



World Breastfeeding Trends Initiative (WBTi)

# Assessment Tool



September  
2014

## **WBTi UK Working Group**

<http://www.lcgb.org/wbti/>

### ***Coordinators***

Clare Meynell RM (rtd) IBCLC

01243512327

07584 160892

[claremeynell@gmail.com](mailto:claremeynell@gmail.com)

Helen Gray MPhil IBCLC

[helengray123@yahoo.co.uk](mailto:helengray123@yahoo.co.uk)

07973 262659

88 Drakefield Road

London SW17 8RR

## Indicator 4: Maternity Protection

---

**Key question:** *Is there a legislation and are there other measures (policies, regulations, practices) that meet or go beyond the International Labor Organization (ILO) standards for protecting and supporting breastfeeding for mothers, including those working mothers in the informal sector? (See Annex 4)*

### Background:

The Innocenti Declarations (1999, 2005) and WHO Global Strategy for IYCF (2002) call for provision of imaginative legislation to protect the breastfeeding rights of working women and further monitoring of its application consistent with ILO Maternity Protection Convention No 183, 2000 and Recommendation 191. The ILO's Maternity Protection Convention (MPC) 183 specifies that women workers should receive:

- f* Health protection, job protection and non-discrimination for pregnant and breastfeeding workers
- f* At least 14 weeks of paid maternity leave
- f* One or more paid breastfeeding breaks daily or daily reduction of hours of work to breastfeed

Furthermore, Recommendation 191 encourages facilities for breastfeeding to be set up at or near the workplace.

The concept of maternity protection involves 7 aspects: 1) the scope (in terms of who is covered); 2) leave (length; when it is taken, before or after giving birth; compulsory leave); the amount of paid leave and by whom it is paid – employer or government; 3) cash and medical benefits; 4) breastfeeding breaks; 5) breastfeeding facilities; 6) health protection for the pregnant and lactating woman and her baby; 7) employment protection and non-discrimination.

Only a limited number of countries have ratified C183, but quite a few countries have ratified C103 and/or have national legislation and practices which are stronger than the provisions of any of the ILO Conventions.

Maternity protection for all women implies that women working in the informal economy should also be protected. Innocenti Declaration 2005 calls for urgent attention to the special needs of women in the non-formal sector .

Adequate maternity protection also recognizes the father's role in nurturing and thus the need for paternity leave.

### Possible Sources of Information:

- Interviews can be held with officials of the Ministry of Health, Labour, Welfare, or Women's Affairs and staff of NGOs such as IBFAN.

- Data on the ILO conventions and progress in ratifying them in various countries can be found on the ILO website.
- WABA also documents a country profile on the status of Maternity Protection <http://www.waba.org.my/whatwedo/womenandwork/mpchart.htm>. It lists the length of maternity leave and paternity leave as well as who pays for these, breastfeeding breaks provided or not and if these are paid or unpaid.

<i>Guidelines for scoring</i>	
<b>Criteria</b>	<b>Tick one which is applicable</b>
4.1) Women covered by the national legislation are allowed the following weeks of paid maternity leave <ul style="list-style-type: none"> <li>a. Any leave less than 14 weeks</li> <li>b. 14 to 17weeks</li> <li>c. 18 to 25 weeks</li> <li>d. 26 weeks or more</li> </ul>	0.5 1 1.5 2
4.2) Women covered by the national legislation are allowed at least one breastfeeding break or reduction of work hours daily. <ul style="list-style-type: none"> <li>a. Unpaid break</li> <li>b. Paid break</li> </ul>	0.5 1
4.3) Legislation obliges private sector employers of women in the country to ( <i>more than one may apply</i> ) <ul style="list-style-type: none"> <li>a. Give at least 14 weeks paid maternity leave</li> <li>b. Paid nursing breaks.</li> </ul>	0.5 0.5
4.4) There is provision in national legislation that provides for work site accommodation for breastfeeding and/or childcare in work places in the formal sector. ( <i>more than one may be applicable</i> ) <ul style="list-style-type: none"> <li>a. Space for Breastfeeding/Breastmilk expression</li> <li>b. Crèche</li> </ul>	1 0.5
4.5) Women in informal/unorganized and agriculture sector are: <ul style="list-style-type: none"> <li>a. accorded some protective measures</li> <li>b. accorded the same protection as women working in the formal sector</li> </ul>	0.5 1
4.6) . ( <i>more than one may be applicable</i> ) <ul style="list-style-type: none"> <li>a. Information about maternity protection laws, regulations, or policies is made available to workers.</li> <li>b. There is a system for monitoring compliance and a way for workers to complain if their entitlements are not provided.</li> </ul>	0.5 0.5

4.7) Paternity leave is granted in public sector for at least 3 days.	0.5
4.8) Paternity leave is granted in the private sector for at least 3 days.	0.5
4.9) There is legislation providing health protection for pregnant and breastfeeding workers: they are informed about hazardous conditions in the workplace and provided alternative work at the same wage until they are no longer pregnant or breastfeeding.	0.5
4.10) There is legislation prohibiting employment discrimination and assuring job protection for women workers during breastfeeding period.	1
<b>Total Score:</b>	<b>___/10</b>

**Information Sources Used (please list):**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**Conclusions** (Summarize which aspects of the legislation are appropriate, and which aspects need improvement and why. Identify areas needing further analysis) :

**Gaps** (List gaps identified in the implementation of this indicator) :

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**Recommendations** (List action recommended to bridge the gaps):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

## Status of Maternity Protection by Countries

See complete document at:

<http://www.waba.org.my/whatwedo/womenandwork/pdf/mpchart2013.pdf>

### Status of Maternity Protection by Country

This document is developed by the WABA Women & Work Task Force as part of the Maternity Protection Campaign to support women's right to breastfeed and work, by advocating for the implementation and monitoring of improved maternity protection entitlements.

We thank all those who participated in updating this document. We like to hear from you on updates and your comments. Write to: [waba@waba.org.my](mailto:waba@waba.org.my)

Initial sources: • [www.waba.org.my/womenwork/mpstatus.html](http://www.waba.org.my/womenwork/mpstatus.html)  
• ILO Report V(2)

Other sources: • Feedback from WABA, IBFAN network & trade unions  
• Ministry of Labour of listed countries  
• ILO, NATLEX  
• ILO, Maternity Protection Database



	NATIONAL MANDATED										Who Pays?	OTHER LEAVES		BREASTFEEDING BREAKS		Duration	
	1-11 weeks	12 weeks	13 weeks	14 weeks	15 weeks	16 weeks	17 weeks	≥ 18 weeks	≥ 26 weeks	Parental Leave (in days)		Paternity Leave (in days)	Yes/No	Paid/Unpaid			
<b>AFRICA</b>																	
Algeria				✓						▲▲		3▲	N	-			
Angola			✓							▲			N	-			
Benin				✓						▲▲		3	Y	P			
Botswana		✓								▲			Y	P		60 min/day for 6 months	
Burundi		✓								▲	4		Y	P			
Burkina Faso **				✓						▲■		3	Y	P		90 min/day for 15 months	
Cameroon						✓				▲▲	30	3	Y	P		120 min/day for 6 months	
Cape Verde Islands	✓									▲			Y	P			
Central Afr. Rep.				✓						▲▲■		3	Y	P		60 min/day for 15 months	
Chad				✓						▲		10	Y	P			
Comoros				✓						▲		10	Y	P			
Congo					✓					▲		10	Y	P			
Dem Rep Congo				✓						▲		2					
Djibouti				✓						▲▲		10	N	-			
Equatorial Guinea		✓								▲			Y	P		60 min/day	
Erithea	✓									▲							
Ethiopia			✓							▲		5	Y	P			
Gabon				✓						▲▲■		3	Y	P		120 min/day for first 6 months 60 min/day for following 6 months	
Gambia							✓			▲		14▲	N	-			
Ghana		✓								▲▲			Y	P		60 min/day for 12 months	
Guinea				✓						▲▲			Y	P		60 min/day for 15 months	
Guinea-Bissau	✓									▲▲			Y	P			
Ivory Coast				✓						▲▲■		3	Y	P		60 min/day for 15 months	
Kenya		✓								▲		14	N	-			
Lesotho		✓								0			Y	P		60 min/day for 6 months	
Liberia		✓								0			N	-			
Madagascar				✓						▲▲		10	Y	P		60 min/day for 15 months	
Malawi	✓									▲			Y	P			
Mali <sup>(C183)</sup>				✓						▲▲		3	Y	P			
Mauritania				✓						▲▲			Y	P		60 min/day for 15 months	
Mauritius		✓								▲			Y	P		60 min/day	
Morocco				✓						▲			Y	P			
Mozambique	✓									▲			Y	P			
Namibia		✓								▲			N	-			
Niger				✓						▲▲■			Y	P		60 min/day for 12 months	
Nigeria		✓								▲			Y	U		60 min/day	
Rwanda		✓								▲		4	Y	P			
Sao Tome & Principe	✓									▲▲			Y	P			
Senegal				✓						▲			Y	P		60 min/day for 15 months	
Seychelles				✓ <sup>1</sup>						▲▲■		3	Y	P			
Sierra Leone							✓			▲			N	-			

1. Inclusive of 4 weeks, unpaid.

EXPLANATION: Duration of leave as mandated in the national law may be paid in full or partially paid. Different sectors also provide different length of maternity leave in some countries. The minimum standard for the duration of leave are indicated in this chart. Different ways that breastfeeding breaks are practised in some countries. Breastfeeding breaks at the workplace means: the working mother takes time off from work to breastfeed her baby whom she brings along or expresses her breastmilk or goes home to breastfeed or has flexi-time arrangement.

\*\* C183 (2000): Ratified in 2013

Update March 2014