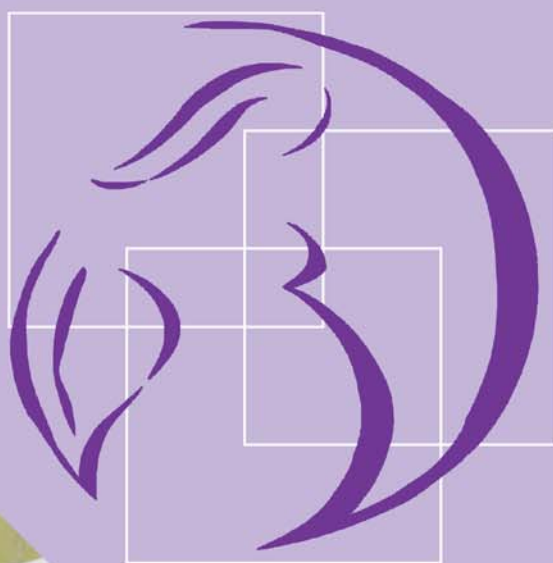




International
Labour
Organization

Maternity Protection Resource Package

From Aspiration to Reality for All



INTERNATIONAL LABOUR ORGANIZATION

Maternity Protection Resource Package

From Aspiration to Reality for All



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Preface

Healthy pregnancies and healthy newborn children, combined with a measure of economic security, are an aspiration for all working mothers. Maternity protection at work supports this aspiration. Its goals are twofold: 1) to ensure that a woman's economic activities do not pose risks to the health of the woman and her child, and 2) to ensure that women's reproductive roles do not compromise the economic security of their households. Maternity protection at work encompasses a host of different components ranging from maternity leave, health protection and non-discrimination to social protection and breastfeeding.

Principles and rights related to maternity protection at work have been embedded in three Conventions on maternity protection of the International Labour Organization (ILO). These rights are also firmly established in a host of international treaties relating to human rights, women's rights, rights to health, and the rights of the child. Almost every nation echoes these commitments in its national legislation.

Nevertheless, while maternity protection is widely regarded as part of the core values of our societies, many women, both in the formal and informal economies, continue to face maternity-related threats to their health and economic security. Many women lack access to a period of paid leave before and after childbirth, and many others continue to face dismissal and discrimination at work because they are or may become pregnant. Working conditions, and biological, physical, and chemical agents associated with productive work can potentially pose risks to reproduction in the absence of information, monitoring and evaluation. The ability of new mothers to breastfeed their child according to international health recommendations may be interrupted by productive work when breastfeeding support is lacking. Bringing up children without jeopardizing parents' access to, participation in and advancement in economic activity, remains a challenge when quality and affordable childcare arrangements are not widely available.

While the situation of women working in formal, standard jobs is uneven, for great numbers of women working in atypical, non-standard and precarious jobs and the informal economy, maternity protection remains well beyond reach. The absence of any form of social protection deprives these women of appropriate maternal and infant health care, thus forcing some of them into catastrophic health expenditures and poverty. Clearly, more action is needed to bridge the distance between international aspirations for maternity protection, as reflected in the Millennium Development Goals and the Decent Work Agenda, and the realities. The world of work is a promising entry point for scaling up interventions aimed at improving maternal and infant health, addressing income and social insecurity and poverty.

This Maternity Protection Resource Package is designed to:

- bring together information and tools, expertise and knowledge concerning each and every component comprising maternity protection at work into one place;
- serve as a resource and a guide for actors ready to launch information and education campaigns and to plan, design or monitor action that will bring about real improvements in maternity protection at work.

The Package can be used by governments, trade unions, employers' organizations, non-governmental organizations (NGOs), researchers and practitioners, United Nations (UN) officials and others. The information is intended to be accessible to a non-technical audience, with resources for further technical information noted at the end of each module. Numerous examples of actions in improving maternity protection at work in all types of economic activities around the world are highlighted throughout the Package, for guidance and inspiration. The message of the Package is that the aspiration of maternity protection at work for all is both desirable and possible. Even in the most challenging situations, commitment and the will to act can bring about results and benefits, contributing to equitable economic growth, social cohesion and Decent Work for all women and men.

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Maternity Protection at work in a snapshot

Maternity protection for working women is essential to their health and well-being and to that of their children. It is crucial to ensure women's access to decent work, and to gender equality, as it enables women to combine their reproductive and productive functions, and to prevent unequal treatment in employment due to women's reproductive function.

Maternity protection for women workers has been a core concern of the ILO since its foundation in 1919, when the governments, employers and trade unions of member States adopted the first Convention on maternity protection. Over the course of its history, the ILO has adopted three Conventions on this subject (No. 3, 1919; No. 103, 1952; No. 183, 2000). These Conventions, together with their corresponding Recommendations (No. 95, 1952; No. 191, 2000) have over time expanded the scope and entitlements of maternity protection at work and provided detailed guidance to orient national policy and action.

What?

Maternity protection at work has **two aims**:

- to preserve the health of the mother and her newborn; and
- to provide a measure of economic security for the concerned women and their families.

The five core elements of maternity protection at work are:

- maternity leave;
- cash and medical benefits;
- health protection at the workplace;
- employment protection and non-discrimination;
- breastfeeding arrangements at work.

Working parents' care responsibilities for their children extend well beyond birth and the end of maternity and paternity leave. This is why the Package provides an overview of the set of policies and measures that governments, employers, trade unions and others can take to enable men and women to provide continued care for their children, while fostering decent and productive work to everyone's benefit.

For whom?

International labour standards and frameworks have consistently expanded the scope of maternity protection over the years. ILO Convention No. 183 calls for maternity protection for all women in formal jobs, including atypical and non-standard jobs, as well as in the informal economy. **Atypical work** includes a broad range of work arrangements, such as part-time, casual and seasonal work, fixed-term contracts, temporary agency work, home-based work and remote working.

Since 2009, the **UN Social Protection Floor Initiative** calls for the establishment of basic social guarantees for every citizen, which could include, among other elements: 1) access to essential prenatal, childbirth and postnatal health care for the mother and her child; and 2) income transfers to low-income women during the last weeks of pregnancy and the first weeks after delivery. Thus, the progressive establishment of national social protection floors offers a promising framework for reaching self-employed women in agriculture or the urban informal economy and other vulnerable workers excluded from social security schemes.

Why?

While maternity protection is a collective responsibility, it yields both individual and collective benefits. The provision of maternity protection at work results in positive outcomes for the mother, her child, the economy and communities and society at large. This explains why maternity protection is central to an array of development objectives and agendas.

Maternity protection at work:

- is a **fundamental human right**;
- is a prerequisite for **gender equality** in the world of work;
- helps to **improve mother and child health**;
- contributes to **economic growth and poverty reduction**;
- is integral to the **Decent Work Agenda**.

Maternity protection contributes to the achievement of some **Millennium Development Goals (MDGs)**, namely **MDG 1** on eradicating extreme poverty and hunger, **MDG 3** on promoting gender equality and empowering women, **MDG 4** on reducing child mortality, **MDG 5** on improving maternal health and **MDG 6** on combating HIV/AIDS, malaria and other diseases.

Getting started: About this Resource Package

This Resource Package provides inspiration and tools to help organizations and advocates everywhere to strengthen and extend maternity protection to all women in all types of economic activity. The contents of this Package draw on the resources of the ILO and its tripartite constituents, of the UN system, especially UNICEF and the WHO and, of civil society and academia, among others.

Objectives

The objectives of this Resource Package are to:

- provide a clear understanding of what maternity protection at work means and involves;
- supply information on recent trends, national experiences, good practices and how they can contribute to the achievement of the MDGs;
- offer a comprehensive resource repository, including lessons learned from practice around the world as well as training ideas;
- assist key stakeholders to:
 - assess maternity protection conditions around the world;
 - design effective policies and workplace measures;
 - raise awareness and advocate for adequate maternity protection;
 - organize and take action at national, local and workplace levels;
- train specific audiences;
- monitor and follow-up on action taken.

Audience

The intended audience for the Resource Package includes:

- decision-makers and staff from various government ministries – labour and social affairs, health, gender equality and women’s empowerment – including labour inspection officers;
- representatives of workers’ and employers’ organizations;
- ILO staff working at national level on gender equality, labour standards, occupational safety and health, working conditions, social security, social dialogue, and workers’ and employers’ activities;
- staff of the UN system, including UNICEF, the WHO, UNFPA, UN-Women and other UN agencies working on health, nutrition, gender equality, social protection, human rights and employment issues;
- non-governmental organizations, including women’s and breastfeeding-advocacy groups.

Structure of the Resource Package

The Package is divided into **three main parts**:

- **Part 1. Maternity protection at work: The basics** provides a general overview of **what** maternity protection is (Module 1), **whom** it should cover (Module 2), **why** it is important (Module 3), **who** are the main actors in developing and delivering maternity protection at work (Module 4) and the key related **international frameworks** (Module 5).
- **Part 2. Maternity protection at work in depth: The core elements** reviews in detail all of its main components: maternity leave (Module 6), cash and medical benefits (Module 7), health protection at the workplace (Module 8), employment protection and non-discrimination (Module 9), and breastfeeding and employment (Module 10). The Package also includes one module related to coping with childcare after return to work (Module 11).
- **Part 3. Taking action on maternity protection at work** offers guidance and tools to: assess national laws (Module 12) and practices (Module 13) concerning maternity protection at work; identify needs and opportunities, plan and carry out awareness-raising and advocacy (Module 14), and develop the capacity to strengthen and extend maternity protection at work (Module 15). The last module includes two Annexes with sample training programmes and fund raising tools.

Structure of the modules

Each module includes the following sections:

- A **Table of contents**.
- An overview of the **Main topics** (“what the module is about”).
- **Substantive sections**, including key information, data and **case examples** from different parts of the world.
- **Key points** at the end of each module, which sum up the main contents and findings of the module. They also serve as main learning objectives, against which training activities and action strategies can be defined and assessed.
- **Key resources**: additional references to publications, tools, actors and websites that can offer further information, in addition to the bibliographic footnotes included in the substantive sections. Key resources are divided into four categories, flagged by the following symbols:



Knowledge-based documents: books, journal articles, policy briefs, papers, databases, meetings/workshops proceedings and other information systems.



How-to tools: operational manuals, handbooks, guidelines, training materials.



International standards: ILO and UN conventions, recommendations, declarations and codes of practice.



Websites of ILO and UN departments, national institutions and research centres.

- **Resource and tool sheets:** modules include guidelines, frequently asked questions, case studies, abstracts, relevant texts (e.g. of Conventions or other instruments), training session models, exercises, role plays, questionnaires, model letters, forms and worksheets for immediate use, reproduction and adaptation.
- **Visual presentation models.**

How to use this Resource Package

This Resource Package has been designed with flexibility in mind and can be used as a reference or tool for self-learning, training, policy advice, research and action. It can meet a wide range of objectives, from providing a brief primer on what maternity protection at work is all about to an unfamiliar audience, to a more in-depth review of the different elements of maternity protection for stakeholders responsible for its delivery. It also includes capacity-building exercises for planning action on strengthening and extending maternity protection at work.

The modules can be used either in the sequence suggested in the Resource Package, individually, as stand-alone resources, or combined with other modules, in order to meet different objectives, contexts and target groups (as shown in the table on page 10). Modules in Part 1 (Basics) offer a useful and short introduction to activities related to Part 2 (In depth) and Part 3 (Take action) and constitute recommended reading for almost all activities.

This version of the Package is designed as a “global product”, namely a “standard” or “international” resource, which can be adapted to specific regional or national contexts, and to the specific situations and needs of different stakeholders.

USE OF THE RESOURCE PACKAGE ACCORDING TO THE MOST RECURRENT OBJECTIVES

OBJECTIVE	MODULES														
	Part 1: The basics					Part 2: In depth					Part 3: Take action				
	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12	M13	M14	M15
Introductory self-learning and training on maternity protection at work	X	X	X	X	X										X
Self-learning and training on the links between maternity protection at work and the MDGs	X		X												X
Understanding the benefits of maternity protection			X			X	X		X					X	
Arguing for the affordability of maternity protection				X			X							X	
In-depth self-learning, policy advice and training on specific elements of maternity protection and beyond:												X			X
• Maternity leave and care-related leave policies						X									X
• Cash and medical benefits							X								X
• Health protection at the workplace								X							X
• Employment protection and non-discrimination at work									X						X
• Breastfeeding arrangements										X					X
• Childcare upon return to work											X				X
Promoting international standards and frameworks on maternity protection at work					X							X			
Comparing national legislation with C183 and R191					X							X			
Organizing a survey on assessing maternity protection conditions at the national, local or workplace levels													X		
Designing and monitoring key indicators on maternity protection at work												X			
Organizing advocacy and awareness-raising activities on maternity protection at work														X	
Organizing training activities on maternity protection															X
Planning action on strengthening and extending maternity protection for informal workers		X					X						X		
Raising funds for maternity protection at work															X

PARTS

one
two
three

THE MODULES



PART ONE

PART TWO

PART THREE



PART

one
two
three



**MATERNITY
PROTECTION AT WORK:
THE BASICS**

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Part 1: Maternity protection at work: The basics

Part 1 contains five modules that provide an **overview** of the key issues, actors and frameworks around maternity protection at work.

Module 1 offers an overview of the key objectives of maternity protection at work and its elements.

Module 2 covers the scope of maternity protection; who is covered by maternity protection, in principle and in practice, with emphasis on the realities of workers in the informal economy.

Module 3 explains the importance of maternity protection and highlights the links between maternity protection and key rights and development agendas, especially the Millennium Development Goals (MDGs).

Module 4 reviews the main stakeholders for developing and implementing maternity protection laws and policies.

Module 5 sets out the key global frameworks and instruments that establish and define maternity protection rights at work.

Module 1

Maternity protection at work: What is it?

Key contents

- The objectives of maternity protection at work
- The scope of maternity protection at work
- The key elements of maternity protection at work:
 - ➔ Maternity leave
 - ➔ Cash and medical benefits
 - ➔ Health protection at the workplace
 - ➔ Employment protection and non-discrimination
 - ➔ Breastfeeding arrangements at work
- Coping with childcare upon return to work



Objectives

This module provides an overview of the concept of maternity protection at work and its key provisions as set out by the most recent international labour standards on this subject, namely ILO Convention No. 183 and Recommendation No. 191 (2000).



Overview

Maternity protection for working women is an essential element in equality of opportunity and health protection. It seeks to enable women to combine their reproductive and productive functions successfully, and to prevent unequal treatment at work due to women's reproductive function. Strengthening maternity protection and extending it to all women in all types of economic activity is an important goal.

Maternity protection has **two key aims**

- to preserve the health of the mother and her newborn; and
- to provide a measure of income and job security.

International labour standards have consistently expanded the scope of maternity protection over the years. Convention No. 183 calls for maternity protection for all women, in the formal and informal economies, including those in atypical forms of dependent work.

Convention No. 183 and Recommendation No. 191 comprise **five core elements** of maternity protection:

- **maternity leave** – the woman’s right to a period of rest from work in relation to pregnancy, childbirth and the postnatal period;
- **cash and medical benefits** – the mother’s right to cash benefits during her absence for maternity and health care related to pregnancy, childbirth and postnatal care;
- **health protection at the workplace** for the mother and unborn child during pregnancy, as well as during breastfeeding;
- **employment protection and non-discrimination** – guarantee of the woman’s employment security and the right to return after her maternity leave to the same job or an equivalent one with the same pay after leave; moreover, a woman cannot be discriminated against while at work or while searching for work because of her reproductive role;
- **breastfeeding arrangements** to help workers to breastfeed or express milk at the workplace for a period after returning to work.

Key points

- ➔ Maternity protection at work aims to ensure that women’s economic activities do not pose risks to their health and that of their child, and to ensure that women’s reproductive function does not compromise their economic and employment security.
- ➔ Maternity protection at work is for all women, in the formal and informal economies.
- ➔ Maternity protection at work comprises different elements: maternity leave, cash and medical benefits, health protection at the workplace, employment protection and non-discrimination, and paid breastfeeding breaks.
- ➔ Childcare is essential to create effective equality of opportunity and treatment for women and men workers.

Module 2

Maternity Protection at work: For whom?

Key contents

- ➔ An overview of the principle of inclusion and how it has evolved in international labour standards over time
- ➔ Ways in which women can be excluded from maternity protection:
 - ➔ Exclusion from the legal scope of national law
 - ➔ Exclusion due to restrictive qualifying conditions
 - ➔ Disconnection between law and practice or the “implementation gap”
- ➔ Extensions of maternity protection to fathers and non-biological caregivers
- ➔ Case examples of efforts to extend maternity protection to excluded groups
- ➔ Measures that different stakeholders can take to extend maternity protection to women in all types of work



Objectives

This module discusses the scope of maternity protection in ILO standards and frameworks and provides an understanding of how the scope has evolved over the years so as to include all women working in the formal and informal economies. Readers will have an understanding of the main ways in which women continue to be excluded from maternity protection, and will review some of the measures that can be taken to extend maternity protection.



Overview

This Convention applies to all employed women, including those in atypical forms of dependent work.

Convention No. 183, Article 2(1)

There is a common perception that only women working in the formal economy should benefit from maternity protection. The ILO does not agree with this principle, and seeks to make maternity protection available to all employed women, whatever their form of employment.



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Atypical forms of dependent work include a broad range of work arrangements, covering women in non-standard work such as part-time, casual and seasonal work, job-sharing, fixed-term contracts, temporary agency work, home work and remote working; pieceworkers; informal employees in all sectors as well as women in disguised employment relationships (disguised self-employment). These forms of work differ from the historical norm of **“typical” or standard work**, which is full-time, legally protected employment of unlimited duration, with a single employer, performed at a single employer's workplace and with a guaranteed regular income. ILO frameworks provide for the extension of maternity protection to all women workers.

Despite the many calls for and commitments to inclusive maternity protection at work, many women still lack such rights and remain vulnerable throughout maternity, fearing that work may harm their maternal health, or that maternity may threaten their livelihoods and economic security. Women lack maternity protection at work either because they are

not entitled to such a right, or because, even though they are legally entitled to maternity protection, such rights are not recognized by employers or cannot be claimed. Many women are excluded because of the following reasons.

- **Exclusion from the legal scope of maternity protection.** Many women lack access to maternity protection because they are not covered under the scope of, or are excluded from the scope of labour legislation and/or social security legislation or from the corresponding regulation on cash maternity benefits. These exclusions depend on national circumstances and typically include the following categories: domestic workers, casual or temporary workers, agricultural workers, workers in the armed forces and/or police, workers in small enterprises, home workers and self-employed or own-account workers.
- **Exclusion on the basis of eligibility requirements.** Some women do not have maternity protection, because they fail to meet the qualifying conditions that have been set for obtaining leave or cash benefits.
- **Exclusion because of the “implementation gap”.** Gaps in implementation can stem from ambiguity in legal protection, lack of communication or awareness about rights, lack of political will or resources for implementation, or lack of access to social security schemes so that women cannot afford to realize legal entitlements.

Many countries extend maternity protection rights to fathers and non-biological caregivers (e.g. adoptive parents) in cases of adoption and maternal mortality. However, while there are many such examples of legislative provision, coverage for these situations is nowhere near universal and there remains considerable scope to scale-up provision for these family situations.

In view of existing gaps in legal and effective coverage, stakeholders have a range of measures at their disposal to extend maternity protection, for example, through legislative changes, revision of eligibility requirements, extending collective agreements and policies to include atypical workers, and extending social protection schemes to vulnerable groups.

Key points

- ➔ International labour standards and frameworks have evolved towards the principle of inclusion, aiming at progressively extending maternity protection to all women workers, regardless of the type of paid work they perform or of their employment status.
- ➔ There is a general trend that national maternity protection laws around the world are increasingly in line with ILO labour standards.
- ➔ There are still many gaps in inclusion at the national and subnational levels.
- ➔ An effort to provide adequate and effective legal standards is still needed in order to achieve universal maternity protection at work.
- ➔ Proper assessment of the scope of national legislation, inclusive qualifying conditions and the setting up of Social Protection Floor guarantees can have a tremendous effect on extending maternity protection to all women workers.

Module 3

Maternity Protection at work: Why is it important?

Key contents

This module highlights the importance of maternity protection for the achievement of major rights and development objectives, in particular the Millennium Development Goals (MDGs). It demonstrates the linkages between maternity protection and:

- ➔ Fundamental human rights
- ➔ Gender equality
- ➔ Maternal and child health
- ➔ Economic growth and poverty reduction
- ➔ Decent work



Objectives

The objective of this module is to demonstrate the linkages between maternity protection and other key rights and development objectives so that readers can identify how maternity protection contributes to broader agendas and how to situate maternity protection within their own organizations' goals and strategies.



Overview

Maternity protection is considered to be important for the following broad reasons:

- it is a **fundamental human right**;
- it is an essential component of **gender equality**;
- it helps to **improve mother and child health**;
- it plays an important role in **economic growth and poverty reduction**;
- it is part and parcel of the **Decent Work Agenda**.

Because of this, maternity protection contributes to the achievement of the MDGs, and in particular to MDG 1 on eradicating extreme poverty and hunger, MDG 3 on promoting gender equality and empowering women, MDG 4 on reducing child



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mortality, MDG 5 on improving maternal health and MDG 6 on combating HIV/AIDS, malaria and other diseases.

The module describes each of these broad development agendas and goals and identifies the mechanisms through which maternity protection helps to deliver those goals.

Key points

- ➔ Maternity protection is linked to the achievement of major rights and development objectives.
- ➔ It provides the fundamental human right for women of reproductive age to work without threat of discrimination, to work in conditions of economic security and equal opportunity, and to benefit from just and decent working conditions.
- ➔ It is a precondition for realizing gender equality.
- ➔ It contributes to maternal and child health.
- ➔ It is part and parcel of the Decent Work Agenda.
- ➔ Maternity protection contributes to the achievement of the MDGs, and in particular to MDG 1 on eradicating extreme poverty and hunger, MDG 3 on promoting gender equality and empowering women, MDG 4 on reducing child mortality, MDG 5 on improving maternal health and MDG 6 on combating HIV/AIDS, malaria and other diseases.

Module 4

Maternity Protection at work: Who are the main stakeholders?

Key contents

This module reviews the roles and means of action for improving maternity protection of the following key stakeholders:

- ➔ Government
- ➔ Employers and their organizations
- ➔ Trade unions
- ➔ Civil society
- ➔ Universities and research centres



Objectives

This module provides an overview of the key stakeholders in maternity protection laws, policies, and action – governments, employers and their organizations, trade unions, civil society, universities and research centres – and their respective roles. It shows how they can have a positive effect on adopting and implementing internationally recognized norms and standards at all levels of action.



Overview

Maternity protection requires the commitment and participation of a number of stakeholders and each has unique strengths and perspectives that should be leveraged in designing, implementing and monitoring maternity protection that is suited to the national context and needs. This module provides an overview of each of the stakeholders and their respective roles in maternity protection.

Governments have the main task of drafting, adopting, implementing and monitoring legislation, including in the area of maternity protection. Various levels of government from national to local may also be concerned, leaving considerable scope for synergies and partnership, but also raising challenges for coordination and coherence.

Employers and their organizations are essential and valued partners in efforts to realize maternity protection at work. Employers are responsible for adopting workplace policies and providing the framework for workplace rules and actions to prevent and avoid pregnancy-related discrimination and risks to health. Employers' organizations provide valuable contributions to international and national debates and laws on maternity protection, and help to facilitate communication between employers and government.

Trade unions are vital to raising awareness and improving maternity protection in the workplace and beyond. Trade unions also contribute to international and national debates and maternity protection laws, facilitate communication between workers, employers and government, and promote awareness of maternity protection and its inclusion in collective bargaining agreements and workplace policies.

The roles of **civil society** are wide-ranging, from NGOs engaging in policy research, raising awareness, or monitoring discrimination complaints to community-based programmes helping to implement maternity protection by setting up breastfeeding programmes or crèches.

Universities and research centres help to shape, monitor and evaluate policy; survey, assess and develop responses to health conditions in working areas; and bring technical expertise and human resources to other stakeholders.

It is important to promote collaboration between stakeholders to find creative solutions to improve maternity protection.

Key points

- ➔ The key partners of governments in maternity protection are employer and worker representatives of national and/or local organizations.
- ➔ Governments are responsible for leading the development of legislation and social security in consultation with other stakeholders, and for implementing, enforcing and monitoring these laws.
- ➔ Employers' organizations can contribute to national and international debates and law. They can advise and assist members on legal provisions and share good practices among members.
- ➔ Employers, in collaboration with workers and their representatives, have a primary role in conforming working conditions to national law and practice, through workplace policies and negotiated agreements.
- ➔ Trade unions can campaign for improvements in maternity protection in national and international law. They can provide information and education for their members, and are responsible for negotiating collective bargaining agreements that include elements of maternity protection.
- ➔ Civil society can also lead action at the community level with the aim to improve working and living conditions, as these relate to maternity protection and workers with family responsibilities.
- ➔ Universities and research centres can be important partners in designing and publishing research that credibly informs, and helps to shape, monitor and evaluate public policy.

Module 5:

International rights and guidance on Maternity Protection at work

Key contents

This module looks at global frameworks related to the principle of maternity protection at work and highlights guiding instruments for its implementation, in particular:

- ➔ Global treaties, declarations and platforms of action that refer to maternity protection rights
- ➔ International labour standards on maternity protection at work
- ➔ How to ratify the most recent ILO Convention on Maternity Protection, 2000 (No. 183)
- ➔ How the ILO supervisory machinery works
- ➔ Regional frameworks to improve and promote maternity protection at work



Objectives

This module provides an overview of global and regional frameworks that address maternity protection and guidance for the development of national laws and policies. Particular attention is paid to international labour standards, as these are the definitive instruments for maternity protection. Readers will gain an understanding of how the ratification, reporting and supervisory processes of the ILO work.



Overview

The right to maternity protection has been affirmed repeatedly in global treaties and declarations, in particular the Covenant on Economic, Social and Cultural Rights (CESCR), the Conventions on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

The most recent ILO standards on maternity protection at work are the Maternity Protection Convention, 2000 (No. 183) and its Recommendation, 2000 (No. 191). Other ILO Conventions on specific sectors (e.g. nursing personnel, agriculture, domestic workers) or labour issues (e.g. social security, working conditions, and employment protection) and a

number of ILO Resolutions relate to one or several elements of maternity protection at work. They offer additional guidance and standards.

Conventions become legally binding for an ILO member State only following an act of ratification duly registered by the ILO. This module explains the process for ratifying ILO Conventions – with focus on Convention No. 183 – the process for reporting on implementation after ratification, and the ILO supervision mechanisms for the application of international labour standards.

The module also describes the technical assistance that the ILO provides for promoting, ratifying, and implementing international labour standards, in the form of policy advice, capacity development, research, information and awareness-raising.

Regional inter-governmental organizations also provide standards and frameworks on maternity protection at work, including the African Union, the European Union (EU) and the Organization of American States. Regional laws and policies can provide more detailed and protective provisions than global Conventions, as they are tailored to a specific regional context. The EU has adopted the most advanced and comprehensive set of maternity protection-related directives, including provisions for parental leave and maternity cash benefits for self-employed workers.

Key points

- ➔ Commitments to maternity protection human rights have been affirmed repeatedly in global treaties and declarations, in particular the CESC, CEDAW and CRC, which have been universally ratified – and thus are legally binding – or involve a moral obligation for all countries.
- ➔ The ILO is the specialized tripartite UN agency, whose mandate covers maternity protection at work. The ILO is responsible for the development, adoption and application of international labour standards.
- ➔ ILO Convention No. 183 and Recommendation No. 191 on Maternity Protection are the most recent international labour standards on maternity protection, and set out comprehensive guidance for national law and practice on maternity protection.
- ➔ Global and regional standards set minimum requirements so that when a country ratifies a Convention, national or subnational legislation can be strengthened, rather than weakened.
- ➔ These instruments can serve as models and provide guidance for national laws and policies in all countries.
- ➔ In order for ratifications of Convention No.183 to be registered by the ILO, the competent authority of a member State has to submit – along with the ratification instrument – a Declaration indicating the length of maternity leave.
- ➔ The ILO supervisory system and technical assistance offer support to countries in progressively designing and implementing laws, policies and programmes on maternity protection at work, taking into account the level of economic development and other national circumstances.
- ➔ The EU proposes the most advanced legal instruments, namely directives on maternity protection and on family responsibilities.



PART

one
two
three



**MATERNITY
PROTECTION AT WORK
IN DEPTH:
THE CORE ELEMENTS**



Part 2: Maternity Protection at work in depth: The core elements

Part 2 contains six modules which examine in detail each of the core elements of maternity protection at work. Each component in turn is defined, examples of legislation and policies are presented, and good practices are used to demonstrate efforts and innovative implementation worldwide.

Module 6: maternity leave and other care-related leave provisions, their characteristics, benefits and trends.

Module 7: cash and medical benefits, and the importance of social protection.

Module 8: health protection at work for pregnant and breastfeeding women, including issues related to HIV and AIDS at the workplace.

Module 9: employment protection and non-discrimination throughout maternity.

Module 10: breastfeeding arrangements in the form of breastfeeding breaks, facilities at the workplace and family-friendly policies.

Module 11: goes beyond the concept of maternity protection to discuss “balancing work and family responsibilities” and in particular childcare, as care-giving needs continue, and policies to support care and gender equality are required long after maternity ends.

Module 6: Maternity leave and related types of leave

Key contents

This module looks at why maternity leave matters, what provisions have been set out under maternity protection labour standards and in national legislation, and how to extend coverage to more workers. It also provides an overview of other types of leave relating to the care of children. It covers the following topics:

- ➔ Why maternity protection is important
- ➔ Key features of maternity leave in international labour standards
- ➔ Trends and experiences from national legislation around the world
- ➔ Considerations for extending maternity leave to informal economy workers
- ➔ Other care-related leave policies, including paternity, parental and adoption leaves



Objectives

Module 6 provides guidance on the importance of maternity leave and how maternity leave is structured in terms of length and timing, giving readers a strong understanding of the requirements of international labour standards and of national practice worldwide. Readers will also gain an understanding of issues and challenges for extending maternity leave rights to workers in the informal economy. The module also provides an overview of other care-related leave policies.



Overview

Maternity leave covers the periods before, during and after childbirth. Its purpose is to safeguard the woman and child's health. In particular, maternity leave is essential to: allow women to rest and physically recover from delivery, initiate and maintain exclusive breastfeeding. It is also essential in helping women to adjust psychologically and emotionally to this new situation, bond with the child, have time for necessary medical examinations and information sessions and, allow women to reconcile their family life with their work obligations.

Maternity leave is an incentive for mothers to maintain labour market attachment and return to work at the end of leave. An additional benefit relates to the role of maternity and parental leave policies in reducing the risk of poverty for families with children and in improving children's well-being.

Convention No. 183 states that maternity leave should not be less than 14 weeks, six of which have to be taken immediately after birth. Recommendation No. 191 suggests that maternity leave should be at least 18 weeks. In 2009, around half of ILO member States provided at least 14 weeks of leave.

Beyond maternity leave, other types of care-related leave are also important to allow families to reconcile work and family responsibilities. Such leave policies not only allow for better planning and preparation for the child's arrival, but are also an important step towards achieving greater gender equality at work.

Other types of care-related leave have become increasingly common in recent years. **Paternity leave** aims to enable fathers to spend time with the mother and their newborn at childbirth, participate in events or celebrations related to its birth, and to carry out other related formalities. Paternity leave also provides an important opportunity for fathers to begin nurturing and bonding with their child, to support the mother with the physical and psychological demands related to childbirth and, to start taking up care responsibilities.

Parental leave refers to a relatively long-term leave available to either parent, allowing them to take care of an infant or young child over a period of time, usually following the maternity or paternity leave period. **Adoption leave** is available in many countries, although legislation can differ greatly across countries. The module discusses these types of leave in more detail.

Key points

- ➔ Maternity leave is a period of leave from paid work that women workers are entitled to during pregnancy, childbirth and the postnatal period. It contributes to promoting maternal and newborn health and gender equality at work.
- ➔ Maternity leave is one of the fundamental entitlements of maternity protection and it has been almost universally adopted in national legislation.
- ➔ Paternity and parental leaves are important work-family policies that recognize that men also have family responsibilities.
- ➔ Parental leave generally allows either parent to share the leave and to decide how to do it. Some portions may be reserved exclusively to one parent ("father quota"). Most schemes are longer than maternity and paternity leave, and paid less. Paternity and parental leave for men are also important for the father to support breastfeeding.
- ➔ Mothers are more inclined to take parental leave than fathers, although this is slowly changing. The factors which influence men's take-up rates are: the level of wage replacement during leave; flexibility of the arrangement; job security upon return; protection of seniority and promotion opportunities and, evolving attitudes about men's care roles in the home and at the workplace.

Module 7:

Cash and medical benefits

Key contents

This module summarizes the importance of cash and medical benefits for maternity protection. Because of their complexity, this module can only provide a broad overview of some of the key issues and principles relating to this subject. Further resources are provided at the end of the module. This module covers:

- ➔ The risks related to maternity and the importance of social protection, including cash and medical benefits
- ➔ Broad estimates of access to social protection, including maternity cash and medical benefits
- ➔ International frameworks and approaches to maternity benefits, with focus on the Social Protection Floor Initiative and up-to-date ILO social security standards
- ➔ Coverage, key features and financing mechanisms for cash benefits during maternity
- ➔ Coverage, key features and financing mechanisms for medical benefits during maternity
- ➔ The administration of maternity benefits in social security schemes
- ➔ Key considerations in extending maternity benefits through social insurance for atypical workers and workers in the informal economy
- ➔ The importance of social dialogue and the roles of key stakeholders



Objectives

This module provides a broad overview of the importance of cash and medical benefits for maternity protection. Readers will learn the key international provisions for cash and medical benefits, current systems for financing these benefits, major gaps in their coverage, and innovative approaches for improving and extending coverage of benefits to the many women who currently lack access to social protection, including maternity protection.



Overview

Maternity is associated with both economic and health risks, and cash and medical benefits are intended to mitigate these risks. An important risk associated with childbirth and maternity is the loss of income. For health reasons, mothers should not work for some time before, during and after the delivery. Cash benefits provided during maternity leave are intended to replace a portion of the income lost due to the interruption of the woman's economic activities. Cash benefits give substance to the right to maternity leave, since without them, many women could not cope with the financial hardship of taking time away from their economic activities.

Pregnancy, childbirth and especially the early months of life are associated with a series of health risks. Maternal and infant mortality are widespread, especially in many developing countries and correlated to quality, availability and affordability of adequate care services and facilities. Medical benefits are intended to protect the health of both mother and baby by ensuring that women receive necessary maternity services that, in this way, are free or partially free of charge at the point of delivery. Medical benefits to pregnant women to mitigate the effects of HIV and AIDS are also critical, enabling women to take steps to protect and secure care for themselves and to prevent mother-to-child transmission.

Despite the importance of cash and medical benefits for the health and well-being of women, children and their families, much of the world's population lacks access to social security schemes that would provide such benefits.

This module highlights the importance of implementing, extending, and improving social protection by providing effective access to quality health care and financial protection against health related costs, and by covering all women with adequate maternal benefits, including leave benefits, prenatal, childbirth and postnatal care and hospitalization when necessary.

It reviews the provisions of key international instruments and frameworks, including international labour standards on social security and on maternity protection. It presents the Social Protection Floor, a global initiative developed in recognition of the wide disparities in access to social protection. In July 2011, ILO constituents identified the establishment of nationally designed social protection floors that guarantee minimum income security and essential health care as the priority for the extension of social security to vulnerable and unprotected people. The module explains the place of maternity benefits in this framework.

In this context, the module discusses existing systems for financing cash benefits and medical benefits and highlights innovative initiatives for extending social protection to vulnerable populations. It also addresses concerns about the costs of providing maternity cash and medical benefits. It shows that maternity protection is less expensive than other branches of social security and that costing exercises indicate that social protection is affordable and within the financial reach of even low-income countries. Moreover, the costs of not providing maternity cash and medical benefits far outweigh the investments in improving and extending access to benefits.

Key points

- ➔ Pregnancy, childbirth and the postnatal period pose a number of economic and health risks for women and their babies.
- ➔ Maternity-related economic and health risks can be mitigated by social security measures that extend social protection to women and their children during maternity. However, access to social protection, including maternity cash and medical benefits, is limited and characterized by high levels of inequality across and within countries.
- ➔ ILO standards offer guidance for developing and implementing social security measures and maternity cash and medical benefits.
- ➔ The Social Protection Floor is a new UN initiative to support governments in helping their residents to cope with hardship and economic crises. It seeks to extend a basic set of social security guarantees comprised of essential health care and income security for vulnerable and unprotected people, including women around childbirth.
- ➔ Cash benefits can be financed through universal schemes, social insurance, social assistance, employer liability schemes and hybrids of these. Employer liability schemes raise particular concerns regarding unfair distribution of responsibilities for the costs of reproduction and potential discrimination against women on the basis of actual or potential maternity.
- ➔ Financing for medical benefits comes from taxation and general revenues, social insurance, premiums-based schemes, and out-of-pocket payments. The latter are particularly inequitable, placing a heavy burden on poor families and increasing the risks of catastrophic health spending and poverty.
- ➔ Extending maternity cash and medical benefits to vulnerable and unprotected women remains challenging, especially in low-income countries. However, cash transfer schemes, community-based health insurance and basic health benefits packages represent promising approaches, when integrated as part of a broader national social protection system.
- ➔ Maternity cash and medical benefits are not costly; their costs are relatively low when compared with other forms of social security. In general, costing exercises show that a basic social protection package that includes health services is affordable in all countries.
- ➔ In contrast, the costs of not providing maternity cash and benefits are high: when a woman dies or becomes ill, her family and community lose her income, and her children are much more likely to drop out of school, suffer poor health, or die.
- ➔ Despite its benefits, designing, implementing and monitoring social protection is challenging, since it involves many stakeholders and diverse perspectives. Social dialogue that includes all stakeholders is essential for determining schemes and approaches that are best suited to the national context.

Module 8: Health protection at the workplace

Key contents

This module discusses health protection at work, with a particular focus on maternity. It covers the following topics:

- ➔ Relevant international labour standards on occupational safety and health (OSH), and health protection during maternity
- ➔ The importance of OSH for all, with priority on a culture of prevention
- ➔ Specific OSH concerns during pregnancy and breastfeeding
- ➔ Concrete measures to identify and address OSH risks during maternity
- ➔ Considerations regarding HIV and AIDS, maternity and the workplace



Objectives

This module provides an overview of international guidance for safeguarding the health of pregnant women and their foetuses, as well as nursing women, from workplace hazards. Readers will learn of the specific OSH concerns during pregnancy and breastfeeding; concrete measures to identify and address such concerns; and specific aspects regarding HIV and AIDS, maternity and the workplace. The module emphasizes the culture of prevention.



Overview

The Maternity Protection Convention, 2000 (No. 183) stipulates that pregnant or breastfeeding women should not be obliged to carry out work that is prejudicial to or has a significant risk to their health and safety or that of the child. Recommendation No. 191 includes further details of the working conditions that are particularly dangerous for the mother and her child.

Workplace health protection throughout pregnancy and breastfeeding is essential because:

- women may be more susceptible to some workplace hazards at these periods of their reproductive cycle, and may be harmed in different ways;
- health needs of expectant and breastfeeding mothers change:
 - as the pregnancy progresses
 - immediately before and after delivery
 - when breastfeeding
- the work may be hazardous.

Reproductive health and safety is a concern for all workers, men and women. Hazards at the workplace can be of biological, chemical, or physical origin. They can result from physical or mental demands, poor working conditions, and from workplace and hygiene problems. Consequently, it is increasingly common to approach health and safety at work by creating a healthy working environment for all workers while establishing special policies and procedures to ensure that particular hazards during pregnancy and breastfeeding are identified and addressed.

The module provides an overview of a range of workplace hazards and risks related to the safety and health of pregnant and breastfeeding workers and their children and provides guidance and tools for workplace risk assessment, and preventative and adaptive measures.

The module also highlights workplace measures and services that can be extended to mitigate the effects of HIV and AIDS and to prevent mother-to-child transmission (PMTCT). It also highlights how these measures can mitigate the additional health risks of pregnancy that women living with HIV face, and the transformational ability of antiretroviral therapy (ART) to substantially reduce the risk of mother-to-child transmission of the virus. This is particularly important in settings where clean water and sanitation cannot be assured and where diarrhoea, pneumonia and malnutrition are significant causes of infant mortality. The focus is on the provisions of the new ILO Recommendation on HIV and AIDS, 2010 (No. 200).

Key points

- ➔ Global standards and national legislation set out frameworks for OSH systems and programmes, and establish numerous provisions for protecting the safety and health of pregnant and breastfeeding workers, including taking leave if they cannot be properly accommodated during maternity.
- ➔ A preventative safety and health culture at work is fundamental for improving and promoting the health of all workers, women and men. When exposure to risks cannot be prevented, minimized or eliminated, protective measures should be established for all workers. Workplaces need to be safe for all men and women workers, at all stages of their life cycle and particularly during their reproductive years.
- ➔ Some features of work and workplaces can pose particular risks to safety and health during pregnancy and breastfeeding. Hazards to reproductive health can be biological, chemical, physical or can be due to stress, poor hygiene and poor working conditions. Upon notification that a worker is pregnant, a Workplace Risk Assessment should be conducted and appropriate follow-up measures should be taken.
- ➔ HIV and AIDS disproportionately affect women and threaten maternal, newborn and child health. Scaling up equitable access for all women and men to information, HIV diagnosis, prevention, treatment and care is critical.
- ➔ Action through the workplace can contribute to HIV and AIDS-related efforts, including through information; the prevention of occupational exposure and transmission; stepping up diagnosis, and prevention and treatment services, such as PMTCT. Having a workplace policy on HIV and AIDS can show the support available to workers, including pregnant and breastfeeding women.

Module 9: Employment protection and non-discrimination

Key contents

This module discusses employment protection and non-discrimination in relation to maternity at work, reviews the relevant provisions of international labour standards on maternity protection, and highlights measures to deal with concrete problems that arise throughout the world, such as:

- ➔ Protection against dismissal on grounds related to maternity
- ➔ The right to return to the same position or an equivalent one after maternity leave
- ➔ Protection of employment-related entitlements
- ➔ Protection against discrimination in access to employment, including prohibitions against requiring a woman to take a pregnancy test at the time she applies for a job

Objectives

The objective of this module is to provide readers with an understanding of discrimination and employment protection in relation to maternity at work and to review the relevant provisions and guidance of international labour standards. It highlights measures for dealing with concrete problems and for ensuring protection against discrimination on the basis of maternity, including in recruitment, hiring, promotion, employment-related entitlements, dismissal and return to work.

Overview

Maternity often constitutes a source of discrimination at work, in relation to access to employment, equal opportunities and treatment at work, and termination of employment. Thus, measures to safeguard the employment of pregnant workers and to combat all forms of discrimination against women in employment based on maternity are together an integral part of maternity protection at work. ILO Conventions have become increasingly comprehensive in terms of the extent of the protection that should be provided.

It is difficult to estimate the extent of discrimination on the basis of maternity. However, the information that does exist indicates that it remains a continuing and serious problem. There are indications in several countries that maternity-based discrimination complaints are increasing. Whether this is due to actual increases in discrimination or to increases in complaints is difficult to determine. However, the fact that any discrimination persists should be unacceptable and is a cause for mobilizing action against it.

Employment protection refers to the right of a female worker to keep her job during pregnancy or maternity leave and during a period following her return to work. The module discusses the measures that can be taken to:

- protect women against dismissal during this period;
- ensure a woman's right to return after maternity leave to the same or an equivalent position as the one held prior to maternity leave; and,
- maintain her employment entitlements (such as seniority, promotions, training opportunities and pension rights).

Protection against discrimination refers to the right of all women not to be treated less favourably in a work situation – including access to employment – because of their sex. Importantly, this includes provisions that employers should not be allowed to require a pregnancy test or proof of sterilization as a condition of employment, nor should they be allowed to question a job applicant about her plans for childbearing.

Many international conventions, including ILO conventions, prohibit all forms of discrimination against women. A comprehensive list of these conventions, with many examples of national practices, can be found in this module. Many countries have measures to prevent discrimination, although only 11 comply with ILO standards by explicitly banning pregnancy tests in their legislation.

Discrimination on the basis of care-giving responsibilities extends beyond maternity, with findings of motherhood (but not fatherhood) penalties in the labour market in countries where this issue has been studied. In most societies, motherhood and the family responsibilities associated with it still strongly influence the image of women at work and may be perceived as a negative criterion when considering candidates for a particular post. Women with family responsibilities too often fall victim to stereotypes, and are perceived as being of greater cost to employers.

The module discusses the roles of the stakeholders in preventing and addressing discrimination, noting that it is the State's responsibility to adopt legal measures that prevent discrimination and to enforce them.

Key points

- ➔ Employment protection provides protection against termination of the employment of a woman on maternity leave and ensures that she can return to work at the end of her leave to the same position or to one that is equivalent to the position she held prior to leave.
- ➔ Requiring the employer, rather than the worker, to prove that dismissal is not related to maternity strengthens the worker's protection and enforces the principle of equal treatment.
- ➔ Protection against discrimination based on maternity is defined as the right of all women not to be treated less favourably in a work situation – including access to employment – on the basis of maternity.
- ➔ Requiring a pregnancy test at the time a woman applies for a job is prohibited in the Maternity Protection Convention, 2000 (No.183), except under certain circumstances; this provision is beginning to appear in national legislation around the world.
- ➔ Information on how much maternity-related discrimination happens is not widely available, but reports from complaints bodies, trade unions, surveys, and legal centres indicate that such discrimination continues and in some places, may be increasing.
- ➔ Stakeholders have a range of means available for taking action to prevent and address discrimination. Importantly, information and education campaigns for employers and workers on legal rights and guidance on establishing positive workplace environments for pregnancy can be practical and effective. Nevertheless, government action in strengthening legal frameworks, and establishing complaints and enforcement mechanisms is critical.
- ➔ Policies must be designed in ways that avoid reinforcing stereotypes of women as caregivers and secondary earners, and instead promote the equal sharing of care work and more equal labour market opportunities for women and men.

Module 10: Breastfeeding arrangements at the workplace

Key contents

This module discusses the importance of breastfeeding, the challenges of continuing breastfeeding upon return to work after maternity leave, legislation, and practical tools that can help to facilitate continued breastfeeding for mothers returning to paid work. It includes the following:

- ➔ Breastfeeding as the norm – the benefits of breastfeeding for mothers and their babies, employers and society
- ➔ International standards and national legislation supporting breastfeeding for mothers in paid work
- ➔ Practical measures for supporting breastfeeding for mothers in paid work
- ➔ Considerations regarding breastfeeding and HIV and the roles that workplace stakeholders can play in diminishing the transmission of HIV to infants through prevention of mother-to-child transmission (PMTCT)



Objectives

This module explains the importance and benefits of exclusive breastfeeding on child survival and health and why continuing to exclusively breastfeed upon return to work after maternity leave is so challenging for mothers. It provides the reader with an understanding of the international standards, national laws and policies, and workplace measures that can help to facilitate exclusive and continued breastfeeding. It highlights the roles of stakeholders and also offers guidance on the measures that can be taken by stakeholders to diminish the transmission of HIV to infants through breastfeeding.



Overview

Breastfeeding is an unequalled way of providing food and care for the healthy growth and development of infants and young children. It is also an integral part of the reproductive process with important implications for the health of mothers.



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The WHO and UNICEF have set out a global public health recommendation that infants should be exclusively breastfed for the first six months of life to achieve optimal growth, development and health. Thereafter, to meet their evolving nutritional requirements, infants should receive nutritionally adequate and safe complementary foods while continuing to breastfeed up to two years of age or beyond.

Not breastfeeding or suboptimal breastfeeding (e.g. non-exclusive breastfeeding the first six months) presents both short and long-term risks for mothers and children. However, after maternity leave expires, returning to work while still breastfeeding is a critical challenge for mothers and, it is one of the main reasons that working women stop breastfeeding. For many women, the lack of workplace support for breastfeeding makes working incompatible with breastfeeding.

Provisions that can help to improve breastfeeding rates and duration are set out by Convention No. 183, which calls for the establishment of breastfeeding breaks and Recommendation No. 191, which encourages the provision of breastfeeding facilities at the workplace.

Research shows that supporting breastfeeding among employees is generally a low cost intervention for employers involving minimal disruption to the workplace. Research also finds a number of potential benefits for employers as a result of breastfeeding support, including higher retention rates, lower employee absenteeism rates on account of improved child health, enhanced employee morale and productivity and improved company image.

The module covers measures other than breastfeeding breaks and facilities to make a workplace supportive of breastfeeding, including policy statements, information campaigns, and flexible work arrangements.

HIV can be transmitted from an HIV positive woman to her baby during pregnancy, delivery or breastfeeding. This is usually referred to as mother-to-child-transmission (MTCT). Antiretroviral drugs (ARV) and other measures can dramatically reduce the risk of transmission. One of the reasons for MTCT is that mothers do not know their HIV status and often the workplace is the only setting where they can obtain objective information about HIV and their own status.

Workplaces can facilitate access to voluntary and confidential testing, treatment to prevent MTCT, and information on infant feeding options for HIV-positive women. In settings where mothers living with HIV are encouraged to breastfeed as the best option for infants' health, exclusive and continued breastfeeding after returning to work is even more critical. For these reasons, the module discusses the role of workplace measures in efforts to prevent MTCT.

Key points

- ➔ Returning to paid work is a major reason for women stopping breastfeeding before the internationally recommended duration of six months of exclusive breastfeeding and continued breastfeeding until the child is two years of age or more.
- ➔ Breastfeeding is the norm for feeding babies and supporting breastfeeding at work produces major health and economic advantages with benefits for the child, the mother, the employer and society.
- ➔ Among the benefits reported by employers who support breastfeeding at the workplace are lower health-care costs, less absenteeism, and higher productivity.
- ➔ International labour standards set out breastfeeding breaks or a daily reduction of working time – that are counted as working time and remunerated accordingly – for mothers returning from maternity leave. National legislation typically provides for one hour, usually divided into two 30-minute breaks per day.
- ➔ Breastfeeding facilities at the workplace are inexpensive and easy to set up.
- ➔ More and more employers understand the advantages of being breastfeeding-friendly, mother-friendly, and family-friendly, and are making the effort to become so, including through developing in-house policies.
- ➔ It is necessary to raise the awareness of policy-makers, trade unions, employers and others on the need for support for breastfeeding mothers, both in terms of time and financial allocations. Men as fathers and decision-makers have a critical role to play in supporting these efforts.
- ➔ The WHO has specific recommendations regarding the prevention of HIV transmission through breastfeeding. The workplace has a critical role to play in preventing MTCT of HIV and in supporting breastfeeding practices in accordance with international guidelines.

Module 11: Beyond maternity and back to work: Coping with childcare

Key contents

This module addresses the need for policies and measures that can support the care of children after maternity leave when women return to work. It covers:

- ➔ Main challenges in coping with childcare upon return to work
- ➔ Definitions of family responsibilities and unpaid care work
- ➔ International frameworks and instruments for addressing work–family reconciliation
- ➔ Laws and policies promoting gender equality in the division of paid work and unpaid care work
- ➔ Discussion of the main measures for supporting work–family reconciliation
- ➔ Roles and responsibilities of the main stakeholders



Objectives

This module summarizes the key international instruments for promoting work–family balance, offering detailed information on the main policy options and the roles and responsibilities of the different stakeholders. The module also discusses the need for work–family policies that promote gender equality in both paid and unpaid work.



Overview

Once women return to work after work interruption around childbirth or maternity leave, policies and measures that support parents in reconciling paid work and the family are vital for children’s health and development, and bring enormous benefits to families, business, and society.

Family responsibilities have intensified due to the increased participation of women in paid work; the weakening of informal family support; the growth in single-parent (mostly single mother) households, ageing populations, disease burdens (e.g. HIV and AIDS) migrations or other social and economic factors, including the economic, job and environmental crises.



National laws and policies, collective bargaining agreements, and workplace measures for workers with family responsibilities may include:

- policy research
- education, information and advocacy
- social care services and in particular childcare
- leave policies
- working time and organization arrangements
- social security benefits
- active labour market measures
- basic infrastructure and services to support family responsibilities

Existing public policies, programmes and services are rarely adequate to meet workers' and employers' needs for dependant care even in many industrialized countries; in developing countries challenges are even greater. However, there is growing recognition of these issues, and actions, especially the development of childcare services and facilities, and measures are increasingly being taken to address the needs of workers, particularly the most vulnerable.

Governments have a leadership role to play in setting policy orientation and creating a social climate that is conducive to dialogue and change for improving work–family reconciliation. The contributions of employers, trade unions and workers, academia, and civil society to the design and implementation of work–family measures are also vital for addressing the needs of business, workers and families.

Key points

- ➔ Reconciling paid work and unpaid care responsibilities is a major concern for most of the world's adults wherever they live.
- ➔ Policies should be designed in integrated and gender-responsive ways, addressing both workers' and employers' needs.
- ➔ Gender inequalities in paid and unpaid work are perpetuated by the lack of work–family policies in general and by the fact that some policies are based on gendered assumptions about men's and women's roles.
- ➔ The ILO Convention on Workers with Family Responsibilities, 1981 (No.156) provides guidance on policies and measures to promote work–family balance.
- ➔ The development of affordable, reliable and quality childcare services and facilities has been broadly recognized as among the most cost-effective and gender-responsive solutions to support the needs of workers with family responsibilities.
- ➔ Governments have the key responsibility to carefully design and implement work–family laws and policies with explicit gender equality objectives.
- ➔ Social partners are increasingly involved in promoting the needs of workers with family responsibilities, in particular, through collective bargaining and work–family workplace measures, which are beneficial to both workers and businesses.



PART

one
two
three



**TAKING ACTION ON
MATERNITY PROTECTION
AT WORK**



Part 3:

Taking action on Maternity Protection at work

Part 3 covers resources and tools for action on maternity protection, focusing on capacity development, a process through which the stakeholders develop, strengthen and maintain the capabilities to plan and deliver their own development objectives over time. The four modules in Part 3 cover different dimensions of this process in relation to maternity protection:

- **Module 12:** assessment of national legislation vis-à-vis international labour standards on maternity protection at work and childcare.
- **Module 13:** assessment of maternity protection in practice, at national, local or enterprise levels.
- **Module 14:** advocacy at a wider level through communication strategies, building of alliances and awareness-raising activities.
- **Module 15:** capacity building, with the preparation of training tools and methods as well as training ideas.

Module 12:

Assessing national legislation on Maternity Protection at work

Key contents

This module provides guidance for assessing national legislation in comparison with ILO standards on maternity protection at work, including childcare. It also provides tools for comparison and highlights some recent trends and best practices in legislation on this subject. It includes the following:

- ➔ An overview of maternity protection at work in national legislation
- ➔ A comparison of national provisions to ILO standards on maternity protection at work
- ➔ An explanation of the importance of having comprehensive maternity protection legislation
- ➔ Examples of good initiatives at the national and subnational levels



Objectives

The objectives of this module are to give the reader the necessary guidance and tools to assess national legislation relative to the provisions set out by ILO standards on Maternity Protection. It also provides information on global trends and best practices in maternity protection legislation.



Overview

National laws designed to protect the health of mother and child and the employment rights of working women during maternity figure prominently in the legislation of almost every country, with at least 167 ILO member States having passed some pieces of legislation on maternity protection. These laws can be included with labour legislation, social security legislation, anti-discrimination legislation, or other types of legislation.



Within the State, legislation may be drafted at various political levels:

- at the very centre, at national or federal level;
- at the regional level, state, district, province or canton levels for example and,
- locally, at the municipal, communal or even community level.

Summarizing and comparing legal provisions can be particularly difficult and arbitrary because systems vary considerably across countries.

This module provides tools to assess any particular set or piece of legislation against ILO standards, element by element. It also introduces the reader to the Comments of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), as a useful resource for information on the national application of ILO standards.

For monitoring and evaluating progress on the Decent Work Agenda at the national level, this module introduces the ILO set of statistical indicators, which includes legal and statistical indicators on “Combining work, family and personal life.” It also explains how to use the ILO Database of Conditions of Work and Employment Laws, the most exhaustive source on maternity protection legislation available internationally, which provides country-specific information on the key dimensions of maternity protection at work.

Once gaps are identified, the module offers guidance for prioritizing them in terms of their importance and in terms of the opportunities and challenges for improving them. Readers can use these tools as a basis for developing an action plan for strengthening and extending maternity protection.

Key points

- ➔ Within a given country, the national law establishes the minimum standard allowed in that country. Policies and regulations at the workplace level, including collective bargaining agreements (CBAs) can only meet or exceed minimum national standards.
- ➔ Maternity protection provisions can be part of different legislation bodies (e.g. labour, social security, family, anti-discrimination), under the responsibility of one or more government entities (e.g. labour, social affairs, health, finance, industry, agriculture or gender equality).
- ➔ Taking action on maternity protection requires an adequate knowledge and understanding of the main federal, national, local and workplace provisions and the responsible governmental stakeholders.
- ➔ An overall assessment of national laws is an essential preliminary activity of the process of promoting and extending maternity protection to all women workers. It can greatly contribute to building consensus among the key stakeholders and finding an optimal step-by-step approach to implementing ILO standards in all the core elements of maternity protection at work and childcare.
- ➔ “Combining work, family and personal life” has been identified as a substantive element of the Decent Work Agenda. Legal framework-related indicators for the Measurement of Decent Work help to assess the existence and main features of maternity, paternity and parental leave laws.
- ➔ The ILO Database of Conditions of Work and Employment Laws is the most exhaustive source on maternity protection legislation available internationally. It provides country-specific information on the key dimensions of maternity protection.
- ➔ Some countries may face challenges related to the elements of maternity protection at work and childcare (see **Modules 6 to 11**). However, good practices on the improvement and extension of protective legislation to vulnerable workers are emerging.

Module 13: Assessing Maternity Protection in practice

Key contents

This module provides guidance on assessing maternity protection in practice. It goes step-by-step through the assessment process, providing the following:

- ➔ A walkthrough on defining the purpose of a maternity protection assessment
- ➔ Guidelines on how to assemble relevant documents and compile existing data
- ➔ Information on how to collect new data and conduct different types of assessments; what to do with the data once it has all been compiled; review and analysis
- ➔ How to report the results obtained
- ➔ Possible courses of action, depending on the results obtained

A variety of resource sheets that can be used as samples to produce concrete assessment tools are provided at the end of this module.



Objectives

To improve the maternity protection situation in a country, it is important to assess the current national situation. The objective of this module is to provide guidelines on assessing maternity protection in practice, offering examples and practical tools.



Overview

To improve maternity protection, it is necessary to understand the situation regarding its application in practice before defining actions and interventions. While **Module 12** provided guidance on assessing national legislation and understanding what maternity protection rights have been established, much less is known about how those rights are implemented and exercised.

In order to understand how maternity protection is applied in practice and identify any priorities for the next steps, this module provides some general guidance on assessments that

can be made. This guidance is purposefully general, as the range and depth of topics regarding maternity protection are vast and the focus of assessment may differ between contexts. For example, focus may be placed on:

1. national efforts to implement maternity protection legislation by assessing the capacity to budget, monitor and enforce the law;
2. employers' understandings of legal obligations and administrative requirements for implementing maternity protection at the workplace; or
3. understanding the actual maternity protection conditions of women workers (i.e. the extent to which women take up maternity leave, experience maternity-based discrimination, or face challenges in continuing to breastfeed upon return to work).

The **Resources section** of this module contains numerous examples of questionnaires and checklists developed in specific contexts, sectors and workplaces, which may be helpful to those designing their own maternity protection assessment.

Assessing maternity protection requires assembling documents, compiling, examining and analysing data, as well as making recommendations for action. Rapid assessments can be helpful to collect qualitative information on a specific context and can usually be carried out quickly. Well-designed surveys are statistically representative, generally based on specialized expertise, and can be more lengthy, costly and complex. To monitor trends and evaluate progress, it is necessary to assess the current situation and to repeat the exercise in a comparable manner several times.

The module discusses different approaches for assessing maternity protection, provides guidance for compiling information, evaluating findings and reporting them, and takes the reader from assessment to action planning.

Key points

- ➔ To improve a situation (at national, local or workplace level), it is necessary to assess it.
- ➔ The first steps involve defining the purpose or objectives of the assessment and to find and evaluate existing information and attitudes on the topic.
- ➔ If collection of new information is required, a number of tools and approaches are available for conducting a rapid assessment and/or undertaking a more in-depth evaluation.
- ➔ Keys to making effective use of information and new data collection include: careful planning for data analysis; preparing reports to effectively communicate key findings and making suggestions for the next steps, as well as using the assessment to launch action planning.
- ➔ Sample questionnaires are provided in the **Resources section** as inputs into the design of interview and survey questionnaires.

Module 14:

Advocacy and awareness-raising on Maternity Protection at work

Key contents

This module provides guidance and tools for organizing advocacy and awareness-raising activities. The following six steps are covered:

- ➔ Identifying the issue and the groups involved
- ➔ Identifying and developing potential solutions
- ➔ Identifying decision-makers and anticipating their response to the solutions
- ➔ Seeking alliances
- ➔ Crafting the message
- ➔ Determining the methods



Objectives

This module provides guidance and tools to assist readers in developing their own advocacy and awareness-raising activities to gain support for maternity protection at work.



Overview

Advocacy for maternity protection is a long-term process and organizing advocacy and awareness-raising activities to gain support for maternity protection involves several steps. There is no single model for advocacy and awareness-raising campaigns. Every campaign may have a different starting point, may shift back and forth between steps, may skip some steps altogether, and/or may repeat cycles through steps over time.

This module covers the steps indicated above which are involved in effective advocacy campaigns. For each step, guidance and tools are provided, enabling participants in training events based on this Package to shape their own advocacy and awareness-raising activities by focusing their efforts, setting realistic goals, identifying responsibilities, mapping out stakeholders and alliances, developing messages and methods, and finally, evaluating the progress, strengths, weaknesses and adjustments needed.

An advocacy campaign should prioritize the issues and select a focus for the campaign. Researching the problems and the issues in the national context can help to identify supporting evidence for the case for change. Based on the assessment of gaps and opportunities, a set of possible solutions can be identified. A number of analysis tools in the module provide insight into the feasibility of different solutions.

The advocacy group should aim to set realistic goals, whatever the timeframe that has been decided. Plans of action are good tools for defining the objectives of the campaign, the desired outputs, responsibilities and timelines. They can become important tools for developing a shared understanding of the campaign's objectives, as well as for monitoring and evaluation.

The goal of advocacy is generally to reach key audiences, decision-makers or actors who can directly or indirectly implement the proposed solutions and objectives. Anticipating the attitudes and responses of the audiences is essential for a successful awareness-raising activity. Identifying and joining efforts with relevant allies, namely groups who share the same interests as the advocacy group, is also a key step in the process.

This ground work should be amply sufficient to help to prioritize the key advocacy messages, which should: be clear and concise; provide evidence to back the case; ask audiences to take action and be specific about what should happen, and set out timescales. Timing for delivering messages should also be carefully planned.

The module also provides insights into a number of communication strategies and tools to help reach the intended target audience, with examples tailored to the issue of maternity protection at work. It concludes by providing guidance on monitoring and evaluation, with related resources and tools.

Key points

- ➔ In order to advocate and raise awareness on maternity protection, it is necessary to create a group of involved and interested stakeholders that can function as allies.
- ➔ It is important to evaluate the strengths, weaknesses and positions of the various groups – for or against the issue.
- ➔ The advocacy group should make a rapid assessment and a more in-depth analysis of the country situation regarding maternity protection. This will help in considering the best strategies for improving maternity protection in law and practice.
- ➔ In order to make an issue known to the public, the media – including social media – can be an extremely effective vehicle for communication.
- ➔ Contacting journalists, writing press releases and writing to political representatives and using social media are all strategies that can be used by advocacy groups.
- ➔ Once an activity has been undertaken it should be evaluated. This is essential to assess its impact on progress towards better maternity protection at work as well as to identify the next steps for future action.

Module 15:

Capacity development and training on Maternity Protection at work

Key contents

This module covers basic principles that need to be considered in order to design effective training programmes on maternity protection at work. In particular, the module covers:

- ➔ The purpose of the training
- ➔ Design considerations
- ➔ The logistics and constraints
- ➔ Validation and evaluation

The annexes of the module include samples of training programmes on specific aspects of maternity protection at work. They also provide guidance for the preparation of fund-raising proposals on maternity protection at work, which wraps up the key action steps on this subject.



Objectives

The objective of this module is to provide guidance and tools for developing, implementing and evaluating a training programme. It enables readers to think through the objectives of training courses they are planning and to consider the learning needs and preferences of target audiences. It also gives broad guidance and numerous tools for designing a training programme on the core components of maternity protection at work, which meet their desired objectives.



Overview

Training is an important part of capacity development. As it relates to maternity protection, training will be focused on acquiring information and skills to enable trainees to understand the issues and incorporate them in their on-going work. It may also offer them the opportunity to gain commitment to action and to explore how they feel about the issues of maternity protection in order for them to understand a wider range of issues and perhaps to challenge some of their own preconceptions.

This module provides readers with the guidance and tools to design, implement and evaluate a training programme. It highlights the steps that they will need to go through to identify the aims and desired outcomes of the training programme and the learning styles and preferences of their target audience, so that training programmes can be designed accordingly.

Many different training methods are available, including presentations and lectures, demonstrations and field visits, case studies, visual aids, role plays, facilitation and open space. Each of these has advantages and disadvantages and needs to be selected according to the training objectives and the constraints and characteristics of the audience. The module also offers guidance and tools for designing session plans.

Moreover, it provides information and guides for validating and evaluating the training. Validation refers to monitoring learners' progress and the quality of training from the learners' perspectives. Evaluation refers to the transfer of learning and the outcome of the training which can be assessed after participants have had an opportunity to return back to their work and implement their learning and action plans.

Finally, organizing a training activity requires careful planning, including formulating the objectives, identifying the target groups of participants and calculating the amount of time, money, expertise and other resources required. The module contains guidance and tools for addressing these issues, with checklists to cover the most common considerations.

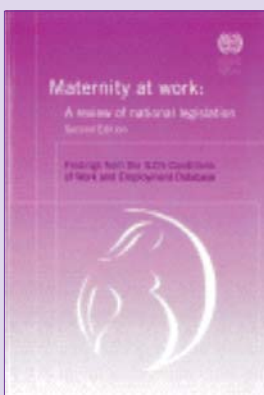
Key points

- ➔ Individuals have different ways and preferences of learning; training programmes need to accommodate these.
- ➔ Identifying the overall aim and desired outcomes of the training will determine which learning interventions are most suitable, and what levels of breadth and depth the training can achieve.
- ➔ Monitoring learners' progress and the quality of training from the learners' perspectives is important and a number of approaches and tools are available for doing so.
- ➔ Evaluation refers to the transfer of learning and the outcome of the training which can be assessed after participants have had an opportunity to return to their work and implement their learning and action plans.



REFERENCE PUBLICATIONS

ILO



Maternity at work. A review of national legislation. 2010

This global report updates the current knowledge of the status and progress of maternity legislation around the world, providing a comprehensive review of national legislative provisions for maternity protection in 167 member States, with a particular focus on how well countries' provisions conform to the ILO Maternity Protection Convention, 2000 (No. 183), and its accompanying Recommendation (No. 191). The first section analyses three key aspects of maternity leave provisions: the duration, the cash benefit paid and the source of the funding. The second part of the report covers other kinds of leave provisions, safeguards on employment, health and safety, and breastfeeding.

Available at: <http://www.ilo.org/travail/>



Workplace solutions for childcare. 2010

Workplace partnerships are effective for working parents considering childcare solutions. The focus of this book is on why workplace partners around the world have become involved in childcare and about the nature of programmes that have been implemented. Partnership is a key theme, and the authors highlight the fruitfulness of collaboration that combines the resources and capabilities of different actors. Ten countries, industrialized and developing, are examined through a national overview on policies and facilities for childcare and the implications for working parents, followed by case studies of specific workplaces.

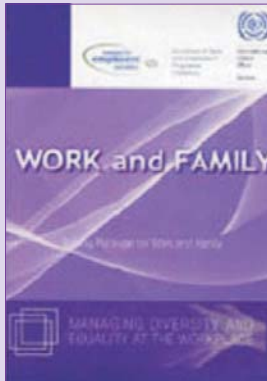
Available at: <http://www.ilo.org/travail/>



WISE-R Action Manual and Trainer's Guide on Family-friendly measures. 2010

WISE-R consists of six modules and training guides that aim to promote workplace productivity through the improvement of working conditions. WISE-R Module 5 on Family-friendly measures will help the reader: to understand family responsibilities and their link with businesses and productivity; to address maternity-related workplace issues; and to formulate and implement practical family-friendly workplace measures.

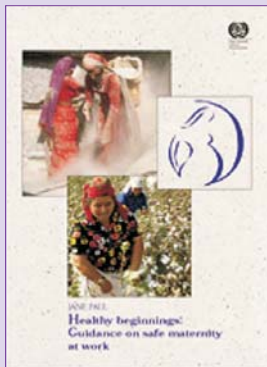
Available at: <http://www.ilo.org/travail/>



A Training Package on Work and Family. 2008

ACT/EMP developed training packages on Managing Diversity and Equality at the Workplace, where the overall aim is to enhance the capacity of employers' organizations and other representative business organizations to assist and work with enterprises to launch or further develop initiatives on diversity and equality at the workplace and thereby harness the potential of a diverse and gender equal workplace.

Available at: <http://www.ilo.org/travail/>

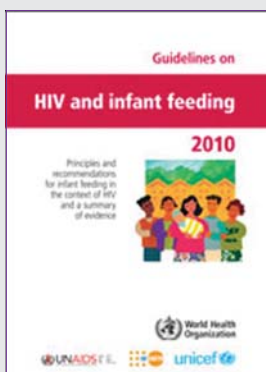


Healthy beginnings: Guidance on safe maternity at work. 2004

This guide looks at maternity protection in the workplace, focusing on measures that can be taken to ensure a healthy beginning for both the mother and her child. The starting points are the health protection measures of the Maternity Protection Convention, 2000 (No. 183) and its Recommendation (No. 191). The guide sets out basic principles and provides a wide range of information on reproductive hazards and how to prevent harm. Annexes provide a choice of practical tools which will be helpful in identifying workplace risks and finding solutions.

Available at: <http://www.ilo.org/travail/>

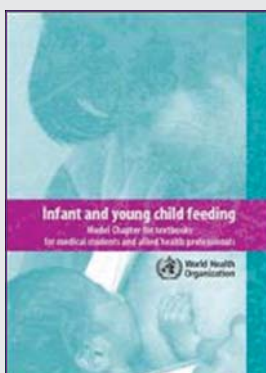
WHO AND UNICEF



Guidelines on HIV and infant feeding 2010: Principles and recommendations for infant feeding in the context of HIV and a summary of evidence. 2010

The guidelines summarize the experience and research evidence regarding HIV and infant feeding accumulated since the WHO's recommendations in 2006. In particular, evidence that antiretroviral (ARV) interventions to either the HIV-infected mother or HIV-exposed infant can significantly reduce the risk of postnatal transmission of HIV through breastfeeding. Together breastfeeding and ARV intervention have the potential to significantly improve infants' chances of surviving while remaining HIV uninfected.

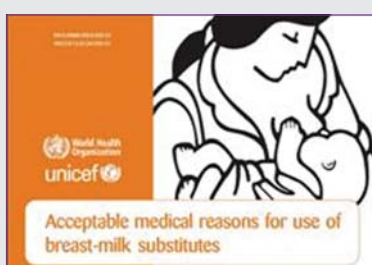
Available at: <http://who.int/publications/en/>



Infant and young child feeding: Model chapter for textbooks for medical students and allied health professionals. 2009

The Model Chapter on Infant and Young Child Feeding is intended for use in basic training of health professionals. It describes essential knowledge and basic skills that every health professional who works with mothers and young children should master. The Model Chapter can be used by teachers and students as a complement to textbooks or as a concise reference manual.

Available at: <http://who.int/publications/en/>

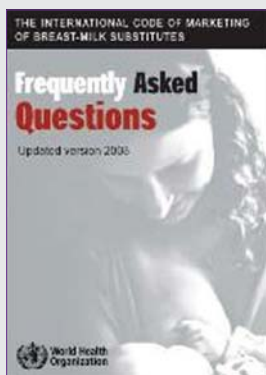


Acceptable medical reasons for use of breast-milk substitutes. 2009

A list of acceptable medical reasons for supplementation was originally developed by the WHO and UNICEF as an annex to the Baby-friendly Hospital Initiative (BFHI) package of tools in 1992. The WHO and UNICEF agreed to update the list of medical reasons given that new scientific evidence had emerged since 1992, and that the BFHI package of tools was also being updated. The list of acceptable medical reasons for temporary or long-term use

of breast-milk substitutes is made available both as an independent tool for health professionals working with mothers and newborn infants, and as part of the BFHI package.

Available at: <http://who.int/publications/en/>

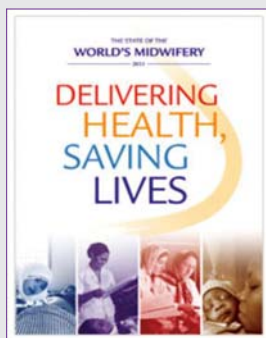


The International Code of Marketing Breast-Milk Substitutes: Frequently asked questions (updated version). 2008

Many people who have heard about the International Code of Marketing of Breast-milk Substitutes have expressed interest in knowing more about it. The purpose of this document is to provide easy-to-read detailed information on specific questions related to the Code. It is intended for policy-makers and others concerned with the Code, as well as the general public.

Available at: <http://who.int/publications/en/>

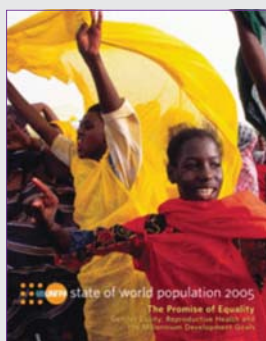
UNFPA



State of World's Midwifery 2011: Delivering Health, Saving Lives. 2011

Increasing women's access to quality midwifery has become a focus of global efforts to realize the right of every woman to the best possible health care during pregnancy and childbirth. A first step is assessing the situation. This report, supported by 30 partners, provides the first comprehensive analysis of midwifery services and issues in countries where the needs are greatest. It also provides new information and data gathered from 58 countries in all regions of the world. Its analysis confirms that the world lacks some 350,000 skilled midwives - 112,000 in the neediest 38 countries surveyed - to fully meet the needs of women around the world. The report explores a range of issues related to building up this key health workforce.

Available at: <http://www.unfpa.org/sowmy/report/home.html>



State of World Population 2005: The Promise of Equality: Gender Equity, Reproductive Health and the Millennium Development Goals. 2005

How do we improve the lives of the nearly 3 billion individuals living on less than two dollars a day? How can we enable all individuals - male and female, young and old - to protect themselves from HIV? To save the lives of more than 500,000 women who die each year in childbirth? What will it take to show young people living in poverty that they have a stake in development and a hope for the future? For perhaps the first time in history, questions such as these are not simply rhetorical. They have answers: answers that go to the very heart of what it means to be a woman or a man, wealthy or poor.

Available at: <http://www.unfpa.org/public/home/publications/pid/1343>



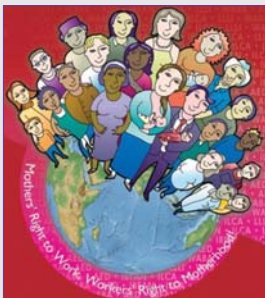
State of World Population 2005: Gender Equality Fact Sheet: Gender Equality in the Labour Market. 2005

This fact sheet describes some of the gender inequality issues, such as occupational segregation, working poverty, gender-based wage gaps, women's disproportionate representation in informal employment and unpaid work, which contribute to challenges in implementing maternity protection. The relevance and importance of ILO Conventions on maternity protection and work-family responsibilities to ensuring women workers' rights are discussed.

Available at:

http://www.unfpa.org/swp/2005/presskit/factsheets/facts_gender.htm

MATERNITY PROTECTION COALITION



Maternity Protection Kit: A Breastfeeding Perspective (IBFAN, ILCA, IMCH, LLLI, WABA). 2003, re-edited 2008 (WABA)

This action kit, prepared by a coalition of worldwide breastfeeding networks to strengthen the ratification campaigns of the ILO Maternity Protection Convention, 2000 (No.183), presents a comprehensive understanding of maternity protection from a breastfeeding angle. It underlines how breastfeeding is an important component of maternity protection, addressing all stakeholders on the matter. It gives examples of progressive legislation and actions worldwide, including on setting up breastfeeding facilities at the workplace.

Available at:

<http://www.waba.org.my/whatwedo/womenandwork/mpckit.htm>

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- **Part 1: Maternity Protection at work: The basics**
- **Part 2: Maternity Protection at work in depth: The core elements**
- **Part 3: Taking action on Maternity Protection at work**



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