

INADEQUACIES AND VARIATIONS OF MATERNITY LEAVE POLICIES THROUGHOUT THE WORLD: SPECIAL FOCUS ON BANGLADESH

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ABSTRACT

There has been a dramatic increase in the representation of women in the workforce in Bangladesh and throughout the world. However, women face major hurdles in most parts of the world in their advancement in organizations as maternity leave and other benefits such as on site crèche or flextime are still not provided as per requirements. Thus women are falling behind in their careers throughout the world. There are also wide disparities in the benefits women get legally in different parts of the world. This review paper seeks to collect the answers to many questions about maternity leave heretofore largely un-addressed.

Key words: Maternity Leave, Equal Employment Opportunity, Day Care Centre, Flextime, Work-Life Balance

I. INTRODUCTION

In the second half of the twentieth century, there has been a dramatic increase in the percentage of women who have entered the workforce throughout the world. At the same time, the number of working women with small children has also increased. In the USA, for example, in 1960, fewer than 19 percent of women with children under 6 years old worked. By 1990, the numbers had dramatically risen to 60 percent. Currently, according to the World Bank Group's database of gender statistics, the labour force participation of women worldwide is 43%. In Bangladesh the number of women working has also gone up in the last 20 years. According to World Bank statistics, the number of women working in 1980 was approximately 14 million whereas in 2004 it was 23 million. With women working, maternity leave is ofcourse an issue, since the majority of women have children at some time of their lives. Advising business's HR departments, in-house attorneys and owners on risk control, Deborah Weinstein, employment and business law lecturer at The Wharton School of the University of Pennsylvania and lawyer for Eckert Seamans Cherin & Mellott LLC in Philadelphia, confirms pregnancy and maternity concerns are the most frequently asked

questions that she faces. The U.S. Equal Employment Opportunity Commission reported a 26 percent increase in pregnancy discrimination claims from 1996 to 2002.

In many parts of the world, very little is known about maternity leave by women themselves before they become pregnant. Many are unaware of their rights. On top of that, there is a huge difference in facilities that are available to women with regard to maternity throughout the world.

II. OBJECTIVE

The objective of this review paper is to serve as a compilation of knowledge about maternity leave and other benefits offered to mothers to get better work life balance. Wide differences in maternity leave policies that exist between Bangladesh and the West will be pointed out.

This paper particularly seeks to look into what existing research suggests about the following topics:

- Does getting maternity leave increase women's chances of getting back to work or do they just take the leave and then stop working?

- Do good facilities encourage more women to work?
- Overall, do employers gain or lose as a result of allowing women time off from work?
- What scheduling options can be offered to employees so that they are better able to balance work and family responsibilities?

III. METHODOLOGY

This paper has been written on the basis of secondary information. The secondary information and data were collected from published books, journals, research papers, and published government laws. Newspaper articles and the internet were also used.

IV. REVIEW OF LITERATURE

According to Jutta M. Joesch of the University of Washington in her study "Paid Leave and the Timing of Women's Employment Before and After Birth, published in *The Journal of Marriage and the Family* in 1997, new parents, in order to be able to fulfill their family responsibilities need to have access to paid leave, otherwise women from lower income households simply won't take adequate amount of time off. That obviously would not have good consequences for the baby.

She also suggests that some employees may choose to remain away from the workforce for a shorter time when paid leave is available, because if it is not available the other option is to quit. She also states that women with access to paid leave stop paid work later during pregnancy. In fact O'Connell (1990) says that receiving maternity benefits was the factor that contributed most to the probability of starting work again within 6 months of giving birth. So in answer to the question of "does getting maternity leave increase women's chances of getting back to work or do they just take the leave and then stop working", getting (paid)maternity leave does definitely increase women's chances of getting back to work and they get back to work sooner. Thus offering paid maternity leave seems to be a win-win situation for employers and employees.

In the US, larger companies are more likely to offer maternity leave. In most medium to large companies (100 workers or more), the protection

offers between 50% to 100% of normal earnings. The amount of leave and the payment depended on length of service with employer. 74% of businesses with 1 to 15 employees had unpaid maternity leave plans (Trzcinski and Alpert, 1990). According to the US Department of Labour in 1990, medium sized private firms offered on average 20 weeks of leave whereas for government employees time off was 51 weeks.

The following information could be gleaned from the literature review about options available to help women bring about better work-family life balance. General services and benefits that are used to support workers in balancing work and family responsibilities include personal leave days that can be used for caring for a sick child or attending a child's school activities, paid pregnancy and extended maternity leave for mothers, paid paternity leave for fathers, job counseling and assistance for employees' spouses when transfers occur, employees' freedom to choose from a range of benefits and child care at work. Then there is the "cafeteria plan" that allows employees to choose from a range of benefits including health care, dental care, child care, personal leave time and so on depending on families' needs. In the past researchers have found that flextime increases productivity and morale, while reducing the amount of worker absenteeism, truancy and use of overtime (Rubin, 1979; Swart, 1985; Mellor 1986; Dalton and Mesch, 1990; Guy, 1993). Ralston (1990) argued that women found coordinating family and job responsibilities much easier with flextime than on rigid work schedules. However, according to Bohem and Viveros -Long, variable schedules are least helpful to those who need them most, i.e mothers in the labour force. In fact, it is fathers with full time home maker spouses who are most likely to use flextime to engage in family related responsibilities. According to Martin et al in their study "Work-Family Policies: Corporate, Union, Feminist and Pro-Family Leaders' Views", the four day work week and flextime are the least helpful to workers and the right to resume work with full pay after a leave, job sharing and working one day a week at home would be the most helpful. They also suggest that greater numbers of activist women union members could force union leaders, men and women, to more actively pursue family-related programs in collective bargaining. They think that without a push from women, the odds that men unionists will take up women's family obligations as a primary cause are slim.

Marni Ezra and Melissa Deckman conducted a study in 1996 called *Balancing Work and Family Responsibilities: Flextime and Child Care in the Federal Government*. They concluded that the more satisfied both parents (and nonparents) are with their balance between work and family, the more satisfied they are with their jobs. They argue that because fathers were found to be significantly happier with work life balance than mothers (especially those with younger children), finding innovative ways to help mothers balance work and family better is increasingly crucial to a contented work force. They suggest the use of on-site child care and flextime to significantly improve mothers' work-life balance and thus their overall satisfaction level.

V. MATERNITY LEAVE POLICIES THROUGHOUT THE WORLD

In most western countries parental leave is available for those who have worked for their current employer for a certain period of time. The duration of paid maternity leave varies from nine weeks in Ireland to two years in Bulgaria.

In the UK, working mothers are given the right to 26 weeks of paid leave for each child, 6 weeks at 90% of full pay and 20 weeks at a fixed amount. Women who were employed prior to the commencement of their pregnancy are entitled to an additional 26 weeks unpaid leave. Since April 2003, male employees can take up to two weeks' paid paternity leave to care for the new baby and support the mother. As well, employees (both mothers and fathers) who have completed one year's employment with their employer are entitled to thirteen weeks' unpaid parental leave to care for their child. However rules changed after the *Work and Families Act* was passed in 2006 since when all female employees are entitled to 52 weeks of maternity leave. 39 weeks of this leave is paid, with the first six weeks paid at 90% of full pay and the remainder at a fixed rate. According to *Personnel today.com* it is expected that by 2010, the period will be extended to one year of paid maternity leave.

In Belgium, Norway and Switzerland, the woman may elect to work until delivery and take all leave post-natally. Leave is often extended if delivery is premature. In Norway, the father also may take upto 12 weeks of paid post natal leave if he is the principal care giver.

In France and Germany leave can be extended on an unpaid basis without loss of the job or job related benefits.

In Belgium, the period of paid leave can be extended as unpaid leave up to the end of the fifth month for mothers who breastfeed, and in France and Norway, nursing breaks for women who return to work are provided by law.

In Spain women receive 75% of their salary as part of maternity leave, In Denmark and France they receive 90%. Belgium, the Netherlands and Germany allow 100% up to a maximum amount.

Belgium, Denmark, Germany, France, Ireland, the Netherlands, Norway, Spain, Switzerland and the UK all provide paid maternity leave and transfer women to non-strenuous jobs as soon as the pregnancy is confirmed.

An example of generous parental leave is Sweden, where all working parents are entitled to 18 months' paid leave per child, the cost being shared between employer and State. To encourage greater paternal involvement in child-rearing, a minimum of 3 months out of the 18 is required to be used by the "minority" parent, in practice usually the father, and some Swedish political parties on the Left argue for legislation to oblige families to divide the 18 months equally between both parents. Norway also has similarly generous leave.

The system in Bulgaria is even more generous, providing mothers with 45 days 100% paid sick leave prior to the due date, 2 years paid leave, and 1 additional year of unpaid leave. The employee is obliged to restore the mother to the same position upon return to work. In addition, pregnant women and single mothers cannot be fired.

In 2000, parental leave was greatly expanded in Canada from 10 weeks to 35 weeks divided between the two parents, which can be expanded to a year. In Canada parental leave is paid for by the Employment Insurance system

There is currently a push to expand paid maternity leave in countries such as Australia and the United States. The law in several countries specifies that women must be paid if they miss work for prenatal visits or childbirth classes.

VI. MATERNITY LEAVE AND RELATED POLICIES IN BANGLADESH

The maternity leave policy available to women in Bangladesh is 12 weeks which is paid at 100%. However, interestingly enough, there are no specific laws that exist for management level (women) workers. The law that exists “Bangladesh Srom Ain, 2006” or The Bangladesh Labour Act, 2006 given in Chapter IV called Maternity Benefit, refers to workers that do manual work mainly in factories, etc. In fact the definition of worker given in Bangladesh Labour Act, 2006, Chapter I, Section 2 (Lxv) is “any person including an apprentice employed in any establishment or industry, either directly or through a contractor, to do any skilled, unskilled, manual, technical, trade promotional or clerical work for hire or reward, whether the terms of employment be expressed or implied, but does not include a person employed mainly in a managerial or administrative capacity”.

The leave period that is guaranteed to non-management women workers is similar to Pakistan, Singapore and Srilanka from the Asian region. Most middle eastern countries offer even lower number of days as maternity leave. However, Bangladesh got world wide attention in 2004 when female garments workers took to the streets because of non-implementation by garments factory owners of the law. The General Secretary of the National Garment Worker’s Federation alleged that most women were compelled to leave their jobs after the birth of their babies and if they wanted to start work again in the same factory they would have to start as new workers with lower salaries instead of being re-instated to their former positions; some factory owners did provide leave to their workers but did not pay them as per the provisions of the law. There are at least 1,800,000 workers in the garments sector, 85% of whom are women. In developing countries such as Bangladesh, where labour is cheap and easily available due to rampant population growth, perhaps women not returning to work after pregnancy is not even a problem as there is continuously new and young women willing to join work. This hypothesis needs further testing through research however.

Currently ILO suggests minimum 14 weeks maternity leave. However the latest convention passed in 2000: C183 Maternity Protection Convention, 2000, was ratified by only 13

countries and Bangladesh was not one of them. Also the older convention - C103 Maternity Protection Convention (Revised), 1952 was also not ratified by Bangladesh or Pakistan or India (was ratified by 33 countries).

In Bangladesh, only a handful of organisations have recently started to offer their female employees on-site child care. BRAC has a day-care center and Standard Chartered Bank is said to be planning to start a crèche at their new Gulshan Branch in Dhaka (currently under construction). There are also very few private day-care centers where women can leave their children and go to work. As a result, it is even more difficult for women without the support of their extended families (mainly the child’s grandparents) to get back to work. Some women resort to leaving their children in the hands of servants, who are entirely untrained to handle medical emergencies. Some women even resort to locking the child in with these care-givers which is a no-win situation for all and pose serious safety threats in case of emergencies, not to mention a violation of human rights.

The rest of the facilities such as flexitime, personal leave days, four-day work week, etc are unheard of in Bangladesh.

Thus we see that not only are wide disparities between the facilities related to maternity that women get in Bangladesh compared to western countries (especially in Europe), but that management level workers in Bangladesh don’t even have any rights in this regard. Women who do decide to work are offered virtually no help by their organizations to balance their work-family responsibilities.

VII. SCOPE FOR FURTHER RESEARCH

It is suggested that the following are possible areas that can be looked into in future research in this area in the Bangladeshi context:

What percentage of women are dropping out of the workforce as a result of not having adequate provisions of maternity leave and ancillary benefits which promote work-life balance needs to be found. After how long (if at all) are these women returning to work and is it in a similar position to where they left off?

What the underlying reasons maternity leave is not being offered to female garment workers despite there being laws to prevent this needs to be studied.

What are the variations in maternity leave provisions industry wise and between local and private sectors needs to be studied.

What is the link between satisfaction level of women workers and getting facilities to balance work and family better.

VIII. CONCLUSION

The dream of women workers reaching equality to their male workers is far from reality in Bangladesh and also in the West, and for that matter in most places of the world. Though increasing numbers of women are part of the workforce, the fact that they have to bear children drives them out of the workforce at least temporarily. The facilities that they get when they are looking after their new-born child (how many days off they get, whether the leave is paid or not, etc) varies greatly from country to country. If sufficiently good facilities are not available, women are forced to stop working. Before the 1960's even women in the developed world were not guaranteed maternity leave. Though employers have much to gain by offering their women-employees paid leave and other facilities to balance work-life balance such as onsite care facilities, flexible scheduling options, etc, these are virtually unheard of in Bangladesh and not universally available even in the west. Thus, the hurdles that women face in reaching equality with their male counter-parts are still difficult to overcome, as many women get sidelined because of their inability to work without feeling guilty, or even arrange for safe child-care.

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