITANIA HAS RATIFIED C3 (8.11.1963)

MAURITIUS

Name of Acts:

- Domestic Workers (Remuneration) Regulations, 2010
- Employment Rights Act, 2008
- Equal Opportunities Act, 2008
- Salt Manufacturing Industry (Remuneration Order) Regulations.

Scope:

- Female workers and domestic workers under certain conditions.

Maternity leave:

- **Conditions:** continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of the leave, + production of a medical certificate.
- **Length:** 12 weeks' maternity leave.
- **Compulsory leave:** 6 weeks after: leave can be taken either before confinement, provided that at least 6 weeks' maternity leave shall be taken immediately following the confinement, or after confinement.
- **Extension:** Where a female worker or a female domestic servant suffers a *miscarriage* which is duly certified by a medical practitioner, she is entitled to 2 weeks' leave on full pay immediately after it.

If a female domestic worker who has remained in continuous employment with the same employer for a period of 12 consecutive months, gives birth to a *still-born child* and the still-birth is duly certified by a medical practitioner, she is entitled, upon the recommendation of her medical practitioner, to opt either for 2 weeks' maternity leave on full pay; or 12 weeks' maternity leave on full pay. If she opts for 12 weeks' maternity leave on full pay it shall be deemed that she has taken paid leave due for one confinement.

Paternity leave:

- **Scope/Length:** A male worker shall be entitled to 5 continuous working days' leave, The leave begins within 1 week from the birth of the child.
- **Conditions:** Production of a medical certificate certifying the birth of his child; and a written statement signed by him that he is living with his spouse under a common roof. Moreover, he must have been in continuous employment for 12 months with the same employer prior to the birth of the child.

Part-time work:

- **Scope:** A full-time worker can make an agreement with an employer to perform part-time work.
- **Conditions:** agreement in writing, specified period of time, the worker will revert to full-time work at the expiry of the specified period of part-time work.

Cash benefits:

- **Maternity leave benefits: Conditions:** A female worker who has worked less than 12 months' continuous employment is not entitled to cash but is entitled to maternity leave without pay. **Amount:** Full pay (100%) for whole period of leave and an allowance of 2,000 rupees payable within 7 days of her confinement. Special calculation for part-time workers. **Benefits are paid:** by the employer. **Paternity leave benefits:** full pay, paid by the employer.

Medical benefits:

- No mention.

Health protection:

- **No night work/overtime** 2 months before the employee's confinement.
- **Dangerous work:** Where a female worker has entered her 7th month of pregnancy she shall not be required to lift or carry any weight. Moreover, no female worker shall be required to lift or *carry any weight* at any time during pregnancy or during the 10 weeks following confinement if in the opinion of a qualified physician such work is likely to impair her health or that of her child.

- Subject to medical recommendation, a female worker who is pregnant shall not be required to perform duties requiring *continuous standing* or that may be detrimental to her health and that of her baby.

Non-discrimination/Job protection:

- **General:** Discrimination includes affording different treatment to different workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sex, sexual orientation, HIV status, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.
No worker shall be treated in a discriminatory manner by his employer in his employment or occupation. No person shall be treated in a discriminatory manner by a prospective employer in respect of access to employment or occupation.
- **Specific:** A discriminator is deemed to discriminate on the ground of sex where he acts as he does because of the pregnancy, family responsibility or potential pregnancy of the aggrieved person; or a characteristic of the aggrieved person that generally appertains, or is imputed, to a person who is pregnant, has family responsibilities or is potentially pregnant.
“Family responsibility” means the responsibility of a person to care for or support a dependent child; or any other immediate family member who is in need of care or support; “potential pregnancy” means the fact that a woman is or may be capable of bearing children, has expressed a desire to become pregnant; or is likely, or is perceived as being likely, to become pregnant.
- **Dismissal:** An agreement shall not be terminated by an employer by reason of: a) a worker’s race, colour, national extraction, social origin, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, marital status or family responsibilities; b) a worker’s absence from work during maternity leave.
- **Job guarantee:** No provisions.

Breastfeeding:

- **Breastfeeding breaks:** A female worker including a domestic worker, who is nursing her child shall, for that purpose, be entitled every day at a time convenient to her and having regard to the needs of the child to at least two breaks of half an hour each; or one break of 1 hour.
The break shall be for a period of 6 months from the date of confinement or such longer period as may be recommended by a medical practitioner.
The break shall not be deducted from the number of hours of work of the female worker (no loss of salary).
Where the Permanent Secretary is of the opinion that no adequate arrangements have been made to nurse the child of a worker, he may, after consultation with a government medical practitioner, give such directions by written notice to the employer as he thinks fit. An employer shall comply with the directions given to him by the Permanent Secretary or government medical practitioner.

MOROCCO

MOROCCO HAS RATIFIED ILO C183 (13.04.2011)

Name of Acts:

- Labour Code, (Dahir No. 1-03-194, implementing Law No. 65-99, respecting the Labour Code, 2003
- Dahir stating Act No. 1.72.184, on the Social Security Regime, 1972
- Dahir from 25 kaâda 1365, 1946, amended Dahir No. 1.61.005, 1963, on Paternity Leave, 1963.

Scope:

- The pregnant worker whose pregnancy has been previously attested by a doctor has the right to 14 weeks of maternity leave, unless the labour contracts, the collective agreement or internal regulations establishes more favourable conditions.
- Under the *Labour Act*, the following professional activities shall be regulated by specific legislation: workers of public companies or establishments of relevance to the State and to local authorities; sailors; workers of mine companies; professional journalists; workers of the film industry; caretakers of apartment buildings.

Maternity leave:

- **Conditions:** Pregnancy attested by doctor.
- **Length:** 14 weeks of maternity leave, unless the labour contract, the collective agreement or internal regulations establishes more favourable conditions.
The female worker has the right to suspend her labour contract for a period starting 7 weeks before birth to 7 weeks after.
- **Compulsory leave:** Pregnant workers cannot work during the 7 weeks after birth.
- **Extension:** If a *pathology* is attested by a medical certificate as the result of pregnancy or of birth, which demands an extension of the period of maternity leave, it shall be extended for the period required. However this extension cannot exceed 8 weeks before the presumed date of birth, or 14 weeks after it.
In order to raise her child, the working mother can, in agreement with her employer, be conceded one year of *non-paid maternity leave*.

Paternity leave:

- Paternity leave, which must be taken effectively, is not considered as paid annual leave.
- **Scope/length:** Every head of household employee, functionary or agent of the public service has the right to a 3-day leave in the case of a birth in his house (one or multiple births).
These 3 days shall be consecutive or not, after agreement between the employee and the employer, but shall be taken in the period of 15 days around the date of birth.
- **Extension:** In the case the birth takes place during a rest period of the father following annual leave or sick leave, this period shall be extended for 3 days.

Cash benefits:

- **Maternity leave benefits: Conditions:** The insured female worker who has contributed for 54 consecutive days (8 weeks) during the 10 months preceding the time she stopped working because of the birth is entitled to cash benefits for 14 weeks from the date she ceased work.
The benefits are paid on the condition the mother does not work during the 7 weeks after giving birth. Also, she must reside in Morocco.
The request of the daily benefits shall be made directly to the National Social Security Fund within 9 months following the date the insured stopped working. She must send within 30 days of her job interruption, notice of her job interruption signed by a doctor and the employer. In case this procedure is not followed, the insured shall see his/her benefits suspended.
Amount: The daily benefit conceded is equal to 2/3 of the average daily wage (66.6%). It cannot be in any case lower than 2/3 of the legal minimum wage. Calculation is based on wages received during the 6 months prior to leave. In the case of disability, the calculation is different.

Duration: The benefit is due for every working day or not.

Benefits are paid by Social Security.

- **Paternity leave benefits: Conditions:** Payment is conditional on the presentation of a birth certificate delivered by a civil status officer to whom the birth was declared, (legitimate child or a child recognised in the 12 days following the birth). The benefits are paid only if the birth is declared within the period of 12 following days following the birth.

Amount: The paternity leave benefits are equal to the salary and emoluments the father would have been paid if he had remained at work (100%).

Benefits paid by: the employer as part of the employee's salary and only once the paternity leave has been taken. If the employer is affiliated to the Social Security System, the latter shall reimburse him the amount he paid the employee.

Medical benefits:

- No mention.

Health protection:

- No mention.

Non-discrimination/Job protection:

- **General:** Every kind of discrimination against employees, which have an effect upon the principle of equality of opportunities regarding employment or the exercise of a certain profession, more specifically hiring, conducting and dividing the work, salary, the granting of benefits, the determination of disciplinary measures and dismissing, based on race, sex, colour, deficiency, marital status, religion, public opinion, union affiliation, national extraction or social origin, is forbidden.
- **Dismissal:** The employer cannot break the labour contract of a female worker while she is pregnant (and has a medical certificate attesting it) and during the 14 weeks following the birth. The employer cannot break the labour contract of a female worker during the period of the suspension due to an attested pathology arising from the pregnancy or the birth. However, provided that the contract break is not notified or that it does not enter into force during the suspension of the contract, the employer can break the labour contract if s/he justifies it with misconduct or with any other legal motive for dismissing.
- **Job guarantee:** no provisions concerning this.

Breastfeeding:

- **Breastfeeding breaks:** The working mother shall, in agreement with her employer, be conceded time to breastfeed her child at any moment during the working day. Breastfeeding breaks last for a period of 12 months starting from the date the worker comes back to work. These breaks shall be of half-an-hour in the morning and half-an-hour in the afternoon. These breaks are distinct from the regular rest breaks of the company. These breastfeeding breaks shall be paid as regular working time.
- **Breastfeeding facilities:** A special room for breastfeeding shall be established in or immediately close to a company employing at least 50 employees over the age of 16. The above-mentioned room can also serve as daycare centre for the children of women working in the firm. The admission conditions of the children, the conditions to establish the breastfeeding rooms, as well as the surveillance and hygiene conditions, are defined by the governmental labour authority.

MOROCCO HAS RATIFIED ILO C183 (13.04.2011)

MOZAMBIQUE

Name of Acts:

- Labour Law No. 23/2007
- Law on Social Protection No. 4/2007.
- Decree 53/2007 on the System of Compulsory Social Security for Workers.

Scope:

- Working mothers, fathers and guardians are guaranteed special maternity, paternity and child care rights.

Maternity leave:

- **Length:**In addition to normal holidays, female employees shall be entitled to maternity leave of 60 consecutive days (8 weeks plus), which may commence 20 days (3 weeks) prior to the expected delivery date and which may be enjoyed consecutively.
- **Compulsory leave:** no mention.
- **Extension:**When there is a *clinical risk* to the female employee or the child, which prevents the employee from working, and it has been medically prescribed, she shall be entitled to leave of absence before the birth, for such period as is necessary to avert the risk, without prejudice to her maternity leave.

A female employee's absence from work for up to 30 days each year, to take care of her minor children in cases of *accident or illness*, shall be considered justified absence and shall not result in any loss of rights, except as regards remuneration.

Paternity leave:

- The father shall be entitled to paternity leave for 1 day, every 2 years, and this day shall be taken on the day immediately following the birth.

Cash benefits:

- **Maternity leave benefits: Amount:**The daily amount of the benefits for maternity leave corresponds to the average amount of the daily salary (100%) calculated according to the following formula: $AS=R/180$, being AS the amount of the average salary and R the total remuneration received by the employee registered in the 6 months preceding the 2nd month before the beginning of the incapability for working.

Benefits are paid by the compulsory Social Security (since 2004) in the event of sickness, maternity, invalidity, old age and death.

- **Paternity leave benefits:** no information.

Medical benefits:

- No mention.

Health protection:

- **Night work/Overtime:**Women from the 3rd month of pregnancy are not to perform night work, exceptional work or overtime, nor to be moved from their usual workplace, unless it is at their request or necessary for their health or the health of the child.
- **Dangerous or unhealthy work:** Employers are forbidden to give female employees work that is harmful to their health or their reproductive functions.

Non-discrimination/Job protection:

- **General:**Female employees shall be respected and any act against their dignity shall be punished by law. Employees at the workplace who carry out acts against the dignity of a female employee shall be subject to disciplinary proceedings. Employers are forbidden to dismiss, punish or otherwise cause prejudice to a female employee for reasons of alleged discrimination or exclusion.
- **Dismissal:**During the period of pregnancy and after childbirth for the first year after the birth, female employees shall be guaranteed not to be dismissed, without just cause.
- **Job guarantee:** Women cannot be dismissed for 1 year after giving birth, signifying that they are entitled to return to work. However it is not explicit that they return to the same job as before.

Breastfeeding:

- **Breastfeeding breaks:**Female employees shall be guaranteed for a maximum of 1 year, to interrupt daily work in order to breastfeed the child, for two periods of half an hour each, or for a single hour period when work is performed in a single unbroken shift. No loss of remuneration in either of the above cases.

NAMIBIA

Name of Acts:

- Social Security Act 1994, Act No. 34, 1994
- Labour Act, Act No. 11, 2007.

Scope:

- All female employees are entitled to take maternity leave.

Maternity leave:

- **Conditions:**The worker must have completed 6 months` continuous service with the employer.
- **Length:**12 weeks.
- **Compulsory leave:** 8 weeks after the date of confinement.
- **Extension:**if a medical practitioner certifies that due to *complications* arising from pregnancy or delivery or congenital conditions of the child, it is necessary for the health of an employee or of the employee`s child. Maximum of 1 month or the amount of accrued sick leave that the employee has at that time.

Cash benefits:

- **Maternity leave benefits: Conditions:**The worker has been registered by her employer with the Social Security Commission for a continuous period of at least 6 months before the date on which such claim arose and all contributions payable in respect to her membership have been paid in full.

Amount:All female employees are entitled to 100% of their wage during the whole period of maternity leave.

Benefits are paid: in part by the employer and in part by Social Security. Social Security pays the amount equivalent to the basic wage while the employer pays the difference between the employee`s total remuneration and the basic wage. The woman must be a member of the Social Security Fund.

“Basic wage” means the amount paid in respect of work done during the hours ordinarily worked, but excludes: allowances, travel and subsistence, housing, motor vehicle transport, and professional allowances, pay for overtime, additional pay for work on a Sunday or a public holiday, additional pay for night work, or payments in respect of pension, annuity or medical benefits or insurance.

- **Exceptions:** If the child dies within 2weeks after the actual date of confinement, benefits are paid for a period of 4 weeks after the date of death. If the mother dies while receiving or being entitled to receive maternity leave benefits, such benefits shall be payable to the person in whose care the child is left or placed or any other person who is considered by the Commission to be a fit and proper person to administer such benefits on behalf of the child.
No maternity benefits shall be paid to a female member who resumes her employment or takes up any other employment during maternity leave.

Medical benefits:

- Pre-natal, childbirth and post-natal care are covered by Social Security.
- Leave can be extended for a maximum of 1 month, with medical certificate if the health of the mother or the child is at risk.
- Sick leave is not part of annual, compassionate or maternity leave.
- Benefits are paid by Social Security (Maternity Leave, Sick Leave and Death Benefits Fund), financed by employee and employer contributions.

Health protection:

- **Night work/overtime:** An employer must not require or permit an employee, whom the employer knows is pregnant, to perform any work, including overtime work, between the hours of 8 pm and 7 am, during the 8 weeks before her expected date of confinement; or 8 weeks after her confinement.

- **Dangerous or unhealthy work:** Every employer or person in charge of premises where employees are employed must, without charge to the employees: a) provide a working environment that is safe; that is without risk to the health of employees; and has adequate facilities and arrangements for the welfare of employees; b) provide and maintain plant, machinery and systems of work, and work processes, that are safe and without risk to the health of employees; c) provide and maintain safe entry and exit from places of work; d) provide employees with adequate personal protective clothing and equipment if reasonably necessary; e) provide employees with the necessary information and training to work safely and without a risk to their health; f) ensure that the use, handling, storage or transport of articles or substances is safe and without risk to the health of employees; g) ensure that employees are given the necessary instructions and supervision to work safely and without a risk to their health; h) ensure that the organisation of work, including hours of work and mealtimes, do not adversely affect the safety or health of employees; and i) take any other prescribed steps to ensure the safety, health and welfare of employees at work.

Non-discrimination/Job protection:

- **General:** A person must not discriminate in any employment decision directly or indirectly, or adopt any requirement or engage in any practice which has the effect of discrimination against any individual on sex, marital status or family responsibilities as well as previous, current or future pregnancy.
- **Dismissal:** It is unfair to dismiss an employee because of such employee's sex, race, colour, ethnic origin, religion, creed or social or economic status, political opinion or marital status. In any proceedings concerning a dismissal if the employee establishes the existence of the dismissal; it is presumed, unless the contrary is proved by the employer, that the dismissal is unfair. An employer must not dismiss an employee during her maternity leave or at the expiry of that leave on any grounds such as collective termination/reduction of the workforce; or on any grounds arising from her pregnancy, delivery, or her resulting family status or responsibility. This does not apply if the employer has offered the employee comparable alternative employment and she has unreasonably refused to accept that offer.
- **Burden of proof:** The complainant must establish the facts that prove the existence of discrimination. If the existence of discrimination is established, the respondent must prove that the discrimination did not take place as alleged; or that the facts proved do not constitute a discrimination.
- **Job guarantee:** Implicit job guarantee.

Breastfeeding:

- **Breastfeeding breaks:** No mention.

NIGER

Name of Acts:

- Ordinance No. 96-039 establishing a Labour Code, 1996.
- Decree No. 67-126/MFP/T, 1967, to issue Regulations Pursuant to the Labour Code, amended to Decree No 90-203/PRN/MFP/T, 1990
- Decree on the Management of the Family Allowances Scheme of the National Security Scheme, Decree No. 65-116 , 1965, amended in Decree No. 69-148/MFP/T, 1969
- Decree No. 2005-316 establishing Free Medical Care for Women Hospitalized on Grounds of Caesarian Section, 2005
- Inter-professional Collective Agreement, 1992.

Scope:

- In accordance with the *Labour Code*, maternity leave covers all employed women in the public and private sectors, with the exception of permanent civil servants.

Maternity leave:

- **Length:** 14 consecutive weeks.
- **Compulsory leave:** 8 weeks after confinement.
- **Extension:** 3 weeks, on medical grounds.

Cash benefits:

- **Maternity leave benefits: Amount:** The amount paid to the worker differs depending on the period of time she has worked for the employer:
Women covered by the *Labour Code* who have at least 6 consecutive months of work with one or more employers, and at least 18 days or 120 hours of work per month and a monthly income of at least the minimum inter-occupational guaranteed wage, are entitled to 50% of their wages plus birth charges, and eventually medical care. If justified, they may receive also the same amount for the week extension for medical reasons. Moreover, they have the right to request the balance of payment (50%) in kind from the employer.
Those women covered by the *Labour Code* who have worked for at least 2 years at the same company shall receive from the employer the totality of her salary (100%), being deducted from it the amount already given by the Social Security or any other fund replacing this service.
- **Benefits are paid:** in part by the employer (50%, in cash or in kind depending on the original period of work) and in part by Social Security (50%). If the employee receives any payment in kind from the employer, this payment should continue - in the charge of the employer - from the start until the end of the maternity leave. The employer pays the totality less the amount paid by Social Security.

Medical benefits:

- Women workers hospitalized on grounds of a caesarian section are entitled to free medical care.
- Paid by Social Security.

Health protection:

- **Dangerous, unhealthy work:** The employment of pregnant women in work which exceeds their strength or which represents a particular danger to their pregnancy is prohibited.
The employer cannot require a woman to do any work whatsoever which may risk her capacity of reproduction, or in the case of pregnant women, a job that may affect her health or the child's health.
Loads: Pregnant women and women within 3 weeks of returning to work after birth (?) may not carry, push or pull any load whatsoever.
Specific work sites: Women are not allowed to work in certain sites where there is a risk regarding biological, chemical or physical agents. These sites are specifically mentioned in the decree.

Non-discrimination/Job security:

- **Dismissal:** An employer may not dismiss a woman worker during maternity leave or during any extension (up to 3 weeks) due to certified illness resulting from her pregnancy or confinement.

- **Termination by employee:** A woman may leave her work during her pregnancy and the 1-year nursing period without notice and without having to pay compensation for breach of contract.
- **Job guarantee:** No explicit mention.

Breastfeeding:

- **Breastfeeding breaks:** 1 hour per day during the year following the child's birth.
No mention of these breaks being paid or not.
- **Breastfeeding facilities:** The Labour inspector may require that a nursing room be provided in or near establishments employing more than 25 women.

NIGERIA

Name of Act:

- Labour Act, Decree No. 21, 1974, amended 1989.

Scope:

- Are included, women working in any public or private industrial or commercial undertaking or any branch thereof, or in any agricultural undertaking or any branch thereof.
- Are excluded, women employed other than for the purposes of the employer's business; women exercising administrative, executive, technical or professional functions as public officers or otherwise; women who are members of the employer's family; representatives, agents and commercial travelers in so far as their work is carried on outside the permanent workplace of the employer's establishment; homeworkers; or any person employed in a vessel or aircraft to which the laws regulating merchant shipping or civil aviation apply.

Maternity leave:

- **Conditions:** The worker has to produce a medical certificate by a registered medical practitioner stating that the confinement will probably take place within 6 weeks; has been continuously employed by her employer for a period of 6 months or more immediately prior to her absence.
- **Length:** 12 weeks; 6 weeks before and 6 weeks after birth.
- **Compulsory leave:** 6 weeks after birth.
- **Extension:** the woman is entitled to an unspecified period as a result of *illness* arising out of pregnancy or confinement.

Cash benefits:

- **Maternity leave benefits: Amount:** The worker will be paid not less than 50% of the wages she would have earned if she had not been absent.
Duration: Payment during the whole period of leave.
Paid by the employer.

Medical benefits:

- No mention.

Health protection:

- **Night work:** No woman shall be employed on night work in a public or private industrial undertaking or in any branch thereof, or in any agricultural undertaking or any branch thereof. "Night" means, a) as respects *industrial undertakings*, a period of at least 11 consecutive hours during the interval between 10:00 pm and 5:00 am; and b) as respects *agricultural undertakings*, a period of at least 9 consecutive hours during the interval between 9:00 pm and 4:00 am.
- No other health protection provisions seem to exist.

Non-discrimination/Job protection:

- **Dismissal:** Where a woman takes her normal maternity leave, or remains absent from her work for a longer period as a result of illness certified by a registered medical practitioner to arise out of her pregnancy or confinement and to render her unfit for work, no employer shall give her notice of dismissal during her absence or notice of dismissal expiring during her absence.
- **Job guarantee:** No mention.

Breastfeeding:

- **Breastfeeding breaks:** Two 30-minute breaks per day during working hours to breastfeed her child.
No mention of breaks being paid or not.

RWANDA

Name of Acts:

- Labour Act, Act No. 13/2009
- Ministerial Decree 12/19, on Circumstantial Leave, 2003
- National Social Security Policy.

Scope:

- Every employed woman.
- With the following exceptions: women employed under the general statutes for the Rwanda public service or under specific statutes; women dealing with family, agricultural, breeding, commercial or industrial activities, except for the provisions relating to health and safety at workplace for pregnant or breastfeeding women. Women in the informal economy are not subject to this law except for issues relating to Social Security, trade union organisations and to health and safety at the workplace.

Maternity leave:

- **Length:** Every employed woman has the right to a maternity leave of 12 consecutive weeks. She may decide to start benefiting from this leave 2 weeks before the tentative date of delivery. A woman who delivers a still-born or whose infant dies before 1 month of age shall benefit from a leave of 4 weeks.
- **Compulsory leave:** No mention of compulsory leave as such though the woman may start her leave 2 weeks before birth meaning she should take at least 10 weeks after birth. But also: a woman who is not insured and is only entitled to 6 weeks of pay, is allowed to take 6 weeks of paid leave before giving birth, and return to work immediately after birth so as not to lose her salary.
- **Extension:** A woman on maternity leave can extend it by an additional 6 months following medical certification of her inability to resume work.
Leave in case of illness of mother or complications due to delivery, as well as of illness of infant due to delivery or congenital problems: with a recognized doctor's certificate, the employer shall grant a prolonged paid maternity leave of up to 1 month.

Paternity leave:

- **Length:** Unless there are more favourable provisions agreed, the worker is entitled to 4 working days, without loss of salary.

Cash benefits:

- **Maternity leave benefits: Amount:** During maternity leave, a woman is entitled to 2/3 of her usual salary (66.6%).
The mother with no maternity insurance coverage is entitled to her entire salary during the first 6 weeks of her maternity leave, and during the last 6 weeks of her leave, she may either resume service and receive her full salary, or not return immediately to work and receive 20% of her salary. She shall also keep enjoying the right to other types of benefits.
Paid by: Maternity leave and leave for sickness are currently covered by the employers who continue to pay the salary of the concerned employees with no counterpart in production. The consequence is that in most cases employees are obliged to shorten their leave so as not to lose their jobs, and most of the employers in the private sector practice de facto discrimination against young women.
- **Paternity leave benefits** are paid by the employer at 100% of salary.

Medical benefits:

- No mention.

Health protection:

- **Dangerous or unhealthy work:** Pregnant or breastfeeding woman shall not be employed in activities which may be harmful to their lives or to those of their babies.

Non-discrimination/Job protection:

- **General:**It is forbidden to directly or indirectly subject a worker to gender-based violence or moral harassment within the context of work.
It is forbidden to directly or indirectly allow discrimination that denies the right to equal opportunity or salary especially when based upon the following: race, colour, or origin; sex, marital status or family responsibilities; religion, beliefs or political opinions; social or economic conditions; country of origin; disability; previous, current or future pregnancy; any other type of discrimination.
- **Dismissal:**The employer shall not terminate a woman's work contract during her maternity leave.
- **Job guarantee:**At the end of her maternity leave, the woman shall resume her previous work or be given another post with the same position and salary as she used to receive before her maternity leave.

Breastfeeding:

- **Breastfeeding breaks:** For a 12-month period starting from the day on which the infant is born, the mother is entitled to a rest period of 1 hour per day, to allow her to breastfeed her child.
This hour is paid.
A mother who resumes service during the last 6 weeks of her maternity leave has the right to a rest period of 2 hours per day.

SAO TOME & PRINCIPE

Name of Acts:

- Labour Law, Law No. 6/92, (Regime Juridico das Condições Individuais de Trabalho Diário da República), 1992
- Act No.1/90, regulating Social Security, 1990.

Scope:

- Every female worker with the exception of onboard work, port work and domestic work because these labour relations are regulated by specific legislation.
- Article 3 of the *Labour Law* states that until there is specific legislation regulating public servants, the provisions of the Act will apply to them.

Maternity leave:

- **Length:** 60 days (8 weeks plus) without loss of remuneration. Up until 2004, maternity leave was 70 days.
- **Compulsory leave:** at least 30 days of the 60 days have to be taken immediately after the birth (4 weeks). The rest can be taken, totally or partially, before or after the birth.
- **Extension:** The 60-day period shall be extended by 15 days in case of *multiple births*. The worker can take absence from work, without loss of remuneration, in order to provide *medical assistance to her child* or to follow him in order to obtain medical assistance, whenever this is not possible outside the working time period.

Cash benefits:

- **Maternity leave benefits: Scope:** The general regime for employees working for others is compulsory, and comprises all workers subordinate and their respective employers, and covers eventual disease, maternity, professional disease and work accidents, incapacity, old age and death.
Conditions: Be registered with the Social Security System for the last 360 days; have contributed according to the work performed for 10 months out of the past 360 days; present a medical certificate attesting pregnancy.
Amount/Duration: 100% of wages for total duration of leave calculated on the basis of the average daily wage over a period of 360 days.
Benefits are paid by Social Security, but the employer must pay for women who are not covered by Social Security.

Medical benefits:

- No mention.

Health protection:

- **Overtime:** The female worker is guaranteed the right to not perform overtime work during pregnancy and after birth, for a period medically attested.
- **Dangerous or unhealthy work:** the female worker is entitled to not perform tasks medically dangerous during pregnancy or after the birth, without loss of remuneration.

Non-discrimination/Job protection:

- **General:** Job offers cannot contain, directly or indirectly, any restriction, specification or preference based on sex, unless the nature of the work to be performed requires it, making it qualitatively when performed by a man or a woman.
Employers shall guarantee to the female workers equal treatment and opportunities with regard to professional formation and development of their professional career.
- **Dismissal:** No specific job protection measures for women on maternity leave concerning dismissal, etc.
- **Job guarantee:** No specific mention.

Breastfeeding:

- **Breastfeeding breaks:** Right to nursing breaks to breastfeed her child during 1 hour, or in two periods of half an hour each.

They can last up to 1 year after the birth.
These breaks are paid.

SENEGAL

Name of Acts:

- Labour Code of Senegal, 1997, amended 2003
- Social Security Code, Act No. 73-37, 1973, amended 1997
- Order N° 5254 IGTLS/AOF respecting the Employment of Women and Pregnant Women, 1954
- Law No. 2001-03, issuing the Constitution of Senegal, 2001
- Decree No. 2008-1047, issuing the Creation of the National Observatory of Women's Rights and Fixing its Organization and Operational Rules, 2008.

Scope:

- Remarks: The *Labour Code* applies to all male and female workers of any nationality who work in Senegal, except for those in the public service. The *Social Security Code* applies to all paid workers included in the scope of the *Labour Code* or the *Merchant Shipping Code* except those who enjoy a more favourable regime or whose regular residence is outside of Senegal.
- All female workers working in Senegal, independently of their nationality, are entitled to maternity leave under the provisions of the *Labour Code*.
- Civil Servants are covered by specific regulations.

Maternity leave:

- **Length:** 14 weeks: all female workers are entitled to suspend their contract in the case of pregnancy, and to enjoy 14 consecutive weeks of rest of which 8 shall be taken after delivery.
- **Compulsory leave:** After delivery at least 8 weeks of rest.
- **Extension:** In addition to the 14 weeks of maternity leave, female workers may have 3 weeks of extra leave based on a *certified illness* arising from the pregnancy or *complications* of the confinement.

Adoption leave:

- The *Social Security Code* states the right of the worker to enjoy cash benefits for the adoption of a child.

Cash benefits:

- **Maternity leave benefits:** Various forms of cash benefits are provided before and after childbirth: pre-natal allowances, maternity benefits and daily allowances, as well as family allowances.
- **Pre-natal allowances: Conditions:** the woman must belong to one of the following situations during her pregnancy: 1) unemployed but married to an insured employee, 2) unmarried-employed, or 3) married-employed, whose husband is not in paid employment.
In addition, women must undergo medical examinations three times during pregnancy: before the 3rd, the 6th and the 8th month.
The payment of pre-natal benefits is conditional to the presentation of a pregnancy certificate to the Social Security Fund and women receive their allowances in three payments: one equivalent to 2 months before the 3rd month of pregnancy, another equivalent to 4 months in the 6th month of pregnancy and the last one, equivalent to 3 months in the 8th month of pregnancy.
Amount: not specified.
- **Maternity allowances: Conditions:** women have to be either: 1) unemployed but married to an insured employee, 2) unmarried-employed, or 3) married-employed, whose husband is not in paid employment.
To be entitled to these benefits, the woman must present to the Social Security Fund a birth certificate of her child and a maternity certificate which states that the child has undergone periodical visits.
The woman receives her allowances in five payments: one equivalent to 6 months when the child is 6 months old, another equivalent to 6 months when the child is 12 months old, another equivalent to 3 months when the child is 18 months old and the last one equivalent to 3 months when the child is 24 months old.

Duration:from the date of birth until the child reaches the age of 2 years

- **Daily benefits (maternity benefits):****Conditions:**in order to receive these, the woman must be employed. Payment is conditional to the presentation of the proof of wage-earning, a certificate of pregnancy, the suspension of the professional activity and a receipt of her salary during the month preceding the beginning of her leave. Benefits are paid per period of 30 days or at the end of the leave.

In case of *multiple births*, maternity benefits are paid for each child.

Amount/Duration:Since 2009, maternity benefits are 100% of the daily wage received on the last pay day, including allowances directly related to the nature of the work. They are received during whole period of maternity leave.

- **Family allowances: Conditions:** the worker (male or female) should have completed 3 consecutive months of gainful activity with a minimum of 18 days or 120 hours of employment each month. This period of employment may be accumulated over 2 or 3 months in occupations and jobs normally involving intermittent or irregular hours of work.
- **Adoption leave benefits:** same as maternity benefits.
- **All types of benefits are paid** by the Social Security Fund, which is financed by different sources: natural or legal persons required by the law, State, grants, donations, legacies, and any other income.

Medical benefits:

- No relevant provisions on medical benefits are mentioned.

Health protection:

- **Dangerous jobs: In general**, the types of work which pregnant women cannot do are to be specified by decree. No pregnant women may be employed at any job that is beyond her strength, that presents risks or is dangerous or which, by their nature and the conditions under which they are carried out, are likely to injure their morality.

During pregnancy no woman can be required to *carry, push or drag any load* (as long as the employer has been informed of her condition) or during the 3 weeks following the normal resumption of work after confinement.

Labour inspectors may require medical examinations in order to test if the work performed by the female worker, even if she is not pregnant, is excessive according to her physical condition.

Non-discrimination/Job protection:

- **General:** It is a constitutional right to not be discriminated on the grounds of sex. Any discrimination between men and women regarding employment, salary and taxation is prohibited. The National Observatory of Women's Rights is a national autonomous organization which handles the promotion of women rights and monitors the compliance of the principle of non-discrimination between men and women.
- **Dismissal:** No employer can dismiss a female employee during the period of maternity leave.
- **Termination by employee:** On the other hand, during the 15-month period of nursing, the legislation states the right of the worker to stop working without giving notice and without having to repay the employer for the termination of the contract.
- **Job guarantee:** No provisions identified related to the right of returning to her post.

Breastfeeding:

- **Breastfeeding breaks:** During a period of 15 months from the date of the delivery, female workers are entitled to rest not exceeding 1 hour per day, to breastfeed their children. No mention of breaks being paid or not.

SEYCHELLES

Name of Acts:

- Employment Act 1995, Act No.29, 1995, amended 2006
- Conditions of Employment Regulations, 1991, Statutory Instrument No. 34, amended 2006
- Employment (Conditions of Employment) (Amendment) Regulations, 2007
- Social Security Act, 2010
- Social Security (Benefits) Regulations 1987, Statutory Instrument No. 92, 1987, amended to Social Security (Benefits) (Amendment) Regulations, 2007
- Constitution of Seychelles, 2011
- Occupational Safety and Health Decree, Chapter 151-191 and Subsidiary legislation.

Scope:

- Maternity protection under the *Employment Act* and the *Conditions of Work Regulations* covers a female worker under a contract of continuous employment or, subject to sub regulations, under a contract for a fixed term or part-time.
- It covers female employees aged 15 years and above, including public servants.

Maternity leave:

- **Principle:**“The State recognizes the unique status and natural maternal functions of women in society and undertakes as a result to take appropriate measures to ensure that a working mother is afforded special protection with regards to paid leave and her conditions at work during such reasonable period as provided by law before and after childbirth.”
- **Conditions:** A woman worker is required to give notice to her employer at least 3 months before the expected date of confinement.
- **Length:** 14 weeks.
- **Compulsory leave:** 12 weeks after confinement.
- **Extension:**No mention of extension in case of *multiple births*.The woman is entitled to sick leave on medically certified illness resulting from pregnancy or confinement.(An aggregate of 30 paid days in a year period and an aggregate of maximum 60 days unpaid sick leave after the exhaustion of paid sick leave).

Paternity leave:

- **Scope:** The *Employment Act* applies to workers under a contract of continuous employment or, subject to sub regulations,under a contract for a fixed term or part-time (employees aged 15 years and above) including public servants.
Although there is no statutory paternity leave, the father can take compassionate leave that does not have any qualifying conditions attached to it.
Under the *Employment Act* and *Conditions of Work Regulations*, male employees in the private and public sectors are entitled to up to 4 days paid leave for compassionate reasons (for the death of a close relative and other situations). Leave taken in excess of 4 days within a 12-month period is unpaid.
Moreover, a worker must also be allowed reasonable time off work, with or without pay at the discretion of the employer, to attend matters which cannot normally be attended to except during the worker’s working hours.

Cash benefits:

- **Maternity leave benefits: Conditions:** A person who is a citizen of Seychelles and is resident is entitled to apply for benefits. Moreover, she need to present a certificate by a medical practitioner in a form approved by the Minister; she is in employment, either as an employed person or self-employed person, immediately prior to the period of which she is claiming benefit; and she is not entitled to any other benefit, other than survivor’s benefit.
Amount: A flat monthly rate; the percentage of wage is not stipulated in the *Social Security Act* of 2010.

Duration: Maternity benefits are paid during the whole length of maternity leave (12 weeks). Where a medical practitioner certifies that the person covered (maternity cash benefit) is incapable of work on account of her confinement, or expected confinement, for childbirth for more than the period prescribed, the person covered shall be entitled to sickness and thereafter to invalidity benefits.

Benefits are paid by the Social Security Fund.

- **Paternity leave benefits:** 4 days are paid by the employer (compassionate leave); if longer, leave is unpaid.

Medical benefits:

- No medical benefits are provided for pre-natal, childbirth and post-natal care for female workers in the *Social Security Act*. The Ministry of Health of Seychelles does not mention any medical benefits for women during pregnancy, childbirth and the post-natal period. Nonetheless, the official government website explains that any resident of Seychelles may use the maternity care services offered and to do so, must go to their health centre. For citizens or residents of Seychelles who are government employees, the service is free. Non-citizen residents who are employed in the private sector have to pay for the service. Moreover, “Where a female worker or wife or concubine of a worker living on an outer island is pregnant, the employer shall, at his expense, arrange for the repatriation of the ...the pregnant woman to Mahe or to a hospital or health centre where adequate care and treatment are available”.
- Time off for medical examinations are not provided expressly either for pregnant workers or working mothers though it is stipulated that a worker is allowed reasonable time off work, with or without pay at the discretion of the employer, to attend to matters which cannot normally be attended outside of working hours.

Health protection:

- **Night work:** from her 6th month of pregnancy and up to 3 months after confinement, a female worker may not be employed at night between 22:00 and 5:00 hours.
- **Overtime:** from her 6th month of pregnancy and up to 3 months after her confinement, a female worker may not be employed on overtime work.
- **Work on rest days:** It is not forbidden for pregnant workers or for breastfeeding mothers to work on rest days. Nonetheless, an employer shall grant to his/her workers at least 24 consecutive hour's rest in any period of 7 days. Except in an essential service, an employer shall not require a worker, other than a shift-worker or a watchman, to work on holidays. The employer can allow double pay for that day or an alternative holiday at the worker's option.
- **Dangerous jobs:** There are no special measures enacted on the *assessment of working places* in order to protect health and safety either of pregnant workers or of breastfeeding mothers. However, it is the employer's duty to ensure the health, safety and welfare at work of all his employees and to conduct the undertaking so as to ensure that no-one is exposed to risks to their health or safety. *Measures include:* arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances, the provision and maintenance of a working environment for employees that are safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.
- **Transfer:** At any time during pregnancy and up to 3 months after confinement, if a female worker produces a medical certificate stating that a change in the nature of her work or duties is necessary in the interest of her health or that of her child, she has the right to be transferred to other work or duties appropriate to her condition without loss of wages. Where a transfer is not possible, the female worker is entitled to sick leave (paid). However, the right of a female worker to return to the same job she was performing before taking her sickness

leave during pregnancy if the transfer to other job was not possible and/or after returning from her maternity leave is not expressly mentioned.

- Other measures regarding physical, chemical, and other risks to pregnant and lactating workers are not mentioned.

Non-discrimination/Job protection:

- **General:** There is a Constitutional right in favour of all persons, but nothing is specifically mentioned for pregnant workers and/or working mothers: “Right to equal protection of the law: 1) Every person has a right to equal protection of the law including the enjoyment of the rights and freedoms set out in this Charter without discrimination on any ground except as is necessary in a democratic society. 2) Clause 1) shall not preclude any law, programme or activity which has as its object the amelioration of the conditions of disadvantaged persons or groups”.
- **Dismissal:** Notice of termination shall not be given to a worker while that worker is on sick leave or pregnant or on maternity leave unless the competent officer so authorizes.
- **Job guarantee:** It is not expressly mentioned that the woman returning from maternity is entitled to the same job (and same conditions) as before her leave.

Breastfeeding:

- **Breastfeeding breaks:** No mention.

SOMALIA

Name of Acts:

- Labour Code, Law No. 65, 1972
- Private Sector Employees Law, Law No. 31, 2004
- Constitution of the Republic of Somalia, 1960
- The Transitional Federal Charter of the Somali Republic, 2004.

Scope:

- Maternity protection under the *Labour Code* covers women workers in the private sector. It also covers women workers in public service or public institutions who are not covered by any other law.
- Persons in the Armed Forces, the Police Force and Para-military Forces of the State are not covered.

Maternity leave:

- **Condition:** A woman worker shall present to the employer a medical certificate indicating the expected date of her confinement.
- **Length:** 14 weeks, of which at least 6 weeks to be taken after confinement
- **Compulsory leave:** 6 weeks after confinement.
- **Extension:** If the confinement takes place *after the expected date*, pre-natal leave is extended up to the actual date.

Cash benefits:

- **Maternity leave benefits: Scope:** All women workers covered by the *Labour Code* are entitled to maternity benefits during 14 weeks of maternity leave.
Conditions: A woman worker is entitled to maternity cash benefits on presentation to her employer of a medical certificate indicating the expected date of her confinement, and if she has been employed by the employer for at least 6 months without any interruption on her part except for properly certified illness.
Amount: Benefits amount to 50% of wages.
Duration: during 14 weeks of maternity leave.
Benefits are paid by the employer.

Medical benefits:

- Medical care is available in government dispensaries and hospitals.
- However, Social Security does not mention maternity benefits.
- No time off for medical examinations.
- Paid by Social Security (?)

Health protection:

- **Night work** (10 pm- 5 am): unlawful to employ young persons under the age of 18 years or women on night work in industrial, commercial and agricultural undertakings and their ancillary establishments, except undertakings in which only members of the same family are employed. There are some exceptions to this rule (emergencies, etc.).
- **Overtime and work on rest days** are allowed for both pregnant workers and breastfeeding mothers.
- **Dangerous work:** It is the responsibility of the Secretary of State in charge of labour affairs to prescribe the types of work prohibited for women, expectant women and nursing mothers, children (<15 years of age) and young persons (15-18 years of age).
- **Risks:** General legal provisions exist to guarantee the health and safety of all workers in working places, but none specifically for pregnant or nursing workers.
All factories, workshops and other workplaces shall be built, installed, equipped and managed in such a way that the workers are properly protected against possible risks; maintain a perfect state of safety and hygiene to avoid risks of accident or damage to health; take suitable measures to prevent contamination of workplaces from toxic gases, vapours, dust, fumes, mists and other

emanations; provide sufficient and suitable toilet and washing facilities, separately for men and women workers; take the necessary precautions in his establishment to protect the life, health and morality of the workers.

Non-discrimination/Job protection:

- **General:** Every person has the right to follow any occupation s/he chooses and has the right to equality of opportunity and treatment in respect of employment and occupation without discrimination on the basis of language, race, color, sex, religion, political opinion, national extraction or social origin and has the duty to afford such equality to other persons.
- **Dismissal:** No woman worker shall be discharged during pregnancy, as duly confirmed by a medical certificate, until the end of the maternity leave or until the child is 1 year old, with the following exceptions: the cessation of the activity of the undertaking in which the woman worker is employed; the completion of the work for which the woman worker was engaged or the termination of the employment relationship on the expiry of the stipulated term.
- **Job guarantee:** a woman returning to work after maternity leave cannot be dismissed for one year after the child's birth. This does not mean expressly that she is entitled to the same job and same conditions as before her leave.

Breastfeeding:

- **Breastfeeding breaks:** A women worker nursing her child is entitled to two daily paid breaks of one hour each.
Maximum period of 1 year after the date of birth of the child.
Nursing breaks are counted as working hours and remunerated accordingly.

SOUTH AFRICA

Name of Acts:

- Basic Conditions of Employment Amendment Act No. 11, 2002
- Employment Equity Act No. 55, 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4, 2000
- Labour Relations Act No. 66, 1995
- Unemployment Insurance Contributions Act No. 4, 2002
- Basic Conditions of Employment Act No. 75, 1997
- Unemployment Insurance Act No. 63, 2001, amended as the Amendment Unemployment Insurance Act.

Scope:

- Under the *Basic Conditions of Employment Act*, maternity protection covers all employed women who receive remuneration in the private or public sectors,
- Members of the National Defense Force, National Intelligence Agency and Secret Service; independent contractors, unpaid volunteers working in a charity organization and women employed on vessels at sea are not covered by the Act.

Maternity leave:

- **Conditions:** A female employee must work at least 24 hours a month for her employer to be eligible to maternity leave.
- **Length:** At least 4 consecutive months (16 weeks).
- **Compulsory leave:** 6 weeks after confinement unless a medical practitioner or midwife certifies that she is fit to return to work.
- **Extensions:** In the event of a *miscarriage* in the third trimester of pregnancy or a *stillbirth*, the woman is entitled to 6 weeks of leave from the date of the miscarriage or stillbirth whether or not she has commenced maternity leave at the time of miscarriage or stillbirth.

Parental leave:

- **Scope/Conditions/Length:** Male and female employees employed for longer than 4 months and who work at least 4 days a week are entitled to a family responsibility leave of 3 days' paid leave per year.
This leave can be taken when the employee's child is born (paternity leave) or sick (until the child reaches the age of 18).
The leave can also be taken in the event of the death of family members (spouse or life partner, parent, adoptive parent, grandparent, child and adopted child, grandchild or sibling).

Adoption leave:

- It appears to exist, but no information.

Cash benefits:

- **Maternity/Adoption leave benefits: Scope:** All employees are covered who receive remuneration (domestic and seasonal workers are covered from April 2003), except for independent contractors, government employees, employees who work less than 24 hours a month and foreigners who enter the country for the purpose of fulfilling an employment contract and who are required to leave the country upon termination of the contract.
Conditions: Under the Act, cash benefits for maternity and adoption of children under 2 years old, are provided to eligible insured female employees.
An application for maternity benefits must be made at least 8 weeks before childbirth and approved by a claim officer.
The insured must have contributed at least 13 weeks in the 52 weeks before the expected date of birth (for adoption, 18 weeks in the 52 weeks before the date of adoption).
Amount: The *Unemployment Insurance Act* provides for a maternity benefit of up to a maximum amount of 60% of remuneration depending on level of income of the contributor. (Up to a

maximum amount of 60% of remuneration for lower income contributors and a lower rate for higher income contributors).

Duration: Benefits are paid for a maximum of 17.32 weeks.

In case of a miscarriage during the third trimester or a stillborn child the contributor is entitled to a maximum maternity benefit of 6 weeks after the miscarriage or stillbirth.

Benefits are paid by the Unemployment Insurance Fund, which is based on obligatory monthly contributions from employees and employers.

Health benefits:

- No mention.

Health protection:

- **Night work: Transfer:** During an employee's pregnancy and for a period of 6 months after the birth, if the employee is employed on night work or her ordinary duties of work pose a danger to her health or safety or that of her child, the employer must offer her suitable alternative employment on terms and conditions that are no less favorable than her ordinary terms and conditions of employment, if it is practicable for the employer to do so.
- **Dangerous or unhealthy work:** No employer may require or permit a pregnant employee or an employee who is nursing her child to perform work that is hazardous to her health or that of her child. A *Code of Conduct* sets forth legal requirements for employers to conform with requirements under the *Basic Conditions of Employment Act 1997* of conducting risk assessment in relation to the work of pregnant and nursing employees. The Code also identifies possible hazards such as vibrations, heat, cold, noise, radiations, chemicals, strenuous work, prolonged sitting or standing, exposure to gases and proposes means to minimize risks.
Risk evaluation: When an employee notifies an employer that she is pregnant her situation in the workplace should be evaluated. The evaluation should include an examination of the employee's physical condition by a qualified medical professional; the employee's job and the workplace practices and potential workplace exposures that may affect the employee. Employers must keep the risk assessment for expectant or new mothers under regular review.
- **Transfer:** Where appropriate, employers should also maintain a list of employment positions not involving risk to which pregnant or breastfeeding employees could be transferred.
- **Time off for medical examinations:** Arrangements should be made for pregnant and breastfeeding employees to attend ante- and post-natal clinics as required.

Non-discrimination/Job protection:

- **General:** No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, family responsibility.
- **Dismissal:** Employment equity legislation prohibits unfair dismissal on grounds of pregnancy. The dismissal of an employee on account of her pregnancy, intended pregnancy, or any reason related to her pregnancy, is automatically unfair.
Dismissal includes the refusal to allow an employee to resume work after she a) has taken maternity leave in terms of any law, collective agreement or her contract of employment; or b) has been absent from work for up to 4 weeks before the expected date and up to 8 weeks after the actual date of birth of her child.
- **Burden of proof:** Whenever unfair discrimination is alleged in terms of this Act, the employer against whom the allegation is made must establish that it is fair (burden of proof).
If the complainant makes out a prima facie case of discrimination the respondent must prove, on the facts before the court, that the discrimination did not take place as alleged; or the respondent must prove that the conduct is not based on one or more of the prohibited grounds.
- **Job guarantee:** No mention.

Breastfeeding:

- **Breastfeeding breaks:** No mention.

SUDAN

Name of Acts:

- Labour Code, Act No. 20, 1997
- Part Two - Bill of Rights, excerpts from the Interim Constitution of Sudan, 2005
- Domestic Servants Act, 1955, amended to Act No. 40, 1974.

Scope:

- Maternity protection covers all women workers except civil servants, members of the armed forces, domestic servants, agricultural workers, family members of an employer and casual workers.

Maternity leave:

- **Conditions:** A female worker shall be entitled to maternity leave after 6 months of service.
- **Length:** Maternity leave entitlement is of a period of 8 weeks.
- **Compulsory leave:** Leave can be taken 4 weeks before and 4 weeks after confinement or 2 weeks before and 6 weeks after confinement or 8 weeks after confinement in the event that the worker is in mourning leave until the date of her confinement.
- **Extension:** Possible in the case of *illness* arising from pregnancy or childbirth (sick leave). *Sick leave with pay* may be taken for the duration of the illness as certified by a doctor, up to a maximum of 9 months (plus any period of normal leave entitlements). Following that, the worker is on *sick leave without pay* until he/she is examined by a medical committee to decide immediately whether s/he is fit to work.

Cash benefits:

- **Maternity leave benefits: Conditions:** Entitlement to paid leave for 8 weeks at 100% of salary after completion of one year's service from the date of her appointment and for any subsequent year of service.
- **Amount:** 100% of salary.
- **Duration:** 8 weeks of maternity leave.
- **Benefits paid by the employer.**

Medical benefits:

- The *Interim Constitution of Sudan 2005* provides that the State shall provide free primary health care and emergency services for all citizens and, in particular, that it provides maternity and child care and medical care for pregnant women. But no laws or statutory provisions establishing such services have been identified. The *Health Insurance Act 2004* establishes a Health Insurance Fund, but it only applies to public sector employees and insured pensioners. **Health protection:**
- **Night work:** No woman is allowed to work between 10 pm-6 am, unless she is employed in administrative, professional, technical work or social or health services work; or the competent authority, in consultation with the Federal Commission for Manpower, so allows in response to the requirements of public interest, subject to any conditions prescribed.
- **Overtime work:** it shall be optional for women in all cases.
- **Dangerous work:** It is prohibited to employ women in occupations which are hazardous, arduous or harmful to their health, such as carrying weights or assigning women to perform jobs under ground or under water or jobs which may expose them to poisonous material or to temperatures exceeding the normal limits borne by women. Every owner of an industry shall take the necessary precautions to protect workers against industrial accidents and occupational diseases.

Non-discrimination/Job protection:

- **General:** The *Interim Constitution of Sudan 2005* provides that all persons are equal before the law and are entitled without discrimination, as to race, colour, sex, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law. It further provides that the State shall: a) guarantee the equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal

pay for equal work and other related benefits; b) promote women's rights through affirmative action; and c) combat harmful customs and traditions which undermine the dignity and the status of women.

- **Dismissal:** An employer may not terminate the employment of a woman worker during the pregnancy or maternity leave period, unless the employer's establishment suffers total destruction or certified dissolution or liquidation, or the worker a) remains unable to return to work after her maternity and sick leave entitlements have been exhausted, due to a certified illness; b) is employed on a fixed-term contract or a job which ends during the relevant period; or c) agrees to the termination in writing, resigns or dies.
- **Job guarantee:** implied by the fact that a woman may return to her work after her leave as long as she is not ill.

Breastfeeding:

- **Breastfeeding breaks:** The total daily periods of rest for all women shall not be less than 1 paid hour per day. These periods shall be broken into periods lasting for at least half an hour or more. The duration of work shall not exceed 5 continuous hours without any rest. The daily working hours shall be reduced by one hour for breastfeeding mothers for two years from the date of the birth, provided that such an hour shall be payable by the employer.

SWAZILAND

Name of Acts:

- Employment Act, Act No. 5, 1980.

Scope:

- The maternity leave protection under the *Employment Act* applies to all persons to whom wages are paid or are payable under a contract of employment with any person or undertaking, contractor, corporation, company, public authority or body of persons.
- However, it does not apply to persons employed in the Royal Swaziland Police, the Umbutfo Swaziland Defense Force and Swaziland Prison Services, or to outworkers.

Maternity leave:

- **Conditions:** To qualify for maternity leave under the *Employment Act*, female employees, other than domestic workers, must have: 1) been in the continuous employment of the employer for 12 months or more; 2) not have taken maternity leave within the previous 24 months; and 3) delivered to her employer: a certificate issued by a medical practitioner or a midwife setting forth the expected date of her confinement; a certificate issued by a medical practitioner or a midwife setting forth the actual date of her confinement; or such other evidence in support of the entitlement to maternity leave as is reasonable.
- **Length:** Female workers are entitled to maternity leave of not less than 12 weeks, including not more than 6 weeks before and not less than 6 weeks after confinement.
- **Compulsory leave:** not expressed as compulsory as such, but in the following terms: a female worker must take no less than 6 weeks' maternity leave after confinement.
- **Extension:** Where an employee has been granted maternity leave and the *date of her confinement is later* than stated in the certificate given to the employer, (date on which birth was expected), her maternity leave is extended to include the period between those dates.
An employee's maternity leave may be extended up to 6 weeks in the case *illness* arising out of her confinement.

Cash benefits:

- **Maternity leave benefits: Scope:** of the maternity cash benefits mirrors the scope of the maternity leave entitlement.
Conditions: The qualifying conditions of the maternity cash benefit mirror those which apply to the maternity leave entitlement.
Amount/Duration: The maternity cash benefit shall be paid 100% of salary for at least 2 weeks during the period of maternity leave (up from unpaid leave until 2004).
Benefits are paid by the employer.

Medical benefits:

- There are no provisions establishing a right to pre-natal, childbirth or post-natal care identified.

Health protection:

- **Night work:** No employer shall employ any female in any undertaking between the hours of 10pm of one day and 6am of the following day unless he obtains a certificate from the Labour Commissioner authorising him to do so.
Before issuing a certificate, the Labour Commissioner shall satisfy himself that: a) where female employees are required either to start or finish work between 10pm and 6am, adequate means are available for the transport of employees to their places of work before starting work and to their homes within a reasonable time after work; b) the employer has provided, at the place of employment, adequate rest room facilities and facilities for eating meals; c) employees are given adequate opportunities for rest and meal breaks between employment periods.
The prohibition on employment women at night shall not apply: a) in cases of emergencies which could not be controlled or foreseen, or which are not of a recruiting character and which interfere with the normal working of the undertaking; b) when the work has to do with raw materials, or materials in the course of treatment which are subject to rapid deterioration and when night work

is necessary to preserve the materials from certain loss; c) To persons holding responsible positions of a managerial or technical nature; d) to undertakings in which only members of the employer's immediate family are employed.

- **Dangerous or unhealthy work:** No general obligation to assess workplace risks identified. However, every employer must ensure that: 1) every workroom in which persons are employed is kept clean and in sanitary condition, has adequate ventilation and circulation of fresh air, and adequate and suitable lighting; 2) there is an adequate supply of wholesome drinking water for his employees at their place of work; and 3) sufficient and suitable sanitary conveniences are available for his employees at or near their place of work.

Non-discrimination/Job protection:

- **General:** No employer shall, in any contract of employment between himself and an employee, discriminate against any person or between employees on grounds of race, colour, religion, marital status, sex, national origin, tribal or clan extraction, political affiliation or social status. Further, every employer should take steps to eliminate discrimination in any employment policy or practice and must promote equal opportunity at the workplace. Particular provision is made to *equal pay for equal work* between male and female employees. However, no treatment accorded to females in accordance with the law and in connection with the birth or expected birth of a child, or in connection with terms and conditions of employment related to retirement, marriage or death, are deemed to contradict this prohibition.
- **Dismissal:** Concerning maternity, and except in some precise situations, an employer shall not: a) terminate the services of, or give notice of such termination to an employee at any time between the date the employee provides a certificate or other evidence of her entitlement to maternity leave and the date of the expiration of her maternity leave or additional leave granted; b) give notice of termination of services to an employee so that it would expire during her maternity leave or the additional leave granted in accordance with the *Employment Act*, or terminate her services during such leave; c) terminate the services of an employee or require an employee to resign on the grounds that she is pregnant; d) require an employee to resign during any of the times referred to in paragraphs a) and b); e) terminate the services of an employee unfairly, including because of the employee's absence from duty due to sickness certified by a medical practitioner for a period not exceeding 6 months, except where the employer proves that, in all the circumstances of the case, it was necessary for him permanently to replace the employee at the time his services are terminated.
- **Burden of proof:** If the employee claims a breach of the provisions dismissing a male or female employee because of his/hers absence on sick leave as unfair, the employee is required to prove that he/she was an employee to whom this applied at the time his/her services were terminated. Once that is established, the termination shall be deemed unfair unless the employer proves that: a) the reason for the termination was one permitted; and b) taking into account all the circumstances of the case, it was reasonable to terminate the service of the employee.
- **Job guarantee:** Where an employee resumes employment after being granted maternity leave or additional leave, she shall be entitled to continue in her former work or equivalent work without loss of seniority and she shall not, by reason only of the fact that she went on maternity leave, be paid lower wages or employed on less advantageous terms and conditions than those which applied to her employment before she went on leave.

Breastfeeding:

- **Breastfeeding breaks:** Every female employee shall be entitled to a 1-hour nursing break per day for 3 months after the maternity leave. Nursing breaks are paid.

TANZANIA, UNITED REPUBLIC OF

Name of Acts:

- Employment and Labour Relations Act, Act 6, 2004
- National Social Security Fund Act, Act. No. 28, 1997
- Community Health Fund Act, Act No. 1, 2001.

Scope:

- The maternity leave provisions of the *Employment and Labour Relations Act* apply to all employees employed in mainland Tanzania, including those in the public service of the Government of Tanzania.
- It does not apply to members, whether temporary or permanent, in the service of the Tanzania People's Defense Forces, the Police Force, the Prisons Service, or the National Service.

Maternity leave:

- **Conditions:** To qualify for maternity leave, an employee must: 1) give notice of intention to take maternity leave at least 3 months before the expected date of birth, supported by a medical certificate; 2) unless employed on a seasonal basis, have worked for more than 6 months (in total) for the same employer; 3) not have taken a similar leave within the leave cycle (defined for the purposes of maternity leave as a 36-month period commencing on the anniversary of the employee's employment); and 4) not have taken maternity leave for four terms under the same employer.
- **Length:** An employee shall be entitled 84 days (12 weeks) maternity leave. An employee is entitled to 100 days' maternity leave (14 weeks) if she gives birth to more than one child at the same time.
- **Compulsory leave:** No employee shall work during 6 weeks after childbirth, unless a medical practitioner certifies that the employee is fit to work. Typically, maternity leave is to commence at any time from 4 weeks before the expected date of confinement and end no earlier than 6 weeks after the actual date of confinement. An employee may commence maternity leave before the normal starting date if a medical practitioner certifies that it is necessary for the employee's health or that of her unborn child.

Paternity leave:

- **Conditions:** To qualify for paternity leave, an employee must: 1) be the father of the child; 2) take the leave within 7 days of the birth of a child; 3) unless employed on a seasonal basis, have worked for more than 6 months (in total) for the same employer; and 4) not have taken a similar leave within the leave cycle (defined for the purposes of maternity leave as a 36-month period commencing on the anniversary of the employee's employment).
- **Length:** The paternity leave entitlement is to a period of 3 days' leave in any leave cycle (36 months). The statutory entitlement does not increase according to the number of children that are born within the leave cycle.

Compassionate leave:

- An employee with more than 6 months' service with an employer shall be entitled, in each leave cycle (36 months) to at least 4 days paid leave for the sickness or death of the employee's child.

Cash benefits:

- **Maternity leave benefits:** Depending on the act that is applied (*Employment Act* or *Social Security Fund Act*), some differences:
- **Employment Act: Conditions:** Paid to a) an insured person who has made at least 36 monthly contributions, of which 12 contributions are made in the 36 months prior to date of confinement; b) upon the receipt by the Director General of a medical certificate from an accredited medical provider, certifying that the woman expects delivery of a child; and provided c) 3 years have passed since the day when the last payment was made to the insured person (unless the child dies within a period of 12 months).

Amount: Calculation of amount: Maternity leave shall be paid at a rate calculated on an employee's basic wage. "Basic wage" means that part of an employee's remuneration paid in respect of work done during the hours ordinarily worked but does not include allowances, whether or not based on the employee's basic wage, pay for overtime, additional pay for work on a Sunday or a public holiday, or additional pay for night work.

Maternity benefits equal to 100% of the employee's average daily earnings shall be payable for a period of 12 weeks.

Duration: whole leave. A maternity benefit shall be payable for 1 month only to an insured person in the case of still-birth.

Benefits are paid by the employer.

- **National Social Security Act: Conditions:** Shall be payable for a period of 12 weeks under the National Social Security Fund Act: a) to an insured person who has made at least 36 monthly contributions, of which 12 contributions are made in the 36 months prior to date of confinement; and b) upon the receipt by the Director General of a medical certificate from an accredited medical provider, certifying that the woman expects delivery of a child; provided; c) 3 years have passed since the day when the last payment was made to the insured person (unless the child dies within a period of 12 months).

Employers who are registered with the National Social Security Fund are exempted from the maternity benefit requirements under the Employment Ordinance. Further, no insured person shall be entitled at anytime to more than one benefit, and if he qualifies for more benefits than one at the same time he shall be paid the one which is the highest.

Amount: Maternity benefits equal to 100% of the employee's average daily earnings.

Duration: 12 weeks. Maternity benefits shall be payable for 1 month only to an insured person in the case of still-birth.

Benefits are paid by the National Social Security Fund.

- **Paternity leave benefits** are paid by the employer.

Medical benefits:

- **Pre-natal, childbirth and post-natal care:** Medical care during pre-natal and post-natal period by an accredited medical practitioner or midwife are to be provided under the National Social Security Fund Act: a) to an insured person who has made at least 36 monthly contributions, of which 12 contributions are made in the 36 months prior to date of confinement; and b) upon the receipt by the Director General of a medical certificate from an accredited medical provider, certifying that the woman expects delivery of a child; provided c) 3 years have passed since the day when the last payment was made to the insured person (unless the child dies within a period of 12 months).
- **Benefits are paid by:** the National Social Security Fund, which is constituted of: a) the combined contributions of eligible employers and the insured persons paid into the Fund at the rates set out in the First schedule; b) the existing funds and assets transferred to the Fund at the time of the Fund's creation; c) income and capital appreciation derived from the holding of that assets of the Fund in any form; and d) such other sums or assets as may accrue or be granted to the Fund.

Health protection:

- **Night work:** It is prohibited for an employer to require or permit: a) *pregnant employees* to work between 8pm and 6am 2 months before the expected date of confinement; or before that date if the employee produces a medical certificate that she is no longer fit to perform night work; b) *mothers* to work between 8pm and 6am for a period of 2 months after the date of birth; before that date, the mother requesting to work must produce a medical certificate that her and the baby's health shall not be endangered; after that date if the mother produces a medical certificate that she is not yet fit to perform night work or that the baby's health does not permit the employee to work night shift.

- **Dangerous or unhealthy work:** No employer shall require or permit a pregnant employee or an employee who is nursing a child to perform work that is hazardous to her health or the health of her child.
- **Transfer:** Where an employee performs work that is hazardous to her health or that of her child, her employer shall offer her suitable alternative employment, if practicable, on terms and conditions that are no less favorable than her terms and conditions.

Non-discrimination/Job protection:

- **General:** Every employer shall ensure that he promotes an equal opportunity in employment and strives to eliminate discrimination in any employment policy or practice.
No employer shall discriminate, directly or indirectly, against an employee, in any employment policy or practice, on any of a number of prescribed grounds, including sex, gender, pregnancy and marital status or family responsibility.
- **Dismissal:** It is unlawful for an employer to terminate the employment of an employee unfairly. Termination of employment for reasons relating to pregnancy or constituting discrimination under the *Employment and Labour Relations Act* shall be unfair and in contravention of the Act.
- **Burden of proof:** The onus is on the employer to prove: a) that the reason for the termination is valid; b) that the reason is a fair reason related to the employee's conduct, capacity or compatibility; or based on the operational requirements of the employer; and c) that the employment was terminated in accordance with a fair procedure.
If the employer fails to prove the above, the termination of employment by an employer is deemed unfair.
The employee may resume employment on the same terms and conditions of employment at the end of her maternity leave.
- **Job guarantee:** The employee may resume employment on the same terms and conditions of employment at the end of her maternity leave.

Breastfeeding:

- **Breastfeeding breaks:** Where an employee is breastfeeding a child, the employer shall allow the employee to feed the child during working hours up to a maximum of 2 hours per day.
No mention of total duration of breaks.
Not clear if breaks are paid or not.

TOGO

Name of Act:

- Act No. 2006-010 implementing a Labour Code, 2006.

Scope:

- The *Labour Code* applies to all workers on the territory of Togo.
- Employees in public administration and civil servants are not covered.
- Every female employee is entitled to suspend her labour contract without notice and without the obligation to assume any compensation to the employer.

Maternity leave:

- **Length:** The worker is entitled to 14 weeks of maternity leave.
- **Compulsory leave:** the 6 weeks after the confinement.
- **Extension:** When childbirth takes place *after the presumed date* of confinement, in all cases, the leave taken before shall be extended and the duration of the compulsory maternity leave after delivery will not be reduced.

In the case of *illness or complications*, the suspension may be extended by 3 weeks in case of certified illness and when resulting from pregnancy, childbirth, in case of *multiple births* or for cases affecting the *health of the child*.

Cash benefits:

- **Maternity leave benefits: Amount/Duration:** During the maternity leave (i.e. 14 weeks with a possible extension of 3 weeks) the worker is entitled to the wage she was receiving before confinement (100%).
Benefits paid by employer and Social Security. The financing of the benefits is 50% in charge of the employer, and 50% in charge of Social Security.

Medical benefits:

- Relevant provisions on medical benefits have not been identified.

Health protection:

- **Dangerous or unhealthy work:** It is not permitted for a pregnant employee to perform work which can affect her capacity of procreation or that can harm her health or her child's health.

Non-discrimination/Job protection:

- **General:** All forms of discrimination against women on the basis of their sex are illegal, including pregnancy and related reasons of discrimination.
- **Dismissal:** No person can be dismissed on the basis of sex, health or temporary disability. The dismissal of a female worker on the basis of any unlawful cause like those related to a reason connected with her pregnancy is abusive.
- **Job guarantee:** The contract of a female employee is temporarily suspended during the time of maternity leave. In other words, the woman is entitled to return to her previous job.

Breastfeeding:

- **Breastfeeding breaks:** Right to nursing breaks during a period of 15 months following the birth of the child: the mother is entitled to rest for breastfeeding of a total duration that does not exceed 1 hour per workday.
No mention if the breastfeeding breaks are paid or not.

TUNISIA

Name of Acts:

- Labour Code, 1966, amended to Act No. 2011-4, 2011
- Act No. 60/30, respecting the Organization of Social Security Schemes, 1960
- Act No. 81-6, to organize Social Security Schemes in Agriculture, 1981
- Act No. 83-112, concerning General Statutes for Employees of the State, Local Government and Public Administrative Bodies, 1983, amended Act No. 97-83, 1997
- Decree No. 86-433, concerning the Protection Against Ionizing Radiations, 1984
- Act No. 2006-58, introducing a Special Regime for Part-time Work for Mothers while Maintaining 2/3 of the Salary, 2006
- Decree No. 2006-3230, on the Procedure and the Modalities of Application of the Special Regime for Part-time Work for Mothers while Maintaining 2/3 of the Salary, 2006
- Act No. 2008-35, stating the Ratification of the Republic of Tunisia of the Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 2008.

Scope:

- Maternity protection under the *Labour Code* covers women employed in undertakings engaged in industry, commerce and agriculture, whether public or private, denominational or non-denominational as well in the liberal professions, women working in handicraft establishments, cooperatives, non-trading corporations and trade unions and associations of any kind.
- Women employed in family undertakings are excluded.
- Female civil servants are covered by separate legislation.

Maternity leave:

- **Conditions:** Production of a medical certificate.
- **Length:** 30 days (4 weeks).
Female civil servants are entitled to 2 months (8 weeks) of maternity leave. They may also take up to 4 months (16 weeks) of postnatal leave after the expiry of maternity leave (optional maternity leave).
- **Extension:** Female workers are entitled to 15 days due to *sickness* as a result of pregnancy or confinement. A medical certificate is required.

Paternity leave:

- **Private sector:Scope/Length:**The husband employee in the private sector is entitled to 1 day of leave at each birth to be taken within 7 days following the birth.
- **Public sector:Scope/Length:**Civil servants are entitled to 2 days of leave after the date of the confinement, to be taken within 10 following days.

Part-time work:

- Under the *Labour Code*, full-time workers who have changed to part-time, for reasons of pregnancy or the need to take care of a child under 6 years, have the right to be reinstated into a full-time position in the event of vacancy corresponding to their qualifications.
- In the public sector, part-time work in connection with maternity is foreseen for mothers who make an official request in writing; this request is subject to the approval of a technical commission, under the Prime Minister. These mothers may work 50% while receiving 2/3 of their normal income. This is possible for 3 years, renewable twice, up to the child's 16th birthday. This time limit does not apply for mothers of disabled children.

Cash benefits:

- **Maternity leave benefits: Conditions:** Under *Act No. 60/30 respecting the Organization of Social Security Schemes*, women who have at least 80 days of contributions during the 4 calendar quarters preceding that in which the birth takes place are eligible to the cash benefits. Under the *Act No. 81-6 to organize Social Security Schemes in Agriculture* women who have made contributions for at least two-quarters in the course of the four quarters preceding that in which confinement occurs are eligible to the cash benefits.

Amount: For women covered by the *Labour Code* the amount is two-thirds (66.7%) of the average daily wage. For women working in agriculture, it amounts to 50% of the flat-rate daily wage calculated on the basis of the guaranteed minimum wage in agriculture. For civil servants, the full salary (100%) is paid during maternity leave, and half-salary (50%) during the optional period of additional post-natal leave.

Duration: For women covered by the *Labour Code* the benefit is paid for the whole period of maternity leave (30 days) and any extension thereof on medical grounds. For civil servants, benefits are also paid during the optional period of additional postnatal leave (up to 4 months).

Benefits are paid by the National Social Security Fund.

- **Paternity leave benefits:** Concerning payment of paternity leave, the leave must be taken after agreement between the employer and the employee. The worker is entitled 1 day paid at 100% of his normal remuneration. The benefits are advanced by the employer immediately following the expiration of the leave and afterwards refunded by the National Social Security Fund.

Medical benefits:

- No mention.

Health protection:

- **Night work:** for a period of at least 16 weeks before and after confinement, women cannot work between 22:00 and 6:00. This prohibition also applies during other periods of pregnancy and after confinement, if the woman produces a medical certificate. Employment may not be terminated on these grounds. The chief Labour inspector may authorize night work, after medical advice, if the woman requests so in writing and when her health and that of her child are not endangered.
- **Dangerous work:** The *Labour Code* states the prohibition for all women from performing underground work, work in mines.
Pregnant workers shall not work under radiation exposure. Women of reproductive age may be exposed to uniform levels but not to exceptional levels of radiation, as far as practicable.

Non-discrimination/Job protection:

- **General:** The *Labour Code* provides a general prohibition of discrimination between men and women; in 2008 Tunisia ratified the *Convention on the Elimination of All Forms of Discrimination Against Women*.
- **Dismissal:** An employer may not dismiss a woman on the grounds that she has suspended her work during the period before and after her confinement. If she is dismissed, the employer is liable to pay damages provided that she informed her employer of the reason for her absence. Notice of dismissal is prohibited up to a maximum of 12 weeks after maternity leave if the woman produces a medical certificate that she is incapable of returning to work because of an illness arising out of her pregnancy or confinement.
- **Job guarantee:** No explicit mention, but a woman cannot be dismissed up to 12 weeks after returning to work after maternity leave if she is ill.

Breastfeeding:

- **Breastfeeding breaks:** Under the *Labour Code*, women who breastfeed have the right to two 30-minute paid breaks per day until the child's first birthday.
Nursing breaks are counted as working hours and do not imply a reduction in pay.
- **Breastfeeding facilities:** A special nursing room must be provided in establishments employing 50 women or more.

UGANDA

Name of Acts:

- The Employment Act, Act No. 6, 2006
- Occupational Health and Safety Act, 2006.

Scope:

- This applies to all employees employed by an employer under a contract of service, with the exception of employers and their dependent relatives when dependant relatives are the only employees in a family undertaking, as long as the total number of dependent relatives does not exceed five; and the Uganda People's Defence Forces, other than their civilian employees.

Maternity leave:

- **Conditions:**A female employee who seeks to exercise her maternity rights shall, if requested by the employer, produce a certificate as to her medical condition from a qualified medical practitioner or midwife.
- **Length:** A female employee shall, as a consequence of pregnancy, have the right to a period of 60 days (8 weeks) leave from work on full wages hereafter referred to as "maternity leave".
- **Compulsory leave:** 4 weeks shall follow the childbirth or miscarriage.
- **Extension:**In the event of *sickness* arising out of pregnancy or confinement, affecting either the mother or the baby and making the mother's return to work inadvisable, the right to return shall be available within 8 weeks after the date of childbirth or miscarriage.

Paternity leave:

- **Length:**A male employee shall, immediately after the delivery or miscarriage of a wife, have the right to a period of 4 working days' leave from work yearly, referred to as paternity leave.

Cash benefits:

- **Maternity leave benefits: Amount/Duration:**Full wages (100%): a female employee shall, as a consequence of pregnancy, have the right to a period of 60 days leave from work on full wages. **Benefits are paid** by the employer during maternity and paternity leave.
- **Paternity leave benefits:** An employee shall be entitled to the payment of his full wages (100%) during the said paternity leave (4 days), paid by the employer.

Medical benefits:

- No mention.

Health protection:

- **Risk, dangerous jobs:**It is the responsibility of the employer to take, as far as is reasonably practicable, all measures for the protection of his or her workers and the general public from the dangerous aspects of the employer's undertaking at his or her own cost.
An employee shall not be required to *lift, carry, or move a load* which is heavy and likely to cause him or her injury.

Non-discrimination/Job protection:

- **General:**Discrimination in employment is unlawful;it includes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, the HIV status or disability which has the effect of nullifying or impairing the treatment of a person in employment or occupation, or of preventing an employee from obtaining any benefit under a contract of service.
Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements of that particular job shall not be deemed to be discrimination.
It shall be lawful for the Minister, by regulations, to limit the range of jobs to migrant workers.
The Minister and the Labour Advisory Board shall, in performing their duties, seek to give effect to the principle of equal remuneration for male and female employees for work of equal value.
- **Dismissal:**The following shall not constitute fair reasons for dismissal or for the imposition of a disciplinary penalty: a female employee's pregnancy or any reason connected with her pregnancy.

- **Burden of proof:**In any claim arising out of termination the employer shall prove the reason or reasons for the dismissal, and where the employer fails to do so, the dismissal shall be deemed to have been unfair.
- **Job guarantee:**A female employee who becomes pregnant shall have the right to return to the job which she held immediately before her maternity leave or to a reasonably suitable alternative job on terms and conditions not less favourable than those which would have applied had she not been absent on maternity leave.

Breastfeeding:

- **Breastfeeding breaks:**No mention.

ZAMBIA

ZAMBIA HAS RATIFIED ILO C103 (23.10.1979)

Name of Acts:

- Employment Act, Act No. 57, 1965
- Minimum Wage and Conditions of Employment Order, Statutory Instrument No.2, 2002
- Minimum Wage and Conditions of Employment Order, Statutory Instrument No. 3, 2002
- Zambia National Provident Fund (Maternity Grant) Regulations, Statutory Instrument No. 192, 1973
- Draft Constitution of the Republic of Zambia.

Scope:

- Maternity protection under the *Employment Act* covers all employed women in the private and public sectors who work under a contract of service.
- Shop workers and employees in domestic service of District Councils are covered by separate legislation.
- Apprentices, casual employees, and members of the defense and police forces are excluded from the *Employment Act*.

Maternity leave:

- **Conditions:** Every female employee who has completed at least 2 years of continuous service with the employer from the date of first engagement or since the last maternity leave taken shall on production of a medical certificate be entitled to maternity leave.
- **Length:** 12 weeks.
- **Compulsory leave:** No mention.
- **Extension:** In the event of *sickness* arising out of pregnancy and resulting in a female employee becoming temporarily incapable of performing her official duties, she is, on production of a medical certificate, entitled to a paid sick leave of a maximum 26 days in a period of 12 months. The employer may continue to pay such employee for any longer period if the employer so agrees.
In addition to such leave, every female employee shall be entitled to one day's absence from work each month without having to produce a valid medical certificate.

Paternity leave:

- The State shall, in recognition of the importance of children to the future of society, the maternal role of women and nurturing role of both parents, ensure the availability of adequate paternity leave. Not specified how long.

Cash benefits:

- **Maternity leave benefits: Conditions:** 2 years of continuous service with the employer from the date of first engagement or since the last maternity leave taken and a medical certificate confirming the pregnancy.
Amount/Duration: 100% of the salary shall be paid during the 12 weeks of maternity leave and extension thereof due to any illness arising out of pregnancy.
Benefits are paid by the employer.
- **Paternity leave benefits:** Not mentioned if the leave is paid, nor by whom.

Medical benefits:

- Female members of the Zambia National Provident Fund shall, after confinement, be entitled to claim from the Fund a maternity grant towards the expenses of her confinement.
- The conditions for this right to be exercised are: a certificate of registration of birth, and making the claim for the grant within 6 months of the birth.
- The Zambia National Provident Fund Board is responsible for the determination of the amount of the maternity grant.

Health protection:

- **Night work** is not prohibited for pregnant or nursing mothers.
- **Dangerous or unhealthy work:** Pregnant or nursing mothers are not protected from dangerous work.

Non-discrimination/Job protection:

- **General:** A person has the right not to be discriminated against, directly or indirectly, on any grounds including birth, race, sex, origin, colour, age, disability, religion, conscience, belief, culture, language, pregnancy, health, marital, ethnic, tribal, social or economic status.
- **Specific:** Any law or measure that provides affirmative action, in respect of any group of persons or sector of the society, in order to address discrimination based on different grounds including sex and pregnancy, shall not be construed as discrimination.
- **Dismissal:** An employer may not terminate the services of a female employee or impose any penalty or disadvantage upon her for reasons connected with her pregnancy.
- **Burden of proof:** In the absence of proof to the contrary, an employer is deemed to have acted in contravention of the above, if he or she terminates the contract of service or imposes any penalty or disadvantage upon a female employee within 6 months after delivery. An employer who contravenes these provisions is guilty of an offence.
- **Job guarantee:** The right to return to work is not guaranteed.

Breastfeeding:

- **Breastfeeding breaks:** No specific clauses.

ZAMBIA HAS RATIFIED ILO C103 (23.10.1979)

ZIMBABWE

Name of Act:

- Labour Relations Act, Act No. 16, 1984.

Scope:

- Maternity protection under the *Labour Relations Act* covers employed women in both the public and private sectors, as well as employees of the State and members of the Public Service.

Maternity leave:

- **Length:**98 days (14 weeks) of paid maternity leave (begin at least 21 days before confinement).
- **Compulsory leave:** not explicitly stipulated.
- **Extension:**Unpaid maternity leave after the normal duration of paid leave granted upon request.

Paternity leave:

- Paternity leave is not provided. Although different types of leave are included within the regulations, including special leave due to death of a spouse, parent, child or legal dependant, male employees are not granted leave when their children are born.

Cash benefits:

- **Maternity leave benefits: Conditions:**Paid maternity leave requires at least 1 year of service. Paid leave may be granted only with a medical certificate and three times for the same employer and only once during a 24-month period calculated from the day previous leave was granted.
Amount: 100% of normal pay.
Benefits are paid by the employer.

Medical benefits:

- A health care programme provides free primary health care for low-paid workers.
- Pregnant women are not provided with paid time off to undertake medical examinations.

Health protection:

- **Night work:** Pregnant women are not prohibited to work at night.
- **Dangerous or unhealthy work:** Pregnant women are not protected from dangerous conditions.

Non-discrimination/Job protection:

- **General:**No employer shall discriminate against any employee or prospective employee on grounds of race, tribe, place of origin, political opinion, colour, creed, gender, pregnancy, HIV/AIDS status or any disability, in relation to the advertisement of employment; or the recruitment for employment; or the creation, classification or abolition of jobs or posts; or the determination or allocation of wages, salaries, pensions, accommodation, leave or other such benefits; or the choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment; or the provision of facilities related to or connected with employment; or any other matter related to employment.
- **Protection of entitlements/Job guarantee:**During the period a woman is on maternity leave, her normal benefits and entitlements, including her rights to seniority or advancement and the accumulation of pension rights, must continue uninterrupted in the manner in which they would have continued had she not gone on such leave, and her period of service may not be considered as having been interrupted, reduced or broken by the exercise of her right to maternity leave. This implies that she is entitled to return to her previous job because it was not “interrupted”.

Breastfeeding:

- **Breastfeeding breaks:**A female employee breastfeeding her child has the right take at least one hour or two 30-minute periods each working day, as she may choose during normal working hours, to nurse her child. However, the break shall not disrupt the normal production processes. The nursing breaks are counted as working hours and entitle the woman to benefits for the period during which she nurses her child or 6 months, whichever is less.