

1. Providing maternity protection to all women according to international labour standards

Maternity protection is a set of fundamental labour rights enshrined in universal and regional human rights instruments and treaties.⁶⁰ As laid out in the Maternity Protection Convention, 2000 (No. 183), it includes the entitlement to paid maternity leave and breastfeeding breaks, maternal and child health care, the prevention of exposure to workplace health and safety hazards for pregnant and nursing workers, the protection against discrimination in employment and occupation, and a guaranteed right to return to the job after maternity leave.

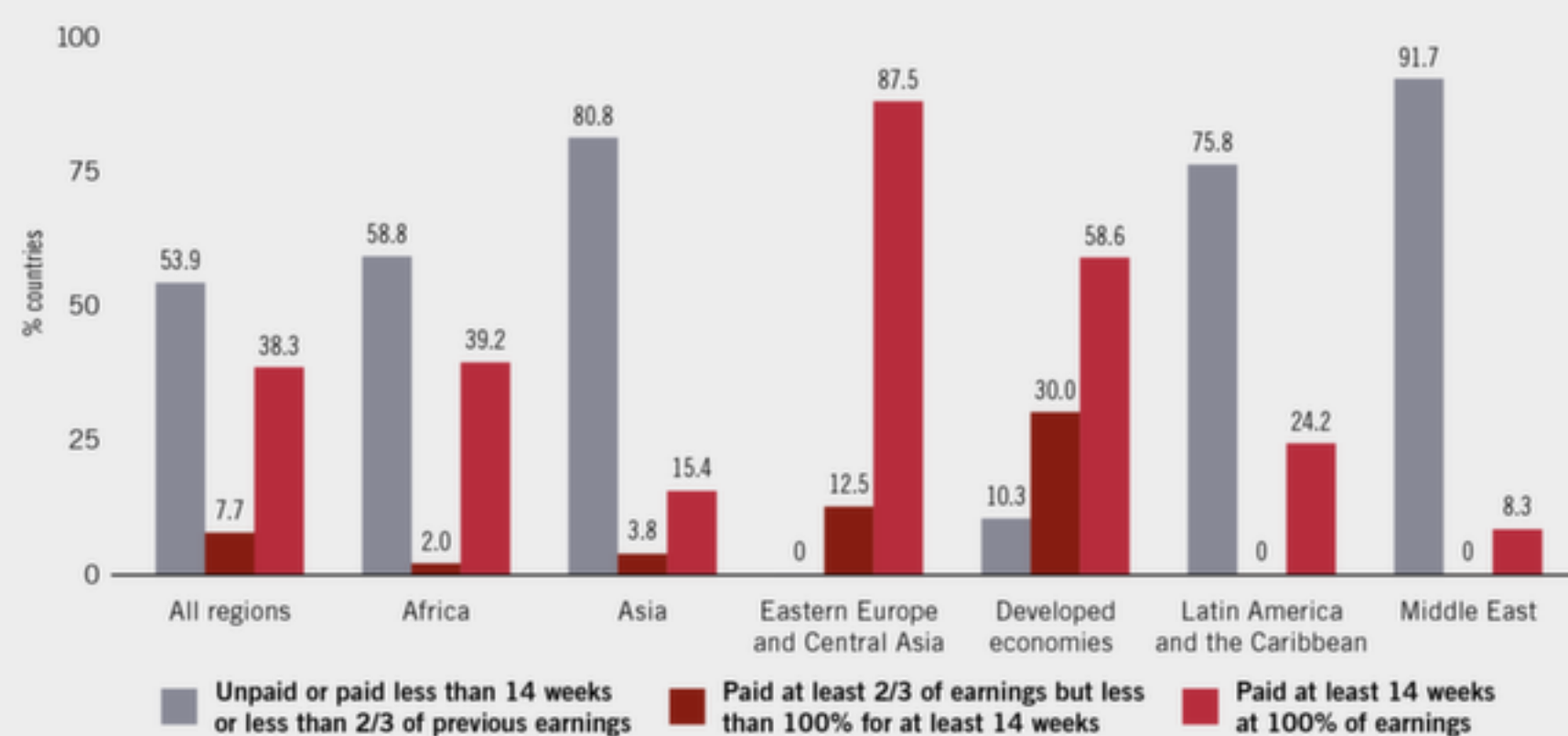
Maternity leave paid by social insurance or public funds has a positive impact on female employment by encouraging women to return to work and leading to shorter career interruptions, which, in turn, increases their access to higher occupational categories and more equal pension benefits. In the absence of effective provision of job-protected leave and income security, women workers have to interrupt or reduce their participation in paid work, with an often considerable loss of income. At the same time, very long leave periods, when mainly taken up by women, in particular in the absence of job protection, may also damage women's attachment to and advancement in paid work, resulting in further wage penalties (Grimshaw and Rubery, 2015). Similarly, where women do not receive adequate income replacement during leave, they may become at risk of poverty or of returning to work at the expense of the health of both women workers and their children (ILO, 2014d; ILO, 2007a). Unpaid maternity leave also reinforces the notion that caring for children does not require real work and has no monetary value.

The Maternity Protection Convention 2000 (No. 183) sets out a number of minimum requirements for maternity leave and related entitlements. In 2015, 102 of the 185 countries for which data were available (55 per cent) provided at least 14 weeks of maternity leave, in line with Convention No. 183. The countries which have extended the duration of maternity leave since 2013 include: El Salvador (from 12 to 16 weeks); the Gambia (from 12 weeks to 6 months); Paraguay (from 12 to 18 weeks), Trinidad and Tobago (from 13 to 14 weeks) and Uruguay (from 12 to 14 weeks). Israel has also extended this entitlement from 14 to 20 paid weeks.

Where the duration of paid maternity leave is concerned, in 2015, 45 per cent of countries with information available (77 out of 167 countries) provided maternity leave cash benefits of at least two thirds of prior earnings for the 14 weeks, meeting the length and level of cash benefits set out in Convention No. 183 (figure 36). As discussed below, when assessing the duration of maternity leave and its impact on women's situation in the labour market, it is also important to consider the differences between women's and men's entitlements (the gender leave gap), in addition to the absolute duration of women's leave.

Figure 36

Maternity leave duration and amount of cash benefits, by region, 2015 (167 countries), 2015



Note: the regional groupings differ from those in the updated ILO official regional classification.

Source: ILO, 2015, updated from ILO, 2014d.

60. They include the 1948 Universal Declaration of Human Rights; the 1966 International Covenant on Economic, Social and Cultural Rights; the 1979 Convention on the Elimination of All Forms of Discrimination against Women; and the 1989 Convention on the Rights of the Child. At the regional level, see, for instance, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, of 1988, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, of July 2003. For a comprehensive discussion, see Module 5 "International rights and guidance on Maternity Protection at work" in ILO, 2012b.