

Introduction

KEY MESSAGES

- Maternity protection is a fundamental human right and an indispensable element of comprehensive work–family policies. It is crucial to promoting maternal and child health and preventing discrimination against women in the workplace.
- The goal of maternity protection legislation is to enable women to combine their reproductive and productive roles successfully and to promote equal opportunities and treatment in employment and occupation, without prejudice to health or economic security.
- A total of 66 countries ratified at least one of the three maternity protection Conventions adopted by ILO member States since 1919.
- Virtually every country around the world provides some type of maternity protection legislation and many others also adopted measures to support workers with family responsibilities.
- Fathers undertaking a more active role in caregiving is likely to be one of the most significant social developments of the twenty-first century.

Maternity protection is a fundamental labour right enshrined in key universal human rights treaties. The 1948 Universal Declaration of Human Rights (UDHR) states that motherhood and childhood are entitled to special care and assistance, as well as to social security. The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, includes special protection for mothers during a reasonable period before and after childbirth, including paid leave or leave with adequate social security benefits. The Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, calls for special measures to guarantee maternity protection, recognized as an essential right and addressed consistently in all aspects of the Convention.

Maternity protection has been a major concern of the International Labour Organization (ILO) since its foundation, when the first Maternity Protection Convention, 1919 (No. 3) was adopted. The “provision for child welfare and maternity protection” is also listed among the core aims and purposes of the ILO (Article III, Declaration of Philadelphia, 1944). Since then, the

International Labour Conference (ILC) has adopted two further Conventions, supplemented by Recommendations on maternity protection, the most recent being the Maternity Protection Convention (No. 183), in 2000. In 1952, the provision of maternity leave and cash benefits in case of maternity was also officially recognized as constituting one of the nine branches of social security established by the Social Security (Minimum Standards) Convention, 1952 (No. 102). More recently, the ILO Recommendation concerning national floors of social protection, 2012 (No. 202) calls for maternity benefits to be provided as part of the basic social security guarantees that comprise national social protection floors: access to essential health care, including maternity care, and basic income security for persons in active age who are unable to earn sufficient income due, among other reasons, to maternity.

Over time, the primary concerns of the ILO with respect to maternity protection have remained the same: to enable women to combine their reproductive and productive roles successfully; to prevent unequal treatment at work due to their reproductive role