

## WABA INTERNATIONAL LABOUR DAY STATEMENT

29, April 2011

### **IN DEFENSE OF MATERNITY PROTECTION FOR WOMEN AT WORK – ALWAYS A RELEVANT ISSUE!**



The 1<sup>st</sup> of May is International Workers' Day—a day when **all** workers celebrate their rights to work and to organise to improve their working conditions. For women workers, this includes obtaining the full range of maternity protection provisions in strong laws and collective agreements that are implemented on a day-to-day basis. By right, all working women are entitled to decent conditions of work and to decent salaries, on par with those of male workers. They are entitled to work that respects their human dignity and allows them to participate and develop as human beings. Childbearing adds to their total workload, thus working women are also entitled to specific protection before and after giving birth.

**We, the Maternity Protection (MP) Coalition**, formed by breastfeeding advocates and networks<sup>1</sup> from all parts of the world, are fighting for measures that enable men and women alike to better balance work and family responsibilities. Women hold two fundamental roles in society. As mothers, they **reproduce the social group**. The period of maternity is a time that calls for special attention, with protective measures to ensure health and safety for mother and child. Women are also workers. Like men, they **produce for society**. Women have always worked inside and outside the home, and today they are found in practically all professions. Worldwide, more and more women<sup>2</sup> work for pay. In 2009, female workers accounted for 47.3% of the workforce, up from 42.8% ten years earlier<sup>3</sup>. But female workers are exploited more extensively than their male counterparts. They are generally less qualified, hold more precarious positions and suffer poorer working conditions. Practically everywhere in the world, women are paid less than men for the same job<sup>4</sup>. A recent trend in female employment shows that large proportions of women work in other than full-time waged employment. They are found in categories such as self-employment, casual work, part-time work, the informal economy, home work, domestic service, as well as in migrant labour. In situations related to their reproductive health and maternity, women workers need a different level of protection, but because of their category of work most of them do not get it!

For the past century, the International Labour Organisation (ILO) has considered “maternity protection” the collective responsibility of the State rather than the individual responsibility of the mother, the parents or the family alone. At global level, the ILO has adopted three Maternity Protection Conventions, the first in 1919 and the latest in June 2000. Today most countries have maternity protection laws.

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<sup>1</sup> The Maternity Protection Coalition was formed in 1998 in anticipation of the revision of the ILO convention on maternity protection (Convention No 183 adopted in 2000). Its member networks include: IBFAN – International Baby Food Action Network, ILCA – International Lactation Consultant Association, LLLI – La Leche League International and WABA – World Alliance for Breastfeeding Action. UNICEF provides technical assistance to the Coalition.

<sup>2</sup> “The global female labour force (the sum of the employed and unemployed women) was 1.2 billion in 2003, up from one billion in 1993”. ILO, Women's Employment: Global Trends and ILO Responses, 2005, p. 5.

<sup>3</sup> ILO, Women in Labour Markets, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp\\_elm/---trends/documents/publications/wcms\\_123835.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp_elm/---trends/documents/publications/wcms_123835.pdf)

In transition economies, 91 women are economically active per 100 men; in East Asia the proportion is 83 women per 100 men; in all other regions the proportion is lower than 80 women per 100 men and in Middle East and North Africa it is as low as 40 women per 100 men in the formal economy. See ILO, Women's Employment: Global Trends and ILO Responses, 2005, p. 5.

<sup>4</sup> Women's share of vulnerable employment has also increased, from 51.2% in 1999 to 55% in 2009. *Ibid.*

“We still find many more women than men taking up low-pay and precarious work, either because this is the only type of job made available to them or because they need to find something that allows them to balance work and family responsibilities. Men do not face the same constraints.”

However, at national level the reality for female workers' differs greatly from one State to another.

- Generally, maternity protection laws cover only workers in the **formal economy**, and often just the public sector workers. The vast majority of women are excluded. Amongst those covered, few know their rights; fewer still are empowered strong enough to claim their rights!
- The average length of paid maternity leave is 13-14 weeks, though in a few countries, such as Canada, Sweden or Italy, women can claim close to 6 months leave. In many other countries the entitlement does not exceed 8 weeks and in some cases it is as short as 6 weeks. How can a woman recuperate from giving birth and learn to feed and care for her baby in such a short period of time off work?
- Having maternity entitlements also means the right to **resume one's job at the end of the leave**. From the beginning, maternity protection legislation has included this right. But given the high number of violations over time, many countries have added national laws that explicitly forbid employers to dismiss female workers during pregnancy and a period after leave, and entitle mothers to the same or an equivalent post with the same salary and work conditions as before their leave.
- Though most countries entitle women workers to a reasonable payment during their leave (at least 66% of salary), some very rich ones such as the US and Australia have refused to legislate for **paid maternity leave**. How can a woman, whose salary is often inadequate to cover family expenses, expect to use maternity leave if she is not paid during that period? Out of 167 countries examined by ILO, about one half (53%) covered maternity benefits through social security, but in 26% of them, the employers paid for maternity benefits<sup>5</sup>. In practice, this can lead employers to discriminate against young women, as they are hardly inclined to pay for a woman's benefits while she is away on leave!
- Pregnant and lactating workers need to be protected at work from **physical, chemical, biological or other potential dangers** that may be unhealthy or unsafe for their own health and that of their child. Most maternity protection laws take this into account, but with the development of new professions, new dangers have appeared. Often employees do not know that they can refuse unhealthy situations. What may seem bad enough to a worker in a normal situation - a tight uniform, long periods in a fixed position, or no rest-room breaks - can become a nightmare for a pregnant or a lactating worker.
- Recently, more countries have been legislating on **non-discriminatory measures** protecting women of reproductive age. In many European countries, employers cannot refuse to employ a woman because she is or may become pregnant, nor can they force a future employee to be sterilised or to undertake a pregnancy test when applying for a job.
- The World Health Organisation recommends that mothers exclusively breastfeed their children for 6 months and continue breastfeeding until age two years or more. Because of short maternity leave provisions and the need to find caregivers to look after their infants, approximately 10% of women stop

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<sup>5</sup> In 17% of the countries, employers and social security systems shared the cost of cash maternity benefits. In five countries (3%), benefits were unpaid. From: ILO Conditions of Work and Employment Database on Maternity Protection (International Labour Office, 2009a).

breastfeeding after a few weeks, because they return to work. To counteract this unhealthy practice, in more than 90 countries, breastfeeding mothers returning to work are entitled to **daily paid nursing breaks** to breastfeed their child or express milk at the workplace. This usually amounts to two 30-minute breaks a day for a period running from a few months to 18 months or more.

Women carry a great responsibility for the reproduction of society. Maternity can be a time of great vulnerability and women need adequate protection. The MP Coalition supports women's right to work and to have healthy babies and breastfeed, but this should not be at the expense of their health and well-being because of workplace exploitation, unhealthy work conditions, poverty, and/or lack of dignity. We call on governments, employers, trade unions and women's groups to join with us to ensure that **measures are adopted and implemented that protect working women in their multiple roles, in particular those related to maternity.**

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