

## **HIGHLIGHT OF MAJOR ISSUES**

### **Maternity Protection Convention**

The following are major issues related to the Convention on Maternity Protection of which employers need to be aware because of their important implications at the workplace.

### **Major Issues**

#### **1. Maternity Leave**

##### **a. Duration of Leave**

14 weeks minimum is in the Convention as compared to our current 12 weeks.

##### **b. Flexibility in Use of Leave**

Six (6) weeks post birth of child stated in the Convention as being compulsory. Employers recommend that the total number of weeks maternity leave be used flexibly from prenatal through to the period after the birth of the child. Also that the length of time for compulsory leave should be determined by national law and practice.

#### **2. Time for Breast-feeding**

There is entitlement of the mother to one or more daily breaks or a daily reduction of hours of work to breast-feed her child. The breaks shall be counted as working time and remunerated in consequence. There is need to balance this entitlement with the social and economic situation of the country, differences in types of industries, in particular, small and micro businesses and pay systems.

#### **3. Pregnancy Tests**

These are to be prohibited except for situations where jobs are declared by national law and practice as being injurious to pregnant women.

**4. Termination of Employment during Pregnancy**

Termination of employment of a woman during pregnancy except for grounds unrelated to pregnancy is prohibited. The burden of proof in the exceptional cases shall rest with the employer.

**5. Cash Benefits**

These should not be less than two-thirds of the woman's earnings prior to being on maternity leave. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations, she shall be entitled to adequate benefits out of social assistance funds subject to means test required for such assistance. These have implications for costs to the employers as well as social benefits, such as, compulsory social insurance to be provided by the Government.

**6. Medical Benefits**

Medical benefits shall be provided in accordance with national laws and practice. Medical benefits shall include prenatal, childbirth and postnatal care as well as hospitalization care where necessary. Also this will involve both woman and child. These have implications for health schemes provided by companies as well as national health schemes to be put in place by Government.

***Dr. Neville Ying***  
***President***  
***Jamaica Employers' Federation***

***June 2000***