

Paid maternity leave is a core element of the health and economic protection of women workers and their children over the perinatal period. That this role is universally acknowledged and firmly established is confirmed by the fact that the vast majority of countries have adopted statutory provisions for paid maternity leave. This entitlement is associated with positive health outcomes for women and their children, as well as the establishment and maintenance of breastfeeding (ILO, 2012b). Research, mainly from high-income countries, also shows that paid maternity leave is beneficial to women's economic opportunities (Grimshaw and Rubery, forthcoming). In addition, available research finds no evidence of negative impacts on productivity and indicates the potential for substantial benefits for employers, including small and medium sized-enterprises (Gornick and Hegewisch, 2010; Lewis et al., forthcoming). However, when paid maternity leave is not funded by social insurance or public funds and employers have to bear the full direct cost of maternity protection benefits, this can create disincentives to hiring, retaining and promoting women workers.

On the other hand, the detrimental effects of lack of maternity leave and income security during the perinatal period have also been documented in low-income countries, where reproduction-related needs and risks, including unpaid care work, remain a priority for women workers, especially the most vulnerable (Holmes and Jones, 2013; Lund and Srinivas, 2000; Jhabvala and Sinha, 2006). 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 in order to bear and rear a child, with often considerable loss of income and labour market attachment. This occurs during the most productive years of a women's life, which correspond to her reproductive years. In addition, a lack of adequate maternity protection simultaneously increases risks to the health of both women workers and their children: often women continue to engage in economic activity too far into pregnancy, when it is no longer medically advisable, or they do not take an adequate rest period and start working too soon after childbirth with adverse effects on both their own and their children's health (ILO, 2013b; ILO, 2010b; ILO, 2007). Without protection, they are also likely

to remain exposed to workplace risks or perform hazardous or unhealthy work while pregnant or nursing (Agbla et al., 2006), to reduce their access to prenatal, childbirth and postnatal care or to reduce the duration of breastfeeding (Heymann et al., 2013). Finally, lack of adequate job-protected leave is associated with labour discrimination practices, such as dismissal, loss of pay and/or loss of employment status for employees (see Chapter 4).

This chapter reviews national legislation on three aspects of maternity leave provisions in relation to the ILO standards on maternity protection. The first part considers the duration of statutory maternity leave. The second analyses the right to payment when on maternity leave (cash benefits) and the source of benefits. Finally, scope and eligibility requirements for maternity leave and cash benefits are discussed and global and regional estimates on coverage in law and in practice considered.¹

2.1 Duration of maternity leave

[A] woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.

Convention No. 183, Article 4(1)

Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks.

Recommendation No. 191, Paragraph 1(1)

The duration of maternity leave and the level of income replacement, as well as observance of the provisions in practice, are important factors in assessing maternity protection legislation and its effects on women's health and their situation in the workforce as well as gender equality at work in general. When leave is too short, mothers might not feel ready to return to work and drop out of the workforce altogether (OECD, 2011). However, very long leave periods, when mainly taken up by women, especially in the absence of job protection, may also damage women's attachment to and advancement in paid work, resulting in wage penalties (ILO, 2011a; Thévenon and Solaz, 2013). An ILO review of international evidence attributes a marginal wage penalty effect to each year of leave,