

nature of the work. In Peru, the benefit is 100 per cent, calculated on the basis of the average daily wage for the 12 months preceding the start of benefit.

In the face of austerity measures adopted by some countries during the economic crisis, the CEACR has recently reaffirmed the principle that the level of maternity benefits should be sufficient “to ensure life in health and decency”, as also required by the Social Security (Minimum Standards) Convention, 1952 (No. 102). Specifically, in view of the decrease of workers’ earnings and benefits calculated as a percentage of those earnings, the Committee of Experts expressed concern about the situation of low-wage earners, “the most important category of persons protected by the Convention [No. 183]” and the risk that social security systems may operate below the at-risk-of-poverty level and possibly even below the subsistence level. For instance, in Latvia, as a result of restrictions on social insurance benefits, between 2009 and 2013, the average maternity benefit payment lost about 35 per cent of its value in real terms, taking into account the decrease of 15 per cent in the average level of earnings in the country (CEACR, Observation, C183, Latvia, 2013). In other countries, the replacement rate of previously insured earnings, even when in line with or higher than the two-thirds of previous earnings standard, may be lower than the national minimum wage for certain categories of atypical or low-income women workers. In these cases, the CEACR has reiterated the right of all employed women to receive a maternity benefit at the guaranteed minimum level and, in the case of a shortfall, additional forms of social protection to ensure that the amount of cash maternity benefit remains at a level that allows maintenance of the mother and child at a suitable standard of living (CEACR, Observation, C183, Romania, 2013). In some countries that calculate benefits based on past earnings, such as Finland and Portugal, low-wage workers and the self-employed are guaranteed a minimum level of cash benefits. In Belgium, unemployed women are entitled to 60 per cent of their gross salary prior to being unemployed, up to a ceiling, and a complementary indemnity of 19.5 per cent for the first 30 days and of 15 per cent for the remaining period. As previously discussed, the duration of job protection and a low benefit level are among the key factors that may force women to return to work before the end of the maximum benefit period (ILO, 2004a).

Methods of calculating cash benefits

Given the variety of methods used by different countries for determining the level of cash maternity benefits, it is difficult to establish the exact number of countries that provide paid maternity leave in conformity with the Convention. In the simplest case, a country calculates benefits based on a woman’s past earnings and pays a constant benefit for the entire leave period. This is the most common method of calculating cash benefits,³⁶ and in these cases it is easy to see if the payment reaches the required level of two-thirds of past earnings.

In some countries, the cash benefit does not cover the entire period of the minimum statutory leave, contrary to maternity protection Conventions.³⁷ For example, Paraguay pays leave benefits for nine weeks out of the normal duration of 12 leave weeks; in Brunei Darussalam nine weeks of leave are provided, of which eight are paid. Other countries where benefits are paid for only part of the normal leave period include the Islamic Republic of Iran (12 of the 13 weeks), Ireland (26 of the 42 weeks), Jamaica (eight of the 12 weeks), Haiti (six of the 12 weeks); Swaziland (only two of the 12 weeks), Canada (15 of 17–18 weeks, depending on the province), Malta (14 paid weeks out of 18) and the United Kingdom (12 unpaid weeks out of 52).

In several countries, the amount paid is greater at the beginning than at the end of the leave period. Thailand provides 100 per cent of past wages for the first 45 days of maternity leave, but 50 per cent for the remaining 45 days. In Albania, benefits are paid at 80 per cent for 150 days and then at 50 per cent for the remainder of the period (215 days). In a number of countries, benefits are paid at 100 per cent for fewer weeks than the full leave duration, and the remainder unpaid. In these countries, assessing compliance with the standard in Convention No. 183 is easily accomplished simply by averaging out the rate of payment across the statutory duration of the leave. However, it should be taken into account that in some cases, after 14 weeks (the minimum period provided for in the Convention) the benefit rate may decrease, subject to the obligation to guarantee maintenance of the woman and her child in proper conditions of health and suitable standards of living.

In some countries, statutory paid maternity leave is only provided to certain categories of workers. For instance, in Lesotho, workers in retail, tourism, hotel and restoration, transport, construction, small