

functioning difficulties in assuming the whole or partial payment of maternity leave benefits through social insurance or public funds (CEACR, Direct Request, C3, Guinea, 2012). ILO research also shows that providing paid maternity leave is affordable even in low-income countries and depends on the policy priorities of decision makers (see box 2.6).

Financing maternity benefits through social security systems is fairly widespread among the Latin American countries. The length of leave is the most commonly lacking of the three provisions in this region. Although many Latin American countries provide 100 per cent of prior earnings, nine fall short of the 14-week standard in Convention No. 183 (including Argentina, El Salvador, Mexico and Uruguay). An additional 15 countries provide less than 14 weeks of leave and either pay less than two-thirds of prior earnings (including Dominica, Saint Lucia and Paraguay) or rely excessively on employers for payment (e.g. Dominican Republic, Ecuador, Guatemala, Honduras and Nicaragua). Haiti and Jamaica fall short on all three provisions.

Among the Developed Economies and Eastern Europe and Central Asia, a majority of countries meets all three standards. Of the Eastern European and Central Asian countries, all the 16 countries assessed meet all three standards. Among the 29 Developed Economies considered, Canada (amount), Denmark (source), Germany (source), Iceland (duration), Malta (source) and Slovakia (amount) would need to improve just one of the three provisions as indicated in order to reach the standards in Convention No. 183. In the United States, improvement to all three dimensions of maternity protection would be necessary in order to reach the requirements of Convention No. 183.

2.4 Scope and legitimacy requirements

For the purposes of this Convention, the term woman applies to any female person without discrimination whatsoever and the term child applies to any child without discrimination whatsoever.

Convention No. 183, Article 1

This Convention applies to all employed women, including those in atypical forms of dependent work.

Convention No. 183, Article 2(1)

However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.

Convention No. 183, Article 2(2)

Since the first Maternity Protection Convention (No. 3 of 1919), the scope of coverage has been broadened to include all employed women. Convention No. 3 covered women working in any public or private industrial or commercial undertaking. Convention No. 103, adopted in 1952, extended the scope of protection to a larger number of categories of women workers, to include women employed in non-industrial and agricultural occupations, including women wage earners working at home. Convention No. 183 broadened the scope of coverage to all employed women, irrespective of occupation or type of undertaking, including women employed in atypical forms of dependent work, who have often received no protection due to the increasingly flexible nature and segmentation of employment relations. Expanding the scope of maternity protection as set out by Convention No. 183 is of critical importance in ensuring the health and well-being of greater numbers of women workers and their children worldwide.

The extent to which workers are covered by maternity protection provisions depends on various aspects. First, a distinction should be made between legal and actual coverage. The *coverage in law* (legal or statutory coverage) aims to estimate the scope of the legislation, namely the categories of workers to whom the law applies (ILO, 2012c). The legislation and its scope are among of the