

recent date of the programme's implementation, a lack of awareness and contribution fraud, a major factor is that many workers are casual workers, even when they work in the formal sector, and only a minority of women in Mozambique are salaried workers who are eligible for coverage (Castel-Branco, 2013). In India, also, the majority of workers are in informal work and in the agricultural sector, and are beyond the reach of formal benefits programmes, while social assistance schemes impose age, number of births and poverty restrictions that severely restrict the coverage of the schemes; as a result, it is estimated that less than 1 per cent of women workers are eligible for maternity benefits (Lingam and Kanchi, 2013).

The exclusion of workers with non-standard contracts is by no means confined to developing countries. For example, by 2007, one-third of all Japanese workers were non-regular workers, with two-thirds of them defined as part time (OECD, 2008). Japanese law explicitly excludes part-time workers from access to maternity benefits under the social security system. In Italy, 25 per cent of women aged 15 to 34 were in temporary employment, but just 9 per cent of women on compulsory maternity benefits were temporary workers (Bettio et al., 2012; Bettio et al., 2013). In the United States, nearly one-quarter of mothers who took family leave for the birth of a child in 2012 returned to work after less than 10 days, since they could not afford to take more time off work (Klerman et al., 2013). Currently, only 12 per cent of private sector workers have access to paid family leave. This figure is even worse for low-wage earners, only 5 per cent of whom have access to this entitlement (Bureau of Labor Statistics, 2013). In Albania, the beneficiary to birth rate ratio was 37.5 in 2010 and 32.9 per cent in 2012 (ILO CEACR, 2014), while the percentage of adult women in the labour force was 42 per cent in 2011.<sup>74</sup> In 2012, 24,803 women received maternity benefits in Latvia (ILO CEACR, 2014). In Spain, in 2011, there were 469,200 live births,<sup>75</sup> and 318,607 women who were receiving maternity benefit (CEACR, Direct Request, C103, Spain, 2013).<sup>76</sup>

In its 2008 report, the ILO's Committee of Experts expressed concern that some categories of workers are excluded from coverage in several countries that have ratified at least one of the Conventions related to paid maternity leave. This is the case for the Libya, where

domestic workers and persons in similar categories, women engaged in stock-raising and agriculture (e.g. plantation workers in Sri Lanka) are excluded from the scope of the Labour Code. The protection of women engaged in agriculture or homeworkers remains particularly inadequate. Explicit legal exclusion of workers in **agriculture** has been identified in at least 27 countries, including Bolivia, Egypt, Rwanda, Sudan and Thailand. An ILO survey in two rural areas of Senegal, shows that 26 per cent of women farmers work until the day of childbirth (ILO, 2010b). This practice, which is found also in Asian countries such as Nepal, can pose significant health risks to women's health or the health of the unborn child.<sup>77</sup>

The Committee also noted that various categories of workers, including part-time workers and workers in the *maquila* (factory export) sector, did not receive cash maternity benefits in Ecuador (CEACR, Direct Request, C103, Ecuador, 2008). In Guatemala, shortfalls in coverage of health and maternity programmes particularly affect **indigenous workers**, who are over-represented in departments where the rates of maternal and infant mortality are higher than in the rest of the country (ILO CEACR, 2014). The Committee has also drawn attention to the situation of **migrant workers** and called on ILO member States to secure the protection envisaged by ILO conventions for all women workers, irrespective of their nationality and without any condition of reciprocity, in line with the principle of equal treatment granted by maternity protection standards (CEACR, Direct Request, C103, Equatorial Guinea, 2013). Migrant workers are excluded from maternity protection legislation in countries such as Bahrain, some provinces of Canada, Jordan, Republic of Korea, Malta and Yemen.

On the positive side, the Committee has noted that the legislation in an ever-increasing number of countries affords the protection set out in the Conventions to vulnerable categories of women workers. There are countries where some of these groups are explicitly included in the scope of labour or social security law. For instance, in at least 54 countries, domestic workers are covered by maternity leave legislation on the same terms as other workers, in line with Article 14 of the ILO Domestic Workers Convention, 2011 (No. 189), which entered into force in September 2013.<sup>78</sup> In South