

Annex 1: Comparison of ILO Maternity Protection Convention Entitlements

Entitlement details	Maternity Protection Conventions		
Year developed	1919	1952 (Revised)	2000
Current status	Instrument with interim status	Outdated instrument	Up-to-date
Maternity leave duration	<ul style="list-style-type: none"> • Cannot work during the six weeks following her confinement • A woman is entitled to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks 	<ul style="list-style-type: none"> • Maternity leave shall be at least twelve weeks, and include a period of compulsory leave after confinement (no less than 6 weeks) • Maternity leave can be taken before or after the presumed or actual confinement date, but 6 weeks of compulsory leave is still required • Women are entitled to additional leave (duration to be fixed by the “competent authority”) before confinement if an illness arises out of pregnancy that requires leave from work as certified by a medical professional • Women are entitled to additional leave after confinement (duration to be fixed by the “competent authority”) after confinement if 	<ul style="list-style-type: none"> • Maternity leave shall be at least 14 weeks, and include a period of compulsory leave after childbirth • The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave • Women are entitled to leave before or after the maternity leave period (as certified by a medical professional) in the case of illness, complications or risk of complications arising out of pregnancy or childbirth • Benefits for maternity leave after delivery or medical leave due to pregnancy/postpartum complications shall be provided through compulsory social insurance or public funds, or in a manner determined by national law

		an illness arises out of confinement that requires leave from work as certified by a medical professional	and practice. Employers are liable for it if specifically agreed upon.
Maternity leave compensation	<ul style="list-style-type: none"> • During maternity leave, women are entitled to be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country 	<ul style="list-style-type: none"> • During maternity leave, women are entitled to receive cash and medical benefits. • Cash benefits should be: <ul style="list-style-type: none"> ✓ Sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living ✓ Provided by compulsory social insurance or by means of public funds as a right ✓ If based on previous earnings, can be not less than two-thirds of the woman's previous earnings 	<ul style="list-style-type: none"> • Cash benefits are to be provided to women who are on maternity leave or medical leave for maternity reasons • Cash benefits shall be: <ul style="list-style-type: none"> ✓ At a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living ✓ Based on at least two-thirds of the woman's previous earnings ✓ If a member state's economy and social security system are insufficiently developed shall be deemed to be in compliance if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations

<p>Medical benefits</p>	<p>A woman is entitled to free attendance by a doctor or certified midwife</p>	<ul style="list-style-type: none"> • Medical benefits include pre-natal, confinement and post-natal care by qualified midwives or medical practitioners as well as hospitalisation care (if necessary) are to be provided • Women can choose their own doctor and hospital (public/private) • Medical care has to be provided by compulsory social insurance or by means of public funds as a right 	<p>Medical benefits of prenatal, childbirth, postnatal care, and hospitalization (if needed) are to be provided to mothers as stated by national laws and regulations.</p>
<p>For those who fail to qualify for benefits</p>	<p>Not addressed in the Convention</p>	<p>Women who fail to qualify for benefits provided as a matter of right are entitled, subject to the means test required for social assistance, to adequate benefits out of social assistance funds</p>	<p>Women who fail to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, are entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance</p>
<p>Nursing breaks</p>	<p>A woman is allowed half an hour twice a day during her working hours to nurse her child</p>	<ul style="list-style-type: none"> • If a woman is nursing her child she is entitled to interrupt her work for this purpose at a time or times to be prescribed by national laws or regulations. 	<ul style="list-style-type: none"> • 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 • The period during which nursing breaks or the reduction of daily hours

		<ul style="list-style-type: none"> • Interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position shall be as determined by the relevant agreement. 	<p>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.</p>
Employment protections	Not addressed in the Convention	<ul style="list-style-type: none"> • While a woman is absent from work on maternity leave her employer cannot give her notice of dismissal during such absence, or to give her notice of dismissal at such a time that the notice would expire during such absence. 	<ul style="list-style-type: none"> • Pregnant or breastfeeding women are not obliged to perform work which is: a) prejudicial to the health of the mother or the child, or b) where it is a significant risk to the mother's health or that of her child. • Maternity does not constitute a source of discrimination in employment, including access to employment.
Protection from termination	<ul style="list-style-type: none"> • While a woman is on maternity leave or remains absent from her work for a longer period as a result of 	<ul style="list-style-type: none"> • While a woman is on maternity leave, she cannot be given a notice of dismissal during such absence, or given her notice of dismissal at such a time that the 	<ul style="list-style-type: none"> • A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave

illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, and her employer cannot terminate her until her absence exceeds a maximum period to be fixed by the competent authority in each country.

notice would expire during such absence.

- An employer cannot terminate the employment of a woman during her pregnancy or maternity leave or during a period following her return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer