

### Box 2.3 Shifting from employer liability to maternity insurance: Examples of ILO technical assistance

In 2011, with ILO technical assistance, **Jordan** moved from an employer liability system to a maternity- insurance scheme following the creation of a new social security branch within the framework of social security law reform. This new scheme covers all private sector employees, including those working in small enterprises of fewer than five employees, and provides cash benefits in the case of maternity at the level of 100 per cent of a woman's previous earnings for a period of 10 weeks. In principle, only employers pay the contributions to the social security system for maternity benefits at 0.75 per cent of payroll, although the Government covers any deficits produced by shortfalls. This benefit is expected to encourage women's participation in the labour force and remove disincentives to hiring, retaining and promoting women workers.

The ILO is providing technical assistance to support the establishment of a maternity branch to fund maternity leave cash benefits by social insurance in a number of member States with employer liability systems, including Namibia, Sri Lanka, Lesotho, the Occupied Palestinian Territory, Rwanda and Zambia. The Ministry of Labour and Employment in **Lesotho** has begun the process of establishing a National Social Security Scheme for the private sector, covering all nine branches of social security. A primary concern for the Government is the establishment of short-term benefits, in particular sickness and maternity benefits. Maternity protection is a priority for the Government of Lesotho, given that the current legislation compels employers in a number of sectors to pay for maternity leave.

In 2011, following the discussion of this case by the 100th Session of the International Labour Conference, the Government of **Sri Lanka** made a formal request for technical assistance with a view to improving implementation of the Maternity Protection Convention, 1952 (No. 103) ratified in 1993. Following this request, Sri Lanka was included among the countries covered by the ILO time-bound programme on international labour

standards under which a technical feasibility report was commissioned to examine the options available to the Government for the establishment of a maternity social insurance scheme to replace the current employer liability system for the payment of maternity cash benefits. **Rwanda's** social security policy (2009) foresees the set-up of a new maternity branch of social insurance to move away from the current employer liability system, under which 100 per cent of salary is paid for the first six weeks and 20 per cent for the remainder. In 2014, the Ministry of Public Service and Labour (MIFOTRA), with ILO technical support, commissioned a feasibility study on the introduction of a new maternity insurance scheme to ensure the payment of women workers' full salary for 12 weeks. The Government's initial proposal is to introduce a supplementary fund to cover 80 per cent of salary for the last six weeks of maternity leave in order to supplement the 20 per cent of salary already provided by the employers.

In **Zambia**, following the adoption of a Tripartite Road Map on Maternity Protection (2013) which sets up national priorities on action to improve maternity protection in the country, the Ministry of Labour and Social Security, with ILO technical support, launched an actuarial study prior to setting up a social security branch to fund maternity leave benefits. The study also assesses the financial and operational feasibility of extending maternity benefits to low-income and vulnerable women who are pregnant or breastfeeding.

The **Occupied Palestinian Territory** is preparing to roll out a comprehensive social security scheme to cover all private sector workers. Developed by the tripartite National Social Security Committee with ILO support, the scheme was created in consultation with workers' and employers' organizations, government officials and other stakeholders. The Committee is drafting a law to be submitted to the Council of Ministers for adoption by 2015, and setting up an independent tripartite social security institution to administer the scheme's implementation.

Source: ILO 2011; ILO CEACR, 2014. ILONEWS: available at [http://www.ilo.org/beirut/media-centre/news/WCMS\\_231142/lang--en/index.htm](http://www.ilo.org/beirut/media-centre/news/WCMS_231142/lang--en/index.htm) [26 Mar. 2014].