

increased the length of leave from eight to 12 weeks, Chile increased “postnatal parental leave” from 18 to 30 weeks in 2011 (see 3.2 Parental leave in the next chapter), and the Bolivarian Republic of Venezuela increased leave entitlement from 18 to 26 weeks (in 2013). This resulted in a 7 per cent increase in countries that provide at least 14 weeks’ leave.<sup>7</sup> Among the Eastern European and Central Asian countries, only Turkey increased the length of maternity leave (from 12 to 16 weeks) in 2003. On the other hand, the countries in this region have long provided maternity leaves that significantly exceed international standards, with an average duration of almost 27 weeks.

The two regional categories with the greatest proportion of countries that increased the length of maternity leave between 1994 and 2013 were the Developed Economies and the Middle East, which account, respectively, for the longest and shortest average maternity leave durations globally. Among the Developed Economies, 13 countries have increased the length of leave. For example, Ireland increased leave from 14 weeks to 26 weeks, Poland from 16 to 20 weeks and later to 26 weeks, Portugal from 90 days to 120 days, Slovakia from 28 weeks to 34 weeks in 2010 and Malta from 14 to 16 weeks in 2012 and then to 18 weeks in 2013.<sup>8</sup> All of the Developed Economies countries analysed provided at least 12 weeks of leave by 2013, compared with 93 per cent in 1994. During this period, the proportion providing at least 14 weeks of leave increased from 77 per cent to 90 per cent.

Among the Middle Eastern countries, four of the nine countries analysed improved their provisions for maternity leave, but the regional average remains far below the minimum standard of 12 weeks.<sup>9</sup> For example, Bahrain increased the length of leave from 45 to 60 days, and Syria increased leave from 50 days to 120 days (for the first child).<sup>10</sup> Syria is now the first country in the region to provide 14 or more weeks of leave.

Globally, no country was found to have reduced the statutory duration of maternity leave between 1994 and 2013.

### When can maternity leave be taken?

*With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks’ compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.*

**Convention No. 183, Article 4(4)**

All three Conventions on maternity protection (No. 3 of 1919, No. 103 of 1952 and No. 183 of 2000) provide for a compulsory leave period of six weeks after childbirth, during which the mother must not be allowed to work. This is intended to protect the woman from being put under pressure to return to work too soon, which could be detrimental to her health and that of her child. This principle constitutes a fundamental component of the protection afforded by the ILO standards as it has been repeatedly underlined by the ILO Committee of Experts on the Application of Conventions and Recommendations (e.g. CEACR, Direct Request, C3, Côte d’Ivoire, 2013).<sup>11</sup> With the adoption of Convention No. 183, some flexibility was introduced concerning the provision of compulsory leave. This instrument opens up the possibility of agreements being made between governments and representative organizations of employers and workers at the national level on the arrangement of compulsory leave.

Among the countries for which detailed legislative information is available (168 countries), 72 per cent mandate a period of compulsory leave before or after childbirth. Although there are many variations regarding the duration of this compulsory leave period and how it is distributed before and after childbirth, nearly two-thirds of the countries analysed (62 per cent) provide for at least six weeks’ compulsory leave after childbirth, as specified in Convention No. 183,<sup>12</sup> with 29 per cent of countries stipulating more than six weeks of compulsory leave.<sup>13</sup>

Although some countries provide for periods of compulsory leave both before and after childbirth,<sup>14</sup> others provide compulsory periods only before birth.<sup>15</sup>

In EU Member States, maternity leave must include a period of compulsory leave of at least two weeks allocated before and/or after childbirth, as stipulated