

**53.** In Afghanistan, Bangladesh, Comoros, Gambia, Indonesia, Kenya, Malaysia, Montenegro, Pakistan and Qatar, among others, employers must pay 100 per cent of prior earnings during the leave period.

**54.** In Kiribati, for example, employers are responsible for 25 per cent of earnings. In Botswana, Libya, Nigeria, Somalia and Vanuatu, employers must pay half of prior earnings.

**55.** For example, in the United Kingdom, the employer is responsible for the payment of cash benefits, but is reimbursed for 92 per cent of the payments from public funds. Other examples include Ecuador and Egypt, where employers pay 25 per cent, and Guatemala, where they pay one-third of benefits.

**56.** In the Republic of Korea, the employer pays the full benefit for 60 days and the social security system pays for 30 days. In Singapore, the employer and Government pay cash benefits for the first two children and the Government alone for the third and subsequent children. In Thailand, the employer is responsible for 100 per cent of earnings for the first 45 days of leave and social security pays 50 per cent for the remaining 45 days.

**57.** Many of these changes had been made by 2010, when the last review of maternity protection laws was published. In this section, we review these changes and also note new developments between 2010 and 2013.

**58.** Cambodia reduced benefits from 100 per cent of prior earnings to 50 per cent in 1998.

**59.** Oman is not included in this review, since no data were available on this country at the ILO in 1994.

**60.** For the purposes of figure 2.5, the Islamic Republic of Iran is placed in the Middle East regional category in order to maintain consistency with the 1994 regional groupings.

**61.** For this section, countries are counted as being compliant with Convention No. 183 if they fund benefits through social security systems or a mixed system in which employers are responsible for no more than one-third of cash maternity benefits. With respect to employers' participation in the payment of cash benefits, the CEACR has decided that Convention No. 103 is observed where the contribution of the employer to maternity benefits is less than one-third of insured income and the share paid by social security is at least two-thirds (ILO, 1994). While Convention No. 183 provides greater flexibility under certain, very specific circumstances, as mentioned above, this report considers national legislative provisions in relation to the basic principle of payment through social insurance or public funds.

**62.** As noted, compliance could not be assessed for 18 countries because the national systems for calculating and financing benefits make it difficult to make a direct comparison to the ILO standards. While omitted from the analysis, some of these countries may nevertheless be in compliance with Convention No. 183.

**63.** Algeria, Burkina Faso, Côte d'Ivoire, Gabon and Mauritania ratified Convention No. 3.

**64.** Mongolia ratified Convention No. 103.

**65.** Brazil ratified Convention No. 103, while Colombia and the Bolivarian Republic of Venezuela ratified Convention No. 3.

**66.** It may also depend on whether coverage is mandatory or voluntary, or if workers need to opt in for coverage.

**67.** See Appendix III for more information on ILO methodology of calculation of these indicators.

**68.** Global and regional estimates in this section are drawn from: ILO, 2014a. *Coverage in law and in practice of paid maternity leave: Global and regional estimates* (Geneva, ILO, forthcoming).

**69.** In many countries, such voluntary provisions are taken up only sparsely, thus voluntary coverage may not reach the same level of protection as mandatory coverage.

**70.** This figure is 25 countries when voluntary coverage is taken into account.

**71.** See, for example, ILO, 2013a.

**72.** Argentina has a separate programme for agricultural workers which is similar to the maternity scheme for other workers.

**73.** Other examples include the Republic of Korea, where women working in enterprises with less than five employees are not entitled to maternity leave.

**74.** Calculated by the United Nations Statistics Division based on data published by the International Labour Office. Labour force participation rate, published in Key Indicators of the Labour Market (KILM). Also available at: <http://www.ilo.org/public/english/employment/strat/kilm> [27 Mar. 2014].

**75.** According to Eurostat: [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php?title=File:Demographic\\_balance,\\_2011\\_\(1\)\\_1\\_000.png&filetimestamp=20130129110805](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php?title=File:Demographic_balance,_2011_(1)_1_000.png&filetimestamp=20130129110805) [27 Mar. 2014].

**76.** All the CEACR Direct Requests included in this report can be accessed on the website of NORMLEX, available at: [www.ilo.org/normlex](http://www.ilo.org/normlex) [27 Mar. 2014].

**77.** See: <http://www.bbc.co.uk/news/magazine-26154092> [27 Mar. 2014].

**78.** Domestic workers are provided with maternity leave in Austria, Bulgaria, the Czech Republic, Denmark, Islamic Republic of Iran, Ireland, Italy, Latvia, Kazakhstan, Mexico, Namibia, Panama, Paraguay, Peru, Portugal, Spain, South Africa and Zimbabwe, among others (ILO, 2013a).

**79.** However, maternity benefits are not independent of unemployment benefits, so women workers are forced to draw from their unemployment contributions in order to finance their maternity leave. Should they subsequently become unemployed, their entitlement unemployment benefits will be reduced.

**80.** Ley de Régimen Especial de Contrato de Trabajo para el Personal de Casas Particulares.

**81.** Another example of a country that includes an otherwise excluded group of women is Senegal, where only employed women qualify for cash benefits. However, a Senegalese non-employed woman married to an insured employee has the right to receive a prenatal allowance and maternity benefit at a flat rate. In Germany, while housewives and the self-employed are not automatically covered by maternity legislation, they can claim maternity benefit at the same rate as sickness benefits if they have paid sufficient voluntary contributions into the statutory health insurance scheme (German Federal Ministry of Labour and Social Affairs, 2013, p. 12).

**82.** According to the ILO Recommendation (No. 202), social protection floors are nationally defined sets of basic social security guarantees, which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion.

