Methodological notes

Legal information in this appendix refers to the normal general provisions on maternity leave for singleton and uncomplicated childbirths as provided for by legislation at the national level for private sector workers. It does not cover the numerous provisions or exceptions that the law usually sets out for specific sectors, categories of workers or circumstances, such as for multiple births, illnesses and complications, single mothers or number of births, among others. For federal states, the federal legislation is reported.

Duration of maternity leave

Unless otherwise specified, the duration of maternity leave in days is intended as "consecutive" or "calendar" days, since maternity leave is usually provided over a consecutive period. For comparative purposes, duration in days and months as expressed in the national legislation has also been converted into weeks, based on a seven-day week and a 30-day month. For instance, a law that grants 98 days of maternity leave is interpreted as 98 consecutive days, which equals 14 weeks of maternity leave. Three months are converted into 13 weeks. Statutory duration in "working days" has been converted based on a six-day week.

Amount of maternity leave cash benefits

Based on Article 6 of the Maternity Protection Convention, 2000 (No. 183), the amount of cash benefits is expressed as a percentage of the worker's earnings prior to the beginning of maternity leave or of such of those earnings as are taken into account for the purpose of computing benefits. In addition, the classification takes into account the duration of maternity leave. In some countries, benefits are paid up to a ceiling (such as in France) or a flat rate benefit is provided (for example, Seychelles), regardless of previous earnings. In other countries, the amount of the cash benefit entitlement decreases over the maternity leave period (e.g., the United Kingdom).

Source of funding of maternity leave cash benefits

Based on Article 6 of the Maternity Protection Convention, 2000 (No. 183), countries are classified as financed by "Social security" (social insurance or public funds, such as the state or government), the employer ("Employer liability") or a combination of these systems ("Mixed"). A mixed system might involve an initial payment by the employer, followed by a partial reimbursement by social insurance or public funds. Mixed systems might also provide that the employer pays the difference between the social insurance benefit and the worker's previous earnings. Some systems stipulate that the employer has to pay for workers who are not covered by social security. For the purposes of this report, they are classified as funded by social security.

Notes

1. Angola: the employer advances the payment and is reimbursed by social insurance. If necessary, the employer tops up the difference between the social insurance benefit and the worker's wage.
2. Botswana: only employers in certain areas of the country are mandated to pay maternity benefits of at least 50 per cent of the worker's basic pay and other benefits that she would be entitled to receive.
3. Burkina Faso: the benefit provided by the Social Security Fund is equivalent to the percentage of the woman's previous earnings on which social security contributions have been paid. The employer is mandated to cover the difference between this amount and the woman's earnings gained just before maternity leave.
4. Cape Verde: the employer pays the difference between 90 per cent of the worker's "normal" salary and cash benefits paid by social security. If no cash benefits are paid, then the employer must pay the full amount of the benefits during the maternity leave period.
5. Guinea-Bissau: the employer is mandated to pay the difference between social security benefits and previous earnings.
6. Lesotho: according to Section 134 of the Labour Code (Order No. 24 of 1992, as amended in 2006), there is no legal obligation for employers to pay wages during maternity leave. However, the Labour Code Wages (Amendment) Order Notice 2013 (LN No. 152 of 2013) sets out that workers in the textile, clothing, leather clothing and leather manufacturing sectors as well as workers in the private security sector are entitled to six weeks' paid maternity leave and six weeks' unpaid maternity leave. Any other employee who does not fall in either of the above named sectors shall be entitled to receive six weeks' paid maternity leave before confinement and six weeks' paid maternity leave after confinement (other categories include workers in retail, tourism, hotel and restoration, transport, construction, small business with fewer than ten employees and domestic workers).
7. Libya: the amount of maternity leave cash benefits is 100 per cent of presumptive income for self-employed women, paid by social insurance for 13 weeks (three months).
8. Malawi: every three years.
9. Niger: a woman who has worked for at least two years at the same company shall receive from the employer 100 per cent of her salary, after deduction of any amount already covered by the social security or any other fund replacing this service.
10. Rwanda: the employer remains liable for the payment of maternity benefits until the maternity insurance fund is implemented.
11. South Africa: up to 60 per cent depending on worker's level of income. Benefits are paid for four months.
12. Republic of Korea: for employees of enterprises meeting the criteria of the Employment Insurance Act, the Employment Insurance Fund pays the whole maternity

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