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ILO Convention No. 183

Maternity Protection and

Recommendation 191

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**Foreign, Commonwealth
& Development Office**

On 15 June 2000, the International Labour Conference (ILC) of the International Labour Organization (ILO) adopted a new Maternity Protection Convention 183 and Recommendation 191.

What is an ILO Convention and Recommendation?

A part of the United Nations, the ILO set minimum standards that should be a right for every worker all over the world.

A Convention is a legally binding instrument that may be ratified by Member States. When a Member States ratifies a Convention, it means that the Convention which lays down basic principles and measure is going to be implemented at the national level through law and regulations but also collective agreements. It is legally binding in the sense that the country which has ratified the Convention is subject to the ILO regular supervisory system, which is responsible for ensuring that the instrument is applied.

Maternity Protection is good for everyone!

The Convention recognizes women's right to both to bear and care for children and her right to work. The need to safeguard these rights against discriminatory norms and systems that prevent women from realizing them simultaneously.

A Recommendation is a non-binding instrument that offers practical guidance for the strengthening of national law and policies. For ILO C183 it is important to read in parallel with R191.

Who and what is covered by Convention No. 183?

For its scope (who is protected) (Article 1) for the purposes of this Convention, the term woman applies to any female person without discrimination whatsoever and the term child applies to any child without discrimination. Convention No 183 calls for maternity protection for all women, in the formal and informal

economies, including those in a typical forms of dependent work.

Maternity protection for working women is an essential element in equality of opportunity and the protection of women's fundamental human rights. It seeks to enable women to combine their reproductive and productive rights, and prevent unequal treatment at work due to harmful norms that limit women's role in society to mothers and caregivers. Strengthening maternity protection and extending it to all women in all types of economic activity is an important goal.

Convention No. 183 and Recommendation No. 191 comprise five core elements of maternity protection:

- **Maternity leave** (Article 4) – the woman’s right to a period of rest from work in relation to pregnancy, childbirth and the post-natal period; On production of a medical certificate or other appropriate certificate as determined by National law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.
- **Cash and Medical benefits** (Article 6) – the mother’s right to cash benefits during her absence for maternity and health care related to pregnancy, childbirth and post-natal care;
- **Health protection at workplace** (Article 3) for the mother and unborn child during pregnancy, as well as during breast feeding; Convention 183 state that “Pregnant or breastfeeding women should not be obliged to carry out work which is prejudicial to or has a significant risk to their health and safety or that of the child”.

Maternity protection has **two key aims**:

1. To preserve the Health of mother and her newborn
2. To provide a measure of income and job security

Recommendation 191 specifies such work as: “arduous work involving manual lifting, carrying, pushing or pulling loads”. “exposure to biological, chemical and physical agents which represents a reproductive health hazard”.

- **Employment protection and non-discrimination** (Article 8) – guarantee of the woman’s employment security and the right to return after her maternity to the same job or an equivalent one with the same pay after leave referred in Article 4 and 5 of the Convention moreover, woman cannot be discriminated against while at work or searching for work because of her reproductive role;
- **Breastfeeding arrangements** (Article 10) to help woman worker to breastfeed or express milk at the workplace for a period after returning to work.

Why is Maternity Protection important?

- It is a Fundamental Human Right
- It is an essential component of gender equality
- It helps to improve mother and child health
- It plays an important role in economic growth and poverty reduction
- It is part and parcel of the Decent Work Agenda

Maternity Protection: Advantage to Workers

- Enhanced career development opportunities
- Maintenance of skills
- Greater focus and energy at work, along with increased motivation and job satisfaction
- Increased job security arising from the knowledge that a commitment to family will not be viewed as lack of commitment to the Organization
- Reduction in stress as a result of flexible and more suitable working arrangements
- Maintenance of physical and emotional health

Maternity Protection: Advantage to Employers

- Improved employee commitment
- Improved retention of skilled and an experience workforce
- Increased returns on training and investments
- Reduction in absenteeism and unplanned absences
- Reduction in costs associated with staff workers' compensation
- Improved staff morale
- Improved occupational health and safety performance
- Enhanced public image and competitive edge in recruiting

COVER PHOTO: Bernice is a member of the Young Urban Women's Movement, an organised group of young women in urban and peri-urban areas across Ghana with the aim of empowering young women with skills, knowledge and attitudes to challenge and address structural barriers that prevent them from enjoying their rights.

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