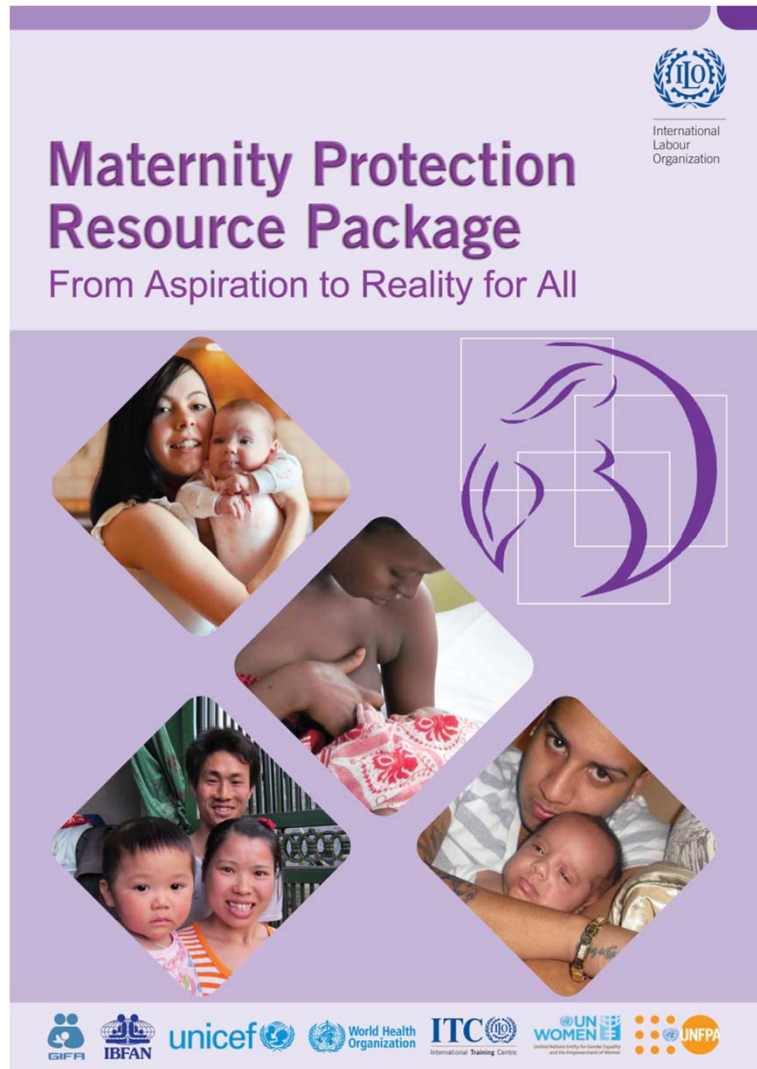




## Maternity Protection Resource Package From Aspiration to Reality for All



# A 'How-to' guide for the Maternity Protection Resource Package



INTERNATIONAL LABOUR ORGANIZATION  
Conditions of Work and Employment Branch (TRAVAIL)





# Presentation overview

Overview of Maternity Protection Resource Package (MPRP)

Audience and objectives of MPRP

Key Objectives

How the MPRP can be used to meet them





# MPRP: What is it?

- **The most comprehensive knowledge repository on Maternity Protection at work**
- **All ILO, constituents' and key stakeholders expertise on the issue**
- **Inter-agency collaboration (WHO, UNICEF, UN-WOMEN, UNFPA, IBFAN-GIFA)**
- **15 MODULES on-line and CD-ROM (EN-FR)**
- **A summary printed booklet (EN-FR-SP)**
- **Translation and adaptation into Chinese and Russian (forthcoming), on-line**





# Resource Package overview



## Part 1: The basics

- Overview of MP at work
- Key issues
- Key stakeholders
- Key global frameworks



## Part 2: In depth

- Core elements of MP at work
- Legislation and good practice
- Innovative initiatives
- Balancing work and family



## Part 3: Take action

- Resources and tools for action
- Assessing MP in law and in practice
- Advocacy
- Capacity development





## Audience

- **Government ministries**
- **Workers' and employers' representatives**
- **ILO staff**
- **Other UN staff (e.g. UNICEF, the WHO, UNFPA, UN-Women)**
- **NGOs, advocacy groups**
- **Individuals**





# MPRP Objectives and “How-to” meet them





# Understanding and learning about Maternity Protection

## Learn about:

- Principles, policies and measures on MP
- Scope of MP
- Importance for health, gender equality, MDGs
- Main stakeholders
- Int'l frameworks (e.g. C183, C102, social protection floors)

**Module 1: Maternity protection at work: What is it?**

**Key Contents**

- This module provides a broad introduction to maternity protection at work and child care arrangements upon return to work and covers:
- The objectives or aims of maternity protection at work
- The scope of maternity protection at work
  - Maternity leave
  - Cash and medical benefits
  - Health protection at the workplace
  - Employment protection and non-discrimination
  - Breastfeeding arrangements at work
- Coping with child care upon return to work

**Module 2: Maternity Protection at work: For Whom?**

**Key Contents**

This module highlights the importance of maternity protection for all workers - not just those in the formal economy. It includes the following:

- An overview of the principle of inclusion and how it has evolved in International Labour Standards over time
- Women can be excluded from maternity protection at work:
  - from the legal scope of national law (due to restrictive qualifying conditions)
  - from between law and practice or the "implementation gap"
- if efforts to extend maternity protection to excluded groups are taken that stakeholders can take to extend maternity protection to these workers

**Module 3: Maternity Protection at work: Why is it important?**

**Key Contents**

This module highlights the importance of maternity protection for the achievement of major rights and development objectives, in particular the Millennium Development Goals. It demonstrates the linkages between maternity protection and:

- Fundamental human rights
- Gender equality
- Maternal and child health
- Economic growth and poverty reduction
- Decent work

**Module 4: Maternity protection at work: Who are the main stakeholders?<sup>1</sup>**

**Key Contents**

This module reviews the roles and means of action for improving maternity protection of the following key stakeholders:

- Government
- Employers and their organizations
- Trade unions
- Civil society
- Universities and research centres

**Module 5: International rights and guidance on Maternity Protection at work**

**PART ONE**

5

From Aspiration to Reality for All

International Labour Organization

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# Obtaining info on recent trends, national experience and good practice

## Learn about:

- Recent data on all 5 elements of MP
- International and national trends
- Examples of national and workplace interventions
- Legislation, policy examples

Figure 6.1: Length of statutory maternity leave, by region, 2009 (167 countries)

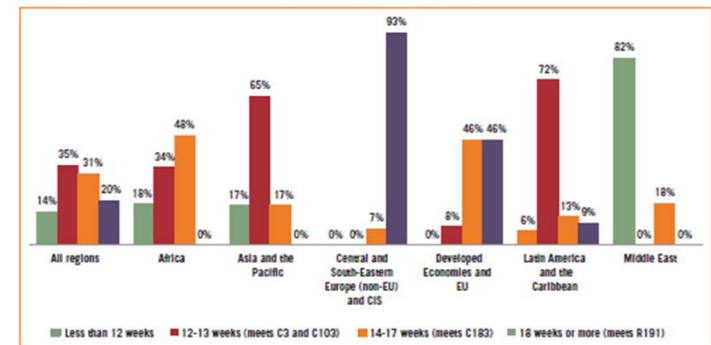
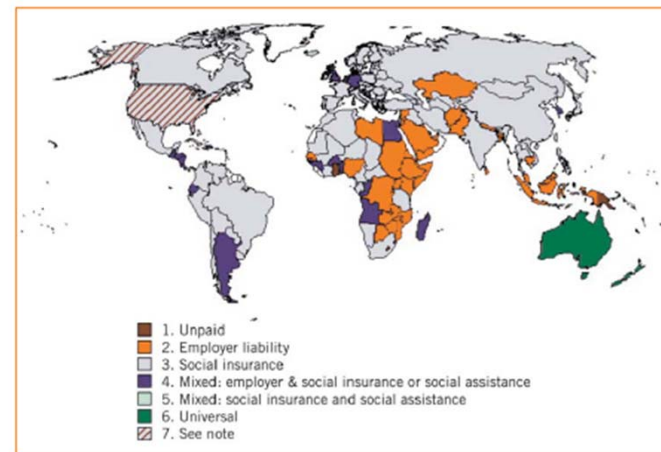


Figure 7.4  
Cash maternity benefits, by legal provision, types of programmes, and by country (2009)







# Learn how Maternity Protection can help achieve the MDGs

## Learn about:

- Importance of MP for:
  - Eradicating poverty
  - Reducing maternal mortality and morbidity
  - Reducing child mortality
  - Promoting gender equality
  - Combating HIV and AIDS

**Box 3.1 The Millennium Development Goals (MDGs)**

The Millennium Declaration was endorsed by 189 world leaders at the UN in September 2000 as a commitment to work together to build a safer, more prosperous and equitable world. The Declaration was translated into a roadmap setting out eight time-bound and measurable goals to be reached by 2015, known as the Millennium Development Goals (MDGs). The Declaration focuses on positive values such as development and poverty eradication, peace and security, human rights, democracy and good governance. It identifies the fundamental values of freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility. Through it, United Nations member States pledge to ensure greater coherence in policies throughout the international community. The eight goals are to:

- Eradicate extreme poverty and hunger by cutting by half the number of people who live with under US\$1 a day.
- Achieve universal primary education for every child.
- Promote gender equality and empower women by eliminating gender inequalities in all levels of education.
- Reduce child mortality by two thirds for those under the age of 5.
- Improve maternal health by reducing by three quarters the maternal mortality rate.
- Combat HIV/AIDS, malaria and other diseases by stopping their spread and beginning to reduce them.
- Ensure environmental sustainability by promoting sustainable development and reversing the loss of our natural resources.
- Develop a global partnership for development by addressing the special needs of the developing world, including new technology, debt relief and fair trade.

Maternity protection contributes to several of the MDGs, as highlighted throughout this module, including poverty reduction, gender equality, child mortality, maternal health, and combating HIV/AIDS and other diseases. But it is also important to underscore the interconnectedness of the MDGs. Gender inequalities in education, in income earning opportunities, and in political representation negatively affect maternal and child health. Poverty places financial barriers in the way of access to care that could otherwise improve maternal and child health. Poor child health, as well as health epidemics, can in turn increase poverty and gender inequality by undermining workers' access to income earning opportunities, particularly when family related leave policies are lacking, and especially for women who shoulder most of the responsibilities for caring and nurturing children, the elderly, and the sick. Because of these factors, and in many cases, lack of access to education, and inequality across sectors, across actors, and across countries.

Sources: See <http://www.unpd.org/mgd/index.html>.

**Box 3.2 UN Countdown to 2015 Initiative**

Since 2005, the Countdown to 2015 Initiative has been tracking progress towards the achievements of MDGs 4 and 5 by examining health-related interventions that reduce maternal, child and infant mortality. The initiative aims to stimulate more numerous and efficient responses at country level. To date, it has identified 68 countries that account for 97 per cent of all maternal and child deaths.

Maternity protection at work is included in Countdown to 2015 as an indicator of leadership and governance of health systems, to describe the role of government in health and its relation to agencies whose activities affect health. The Countdown initiative measures maternity protection by ratification of ILO Convention No.183.

Of the 68 countries tracked by the Countdown to 2015 initiative, only Mali has ratified Convention No. 183, while another 16 have ratified one of the two previous maternity protection Conventions (Convention No. 3, Convention No. 103).

Source: See [www.countdown2015mch.org](http://www.countdown2015mch.org), Countdown to 2015. 2010. *Decade Report, 2000 to 2010*, WHO, Geneva; and Countdown Working Group on Health Policy and Health Systems. 2008. "Assessment of the health system and policy environment as a critical complement to tracking intervention coverage for maternal, newborn, and child health." *The Lancet* Vol. 371, No. 9620 pp. 1284-93.





# Assess Maternity Protection in law

## How to:

- Use tools to compare national provisions with ILO standards
- Identify gaps and exclusion in legislation, policies
- Compare national, regional trends
- Use TRAVAIL database on maternity protection laws

### Resource and tool sheet

Resource Sheet 12.1: Key national provisions for maternity protection by region<sup>1</sup>

Country	Length of leave	% of wages	Source of funding	Type of funding	Ratified Maternity Protection Conventions		
					C3	C103	C183
Algeria	14 weeks	100%	Social security	Mandatory	✓		
Angola	3 months	100%	Mixed (if necessary, employer tops up social security)	No information			
Benin	14 weeks	100%	Mixed (50% social security; 50% employer)	Mandatory			
Botswana	12 weeks	25% or 50% for each day of absence	Employer liability	Mandatory			
Burkina Faso	14 weeks	100%	Mixed (if necessary, employer tops up social security)	Mandatory	✓		
Burundi	12 weeks	100%	Mixed (50% social security; 50% employer)	Mandatory			
Cameroon	14 weeks	100%	Social security	Mandatory	✓		
Central African Republic	14 weeks	50%	Social security	Mandatory	✓		
Chad	14 weeks	100%	Social security	Mandatory			
Comoros	14 weeks	100%	Employer liability	Mandatory			
Congo, Democratic Republic of	14 weeks	Two-thirds	Employer liability	Mandatory			
Congo, Republic of	15 weeks	100%	Mixed (50% social security; 50% employer)	Mandatory			
Cote d'Ivoire	14 weeks	100%	Social security	Mandatory	✓		
Djibouti	14 weeks	100%	Mixed (50% social security; 50% employer)	No information			
Egypt	90 days						

### Tool Sheet 12.1:

Sample comparison chart: Comparison of legislative provisions to international labour standards on Maternity Protection at work and childcare

International Labour Organization - Conditions of Work and Employment Programme Table for comparing legislative provisions to international labour standards on Maternity Protection at work and childcare			
Protection	ILO Convention No. 183 ILO Recommendation No. 191 ILO Recommendation No. 156 ILO Recommendation No. 165	Current Legislation	Key Gaps
Scope (who is protected)	<ul style="list-style-type: none"> <li>All married and unmarried employed women including those in atypical forms of dependent work</li> </ul>		
Maternity Leave	<ul style="list-style-type: none"> <li>Not less than 14 weeks</li> <li>Provision for 6 weeks compulsory postnatal leave</li> <li>Extended prenatal period if there is a difference between presumed and actual birth without reduction in any compulsory portion of postnatal leave</li> <li>Prenatal or postnatal leave in case of illness, complications or risk of complications related to pregnancy or childbirth</li> <li>Not less than 18 weeks</li> <li>Extension in the event of multiple births</li> <li>The woman should be able to choose freely when she takes any non-compulsory portion of her maternity leave, before or after childbirth</li> <li>In case of death of the mother before the end of postnatal leave, the employed father should be entitled to the remaining leave period</li> <li>In case of sickness or hospitalization of the mother after childbirth and before the end of postnatal leave, the father should be entitled to the remaining leave period, when the mother cannot look after the child</li> </ul>		
Cash Benefits	<ul style="list-style-type: none"> <li>Cash benefits in a level that ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living</li> <li>Two-thirds of the woman's previous earnings OR</li> <li>Equivalent payment, on average, if an alternative calculation method is used</li> <li>Conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom the Convention applies</li> <li>Benefits from social assistance funds for women who do not meet qualifying conditions</li> <li>Benefits to be provided from social insurance or public funds or determined by national law and practice</li> </ul>		<ul style="list-style-type: none"> <li>Maternity benefits can provide high benefits at the very disability but must h standards</li> <li>an's previous earnings</li> <li>ation method is used</li> <li>isory social insurance</li> <li>tax based on payroll</li> <li>ernity benefits,</li> <li>employees or both,</li> <li>al number of men and</li> <li>on of sex</li> </ul>





# Assess, monitor and evaluate Maternity Protection in practice

## Learn about:

- Various assessment approaches
- Obtain examples of surveys, questionnaires
- Develop your own assessment tool
- Monitor local or national interventions

Resource Sheet 13.7: WISE-R Checklist to assess family-friendly policies and practices at a workplace

**Workplace Checklist**  
**Family friendly measures and practices in the workplace**

**Work/family balance**

- 1: Have you consulted your workers on their family responsibilities and the difficulties they might have balancing them with workplace demands?
- 2: Have you arranged working hours with workers' family responsibilities in mind?
- 3: Have you considered work-sharing and job rotation to allow workers to fill in for each other when someone is absent?

**Leave provisions**

- 4: Have you informed your workers of all the types of leave that you provide?
- 5: How do the provisions you offer compare with those of national legislation?
- 6: Have you planned ahead for leave, so as to avoid stoppages or interruptions that can cause a loss of productivity?

Resource Sheet 13.10: Sample questionnaire: Survey questionnaire on working conditions in agricultural areas (Senegal)

**QUESTIONNAIRE WOMAN**

A1: Region.....	A2: Department .....
A3: District: .....	A4: Municipality /Rural Community.....
A5: District/village:.....	A6: N. of the exploitation:.....
A7: N. of the surveyor:.....	A8: N. of the keyboard operator.....

1. Last name and first name: \_\_\_\_\_
2. Age: \_\_\_\_\_
3. Marital Status:  
 Married in a monogamous household       Married in a polygamous household  
 Widow       Divorced       Single man/woman
4. Academic level:  
 Primary school dropout  
 Incomplete means (middle school)  
 High school dropout
5. Are you able to read in French?  
 Yes
6. Do you know how to write in French?  
 Yes

Resource Sheet 13.3: Sample questionnaire: Rapid assessment of Maternity Protection policies and practices at a workplace

**Rapid assessment:**  
**Maternity protection at the workplace**

**Maternity protection policy in the enterprise**

1. Is there a company policy on maternity protection? How is it posted for employees?
2. How many women who are eligible for maternity leave have taken it in the last three years?
3. Do you provide clear information to employees on procedures for taking leave?
4. Are trade unions involved in this issue?

**Procedures**

1. What is the duration of maternity leave? How long do women take, on average? Of all the women who took maternity leave in the last X years, how many did not return? Do you have information on the reasons that these women did not return?
2. Are there other leaves she/the father/other family members can take after a birth in the family?
3. Is there adoption leave?
4. Is maternity leave paid? - To what level? And for how long?
5. Does the enterprise contribute to maternity pay?





# Design effective Maternity Protection policies

## Learn about:

- Policy guidance
- Align policies, legislation with ILO standards
- Cases of national innovations, workplace policies
- Maximize policy effectiveness
- Limit unintended side-effects
- Costs-benefits

Box 6.2 WHO-recommended work-related interventions for improving maternal and newborn health		
Period	Home/Family	Community and workplace
All Pregnancy	Support for avoiding hard work	<ul style="list-style-type: none"> <li>• Maternity protection</li> <li>• Time off for four antenatal care visits</li> <li>• Safe and clean workplace and protection from noxious agents</li> <li>• Tobacco free work environment</li> </ul>
Second half of pregnancy		<ul style="list-style-type: none"> <li>• Reduced physical work load and no night work<sup>11</sup></li> <li>• Absence from work between four and two weeks prior to expected date of birth depending on health status and physical workload</li> </ul>

**How long should maternity leave be?**

...a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.  
Convention No. 183, Article 4(1)

Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks.  
Recommendation No. 191, Paragraph 1

<sup>11</sup> If maternity protection, WHO Statement to the 4<sup>th</sup> WHO: WHO recommended interventions for 091 p. 5.

### Box 8.1 ILO Convention on Maternity Protection, 2000 (No. 183) and Recommendation No. 191

**Article 3**  
Each member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

**Article 5**  
On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

**Article 10**  
(1) A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.  
(2) The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

### Recommendation No. 191

**Guidance on Health Protection (Paragraph 1)**  
(1) Members should take measures to ensure the safety and health of the pregnant woman. An assessment should be made available to her on the basis of a medical certificate and the following conditions:  
(a) elimination of risk;  
(b) an adaptation of her work;  
(c) a transfer to another post, if feasible; or  
(d) paid leave, in accordance with national law, if transfer is not feasible.  
(3) Measures referred to in sub-paragraph (a) shall include:  
(a) arduous work involving physical strain;  
(b) work involving exposure to a reproductive health hazard;  
(c) work requiring special equilibrium;  
(d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration.  
(4) A pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing.

### Box 6.11 Encouraging men's use of parental leave

Experience in Sweden has shown that gender-balanced leave laws and incentives for paternity leave can have an important positive societal effect. Since 1995, if a father does not take his paternity leave, the State-provided cash benefit is lost. Originally lasting one month, this paternity incentive has gone up to two months, and eight out of ten men now take their leave (compared to less than 10 per cent before the incentive was introduced). The results have been a substantial raise in revenue for women, an increased fertility ratio, one of the highest employment rates in the world for a developed country, and in contrast one of the lowest divorce rates.  
Source: K. Bennhold: "The female factor: In Sweden, men can have it all", in *The New York Times*, 9 June 2010.





# Raise awareness, advocate for Maternity Protection

## Learn about:

- Advocacy's role in advancing MP
- Advocacy process
- Obtain examples of advocacy campaigns
- Receive guidance for developing solutions
- How to craft messages and determine methods

**Sample press release**  
**Launching a national awareness-raising campaign**  
**for ratification of ILO Convention, 2000 (No.183) on maternity protection at work**

**Campaign Launched to Support Maternity Protection for Working Women**

Today the [name] organization/association, which is part of the XXXX Coalition\* launched an advocacy campaign designed to promote the rights of pregnant women and women returning to work after childbirth. Ms. XXX said that the campaign "aims to make maternity protection for working women a reality in the 21st century."

In [this country name] the following organizations are involved in the campaign:  
[complete list].

The first priority of the national campaign is to gain the commitment of our government to ratify the ILO Maternity Protection Convention, 2000 (No.183). The ILO Convention, which was adopted in June 2000, took more than two years to negotiate. Since then it has been ratified by XX countries, including XX countries in our region.

"This Convention concerns the internationally recognized minimum protection that should be available to all women who work," stated Ms. XXX. "It is unthinkable that in the 21st century we still hear stories from women who meet with harassment and discrimination in the workplace whilst they are pregnant or if they continue breastfeeding when they go back to work. The ILO Convention addresses all these points," said Ms XXX.





# Organize and take action

## How to:

- Identify key issues
- Conduct a stakeholder analysis and build-up alliances
- Use media tools to deliver your message
- Develop a workplace, local or national plan of action

Resource Sheet 14.1: Sample of a country plan of action

Country Plan of Action						
Overall goal: Enhanced breastfeeding through improved maternity protection for working women						
LEVEL	OBJECTIVE	CHALLENGE /OBSTACLE	STRATEGY	ACTIVITIES	ACTORS	EXPECTED OUTCOMES
National	Advocate for ratification and implementation of C183	Financing of maternity benefits	1. To understand the process of setting up a maternity benefits scheme	1. Meetings/ seminars with key stakeholders	Min. of Labour NSSA, Min. of Health, Min. of Finance, trade unions and employers org., women's org.	1. Clarification and appreciation of the process
			2. Develop an appropriate intervention strategy to influence the process in 1 above	2. Lobby for speeding up of the process	Min. of Labour NSSA, Min. of Health, Min. of Finance, trade unions, employers org., women's org	2. Maternity benefit scheme set up
			3. Inclusion of the provision of C183 in Labour Relations Amendment Bill	3. Appropriate input into the process	Min. of Labour NSSA, Min. of Health, Min. of Finance, trade unions, employers org., women's org	3. Ratification of C183
		Lack of awareness of maternity protection legislation by workers	4. Awareness-raising programmes	4.1. Comparative analysis of national legislation against C183	All relevant stakeholders and groups on MPC	Sensitized/ informed workers

Resource Sheet 14.6: Key media tools

### Using key media tools<sup>16</sup>

Once the communication strategy has been planned and the key messages prepared and ready, it is necessary to engage with the media. The following tools should be considered:

**Interview:** A conversation between a journalist and a public figure (interviewee) where questions are asked to obtain information from the interviewee.

**Press Conference:** A news conference or press conference is a media event in which newsmakers invite multiple journalists to hear them speak and, most often, ask questions.

**Background briefings:** A substantive briefing provides news or announce an event, but provides more detail than a press release.

**Press release:** A one- or two-page release provides newsworthy material to the media. Some releases are more detailed than others.

**Note to correspondents:** A substantive briefing provides information on an upcoming event, publication launch or other activity.

**Media advisory:** A brief (usually three to five lines) provides information on a press release or press conference or other activity.

**Feature stories:** They provide newsworthy information, giving substance and colour to the story.

**Electronic media:** The communications media that are based on electronic or electromechanical means of production and most often distinguished from print media. The primary electronic media sources familiar to the general public worldwide include radio, sound recordings, television, video recordings, and streaming internet content.

	POSITIVE	NEGATIVE
INTERNAL	<b>Strengths</b> (Identify organizational strengths)	<b>Weaknesses</b> (Identify organizational weaknesses)
EXTERNAL	<b>Opportunities</b> (Generate (brainstorm) opportunities)	<b>Threats</b> (Identify threats in the external environment)





# Train specific audiences

## How to:

- Develop and deliver training programmes
- Obtain sample training programmes and tools
- Gear training to needs and preferences of target audience
- Empower others to learn about and advocate for MP

## Visual Aids in Participatory Processes (VIPP)<sup>3</sup>



Room Layout	Layout Style
<b>Semi-Circle</b> This works well if people do not need to take notes.	
<b>Conference Hall</b> Not very useful for participatory training.	
<b>Boardroom</b> Good for role simulations meetings. This is inflexible for group work or discussions.	

### RESOURCE AND TOOL SHEETS

The following sheets are provided or reproduced here for making photocopies for handouts, group work or discussions.

#### Resource Sheet 15.1: Sample case study 1: Recruitment and dismissal

Ms. Tang, a new university graduate, was recruited by a Ministry to work in the General Office of the Personnel Department, under a one-year probation period. At a health check, three months after recruitment, she was found to be pregnant. She decided to have the child, and reported the situation to her supervisor. The Director of the General Office talked to her, giving her two options: have an abortion or leave the Ministry. Further research uncovered that Ms. Tang indicated her marriage status as 'single' in the Personnel Form she filled out at the time of recruitment, and the marriage certificate she provided later was not hers. Based on these facts, the Personnel Department of the Ministry charged that Ms. Tang had 'practiced fraud and deceived leaders and colleagues', which is an act against the principle of sincerity and honesty required for civil servants. According to Civil Service Code provisions regarding probation, the agreement signed at the time of recruitment, and Ms. Tang's act, the Ministry decided to revoke the recruitment of Ms. Tang. Four months after recruitment, Ms. Tang left the Ministry with the dismissal documents.





## Key MPRP Objectives

- **Understanding and learning about Maternity Protection**
- **Obtaining info on recent trends, national experience and good practice**
- **Learn how Maternity Protection can help achieve the MDGs**
- **Assess Maternity Protection in law**
- **Assess, monitor and evaluate Maternity Protection in practice**
- **Design effective Maternity Protection policies**
- **Raise awareness, advocate for Maternity Protection**
- **Organize and take action**
- **Train specific audiences**

