

Since 1994, the ILO has collected information on national legislation on maternity protection and, in 2004, developed a legal database, the ILO Working Conditions Laws Database – Maternity Protection,⁷ which includes detailed information on maternity protection and work–family laws in 170 countries (see Appendix I for a list), organized by the key aspects of Convention No. 183 and Convention No. 156, namely:

- scope;
- qualifying conditions;
- maternity leave;
- paternity leave;
- parental leave;
- leave in case of pregnancy- or childbirth-related illness or complications;
- cash benefits, including level and source of funding;
- medical benefits;⁸
- employment protection and non-discrimination;
- health protection at work;
- breastfeeding mothers.

Based on this legal information and the developments of the work–family agenda detailed above, this global report, in line with the 2005 and 2010 editions, provides a comprehensive review of national legislative provisions on maternity protection around the world, with a particular focus on how well different countries' provisions conform to the ILO Maternity Protection Convention, 2000 (No. 183), and its accompanying Recommendation (No. 191).⁹ Extending and developing the work of the previous editions, this report presents new legal indicators on maternity, paternity and parental leave as well as on health protection, employment protection and non-discrimination, and breastfeeding arrangements, which are essential to understanding the legal framework that governs maternity and paternity at work around the world. It also describes how maternity protection and paternity leave laws have changed since the publication of the first ILO legal data review in 1994,¹⁰ including in the light of the global economic crisis. In addition, the report presents information on workers covered and excluded by paid maternity leave systems and qualifying conditions to access this entitlement. Unprecedentedly, it provides rough statistical estimates of

numbers of workers covered, both in law (“coverage in law”) and in practice (“coverage in practice”). These statistical estimates are particularly important as they provide essential complementary information on the provisions of maternity protection laws.¹¹ As highlighted during the 2008 Tripartite Meeting of Experts (TME) on the Measurement of Decent Work, “it is felt that differences in benefits of national laws in different countries is meaningless (and can often be misleading) without some idea about how many workers are covered”. Clearer information on implementation gaps also makes a crucial, but previously unexplored, contribution to the debate about the economic effects of maternity protection legislation. In fact, most of the empirical research on the subject has been devoted to the assessment of “substantive” labour regulations, under the assumption that there is a direct link between *de jure* and *de facto* application of labour law. However, failure to take account of the effectiveness of labour regulation in the analysis of results has proven problematic, especially in the context of low-income countries, where the vast majority of women workers lack (and have traditionally lacked) access to statutory systems of maternity protection (Lee and McCann, 2009).

Finally, with a view to providing additional evidence of implementation effectiveness, the report draws on secondary research on take-up rates, where these data are available.¹² It also builds on the comments of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), which were based on the review of more than 30 periodical reports in 2013 on the implementation of ILO Maternity Protection Conventions.¹³

Summarizing and comparing national legal provisions can be difficult because of the wide variety of national systems. In some countries, constitutional arrangements, such as federal systems, mean that there is no single national standard, as legislation can vary between states, provinces or cantons. Often provisions concerning maternity protection and work–family matters are included in a number of different texts, such as labour and social security laws, requiring all such texts to be considered in order to identify the national legal framework for maternity protection. In some countries, the public sector is covered by separate regulations, sometimes with more generous benefits for