To be a mother, to be a worker: The Protection of Maternity in Mozambique

Ruth Castel Branco, International Labour Organization

Saspen Conference

Maputo the 2nd of September 2014
Summary

- **Context**
  - The protection of maternity at work
    - Objective
    - Convention 183
    - Importance
  - The protection of Maternity in Mozambique
    - Legal Framework
    - Legislative Gaps
    - Gaps of Implementation

- The protection of Maternity in Mozambique
- Opportunities for the expansion of coverage
- Film: To be a mother, to be a worker
The maternal mortality rate in Mozambique is one of the highest in the world, making maternal mortality one of the priorities of the Ministry of Health.

Yearly, about 500 women per 100,000 life-births die.

Result of the limited access to well-equipped sanitary units and other basic social services, the high incidences of early pregnancies, the poverty related with the lack of income security, the chronic malnutrition and deficiencies of micro-nutrients.

One of ten children die before their 5th birthday—We have made little progress in the mortality of new-borns (first 30 days):
Context

Ratio of Maternal Mortality in Mozambique (500: 10,000 births)

Source: Unicef, Demographic Investigation of Health
Context

Rate of child mortality

Source: Unicef, Demographic Investigation of Health
The protection of maternity at work

- The world of work is a privileged space to promote policies, education, services and practices with the potential to break the vicious and trans-generational circle of chronic malnutrition and maternal mortality in the country.

- The protection of maternity at work is envisaged to:
  - Guarantee that the job does not jeopardize the health of the woman or of the child during and after the pregnancy.
  - That the reproductive function of the woman does not harm her economic security or her security in the job.
Protection of Maternity in the job

- The Convention 183 of the ILO is an international treaty which establishes:
  - **A license of maternity of 14 weeks**, six of them mandatory to relax following the birth. The objective is to protect the health of the woman and its child during the prenatal period, considering the physical alterations related to the pregnancy and the birth.
  - **The cash benefits during the leave** should not represent less than two thirds of the referent remuneration. Without the substitution of income, the women would see themselves obliged to regress prematurely to the job.
  - **The medical benefits**, that include healthcare before, during and after the births, as well as hospitalization, if necessary.
  - **Protection of health in the job**, the right of pregnant or nursing women to not perform work that jeopardizes their health and the one of their child.
  - **Right for breast-feeding**: At least, one daily period, without loss of breast-feeding. The WHO recommends exclusive breast-feeding until six months of age and other nourishment accompanied breast-feeding until two years of age.
  - **Protection of work and non-discrimination**: is essential to avoid that the pregnancy is a source of discrimination for the women.
Protection of Maternity at work

- A short-term investment with long-term savings:
- An investment in the next generation
  - Contributes to the reduction of poverty, through income security, increase in productivity, economic growth;
  - Is part of our collective responsibility
- is part of social cohesion
- Is a mechanism of redistribution
- Is a human right
Protection of Maternity at Work

- The Labour Law 23/2007 establishes the right to:
  - Permission of maternity of 60 consecutive days, being able to enjoy 20 days before birth
  - Permission of paternity of one day every two years
  - Not to be realized, without reduction of remuneration, works that are clinically inadvisable to their state of pregnancy and to not do night work or exceptional or extraordinary during the period of pregnancy and after birth
  - A permission before the birth, for the period necessary to prevent the risk, laid down by medical prescriptions in situations of medical risks
  - Interrupt the daily work for breast-feeding of the child in two periods of half an hour, or one period of an hour, without loss of remuneration for as long as at most a year
  - Not to get fired, without a just cause, during the pregnancy and until one year after the birth. The responsibility to prove that the resignation was not related to the pregnancy is up to the employee
Protection of Maternity at Work

<table>
<thead>
<tr>
<th>Country</th>
<th>Duration</th>
<th>%</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>África do Sul (South Africa)</td>
<td>4 meses</td>
<td>60%</td>
<td>Segurança Social</td>
</tr>
<tr>
<td>Angola</td>
<td>3 Meses</td>
<td>100</td>
<td>Segurança Social, Empregador</td>
</tr>
<tr>
<td>Botswana</td>
<td>12 semanas</td>
<td>25-50%</td>
<td>Empregador</td>
</tr>
<tr>
<td>Cabo Verde</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congo</td>
<td>15 semanas</td>
<td>100</td>
<td>Segurança Social, Empregador</td>
</tr>
<tr>
<td>Guiné Bissau</td>
<td>60 dias</td>
<td>100</td>
<td>Segurança Social, empregador</td>
</tr>
<tr>
<td>Lesotho</td>
<td>12 semanas</td>
<td>-</td>
<td>Não pago</td>
</tr>
<tr>
<td>Madagascar</td>
<td>14 semanas</td>
<td>100</td>
<td>Segurança Social, Empregador</td>
</tr>
<tr>
<td>Malawi</td>
<td>8 semanas</td>
<td>100</td>
<td>Empregador</td>
</tr>
<tr>
<td>Mali</td>
<td>14 semanas</td>
<td>100</td>
<td>Segurança Social</td>
</tr>
<tr>
<td>Maurícias</td>
<td>12 semanas</td>
<td>100</td>
<td>Empregador</td>
</tr>
<tr>
<td>Moçambique</td>
<td>60 dias</td>
<td>100</td>
<td>Segurança Social</td>
</tr>
<tr>
<td>Namíbia</td>
<td>12 semanas</td>
<td>100</td>
<td>Empregador</td>
</tr>
<tr>
<td>Quénia</td>
<td>3 meses</td>
<td>100%</td>
<td>Empregador</td>
</tr>
<tr>
<td>Rwanda</td>
<td>12 semanas</td>
<td>100</td>
<td>Empregador</td>
</tr>
<tr>
<td>São Tomé e Príncipe</td>
<td>60 dias</td>
<td>100</td>
<td>Segurança Social</td>
</tr>
<tr>
<td>Senegal</td>
<td>14 semanas</td>
<td>100</td>
<td>Segurança Social</td>
</tr>
<tr>
<td>Swazilândia</td>
<td>12 semanas</td>
<td>100%, 2 semanas</td>
<td>Empregador</td>
</tr>
<tr>
<td>Tanzania</td>
<td>84 dias</td>
<td>100</td>
<td>Segurança Social</td>
</tr>
<tr>
<td>Togo</td>
<td>14 semanas</td>
<td>100</td>
<td>Segurança Social</td>
</tr>
<tr>
<td>Zâmbia</td>
<td>12 semanas</td>
<td>100</td>
<td>Empregador</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>98 dias</td>
<td>100</td>
<td>Empregador</td>
</tr>
</tbody>
</table>

Source: TRAVAIL
Protection of Maternity in Mozambique

  - The non-contributive system of basis Social Security, under the National Institute of Social Action, whose beneficiaries are disabled people or people in absolute poverty, including pregnant women and undernourished
  - The contributive system of mandatory Social Security, under the National Institute of Social Action, whose beneficiaries are employed workers in private companies:
  - The supplementary system which is still being developed
- Registered workers in the INSS, have the right to a daily allowance of maternity corresponding to 100% of the average salary in the past six months that precede the second months before the beginning of the pregnancy
- The allowance has a maximum duration of 60 days
Protection of Maternity in Mozambique

- Court- Labour Section
  - Commission of measurement and Labour Arbitration
  - General Work Inspection
    - Organizations of judicial assistance
    - Trade Unions
    - NGOs
Protection of Maternity in Mozambique

**Allowance of Maternity, 2010-2012**

**Allowance of Maternity as % of the transfers of INSS, 2012**

- Sickness Benefit: 36%
- Death grants: 13%
- Allowance for Funerals: 4%
- Allowance of Survival: 2%
- Pension: 1%
- Invalidity Pension: 1%
- Survival Pension: 1%
- Old-Age Benefits: 36%
Protection of Maternity in Mozambique

Women of 15 years and more being contracted in the main economic activity, First Trimester INCAF 2012/13
Protection of Maternity in Mozambique

- **Ways of Exclusion: Regulatory:**
  - Lack of a protocol for the coverage of self-employed workers
  - Randomization of employed work and its exclusion of the protections from the Labour Law

- **Legislative Gaps**
  - An allowance of maternity of 60 instead of 90 days
  - Lack of norms in relation to clinically inadvisable jobs

- **Forms of Exclusion: Implementation**
  - Lack of proliferation of the rights and duties of workers and employers
  - Non-Forwarding of contributions to INSS on the part of the workers
  - Lack of capacity of Surveillance
  - Lack of places for breast-feeding in the work site the companies and day cares in the public institutions
Opportunities for the expansion of coverage of Protection of Maternity

- Integrate the protection of maternity in the framework of Social Protection;
- Promotion of a double strategy for the expansion of coverage of protection of maternity, including for all women who perform an unpaid or informal work through a system:
  - Horizontal, non-contributive, basic Social Security (Revision of the ENSSB)
  - Vertical, contributive, social security (actuarial analysis, Regulation)
  - Connections between the cash-transfers and the basic services (Health, Education, Agriculture)
  - Collaboration between social partners who represent informal, formal and unpaid workers (traveling salesman, Domestic worker, peasants)
Opportunities for the expansion of coverage of Protection of Maternity

- Proliferations of the worker’s rights and duties
- Dialogue between employers, workers and the state in relation with the ratification of convention 183 of the ILO
- Inclusion of the informal sector in the Social Security System
- Formation of inspectors in the areas linked to the protection of maternity and paternity
- Creation of mechanisms that assist the technicians in the proliferation of information, mainly in the districts
Thank you!