

INTERNATIONAL LABOUR OFFICE GENEVA

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REPORT FORM  
FOR THE  
**MATERNITY PROTECTION  
CONVENTION (REVISED),  
1952 (No. 103)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

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PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

*First reports*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

*Subsequent reports*

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;

- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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## Article 22 of the Constitution of the ILO

Report for the period \_\_\_\_\_ to \_\_\_\_\_

made by the Government of \_\_\_\_\_

on the

### MATERNITY PROTECTION CONVENTION (REVISED), 1952 (No. 103)

(ratification registered on \_\_\_\_\_)

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.**

**Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.**

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the abovementioned legislation and administrative regulations, etc., or other measures, under which each Article is applied.**

**If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.**

**If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.**

#### *Article 1*

1. This Convention applies to women employed in industrial undertakings and in non-industrial and agricultural occupations, including women wage earners working at home.

2. For the purpose of this Convention, the term "industrial undertaking" comprises public and private undertakings and any branch thereof and includes particularly:

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, or in the generation, transformation or transmission of electricity or motive power of any kind;
- (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;
- (d) undertakings engaged in the transport of passengers or goods by road, rail, sea, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports.

3. For the purpose of this Convention, the term "non-industrial occupations" includes all occupations which are carried on in or in connection with the following undertakings or services, whether public or private:

- (a) commercial establishments;
- (b) postal and telecommunication services;
- (c) establishments and administrative services in which the persons employed are mainly engaged in clerical work;

- (d) newspaper undertakings;
  - (e) hotels, boarding houses, restaurants, clubs, cafés and other refreshment houses;
  - (f) establishments for the treatment and care of the sick, infirm or destitute and of orphans;
  - (g) theatres and places of public entertainment;
  - (h) domestic work for wages in private households;
- and any other non-industrial occupations to which the competent authority may decide to apply the provisions of the Convention.

4. For the purpose of this Convention, the term “agricultural occupations” includes all occupations carried on in agricultural undertakings, including plantations and large-scale industrialised agricultural undertakings.

5. In any case in which it is doubtful whether this Convention applies to an undertaking, branch of an undertaking or occupation, the question shall be determined by the competent authority after consultation with the representative organisations of employers and workers concerned where such exist.

6. National laws or regulations may exempt from the application of this Convention undertakings in which only members of the employer’s family, as defined by national laws or regulations, are employed.

*Please indicate if the provisions of the Convention have been applied to any other non-industrial occupations in virtue of the last two lines of paragraph 3.*

*Please supply information on any decisions taken by the competent authority in virtue of paragraph 5.*

*Please indicate whether any use has been made of the provisions of paragraph 6.*

#### *Article 2*

For the purpose of this Convention, the term “woman” means any female person, irrespective of age, nationality, race or creed, whether married or unmarried, and the term “child” means any child whether born of marriage or not.

#### *Article 3*

1. A woman to whom this Convention applies shall, on the production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave.

2. The period of maternity leave shall be at least twelve weeks, and shall include a period of compulsory leave after confinement.

3. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.

4. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement and the period of compulsory leave to be taken after confinement shall not be reduced on that account.

5. In case of illness medically certified arising out of pregnancy, national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.

6. In case of illness medically certified arising out of confinement, the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.

*Please indicate the total length of the maternity leave (paragraph 2) and the period of compulsory leave which must be taken after confinement (paragraph 3).*

*Please indicate the maximum duration, if such a maximum has been prescribed, of the period of additional leave in case of illness arising out of pregnancy (paragraph 5).*

*Please indicate the maximum duration, if such a maximum has been prescribed, of the extension of leave in case of illness arising out of confinement (paragraph 6).*

#### Article 4

1. While absent from work on maternity leave in accordance with the provisions of Article 3, the woman shall be entitled to receive cash and medical benefits.

2. The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.

3. Medical benefits shall include pre-natal, confinement and post-natal care by qualified mid-wives or medical practitioners as well as hospitalisation care where necessary; freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected.

4. The cash and medical benefits shall be provided either by means of compulsory social insurance or by means of public funds; in either case they shall be provided as a matter of right to all women who comply with the prescribed conditions.

5. Women who fail to qualify for benefits provided as a matter of right shall be entitled, subject to the means test required for social assistance, to adequate benefits out of social assistance funds.

6. Where cash benefits provided under compulsory social insurance are based on previous earnings, they shall be at a rate of not less than two-thirds of the woman's previous earnings taken into account for the purpose of computing benefits.

7. Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total number of men and women employed by the undertakings concerned, without distinction of sex.

8. In no case shall the employer be individually liable for the cost of such benefits due to women employed by him.

*If such statistics are available please indicate the total number of women who received cash and medical benefits during the period under review, in accordance with paragraph 1.*

*Please indicate the rates of cash benefit fixed in virtue of paragraph 2 and the measures taken to ensure that these benefits are sufficient for the full and healthy maintenance of the mother and child.*

*Please indicate the types of care included in the medical benefits guaranteed under paragraph 3.*

*Please state whether the cash and medical benefits are provided by means of compulsory social insurance or by means of public funds (paragraph 4).*

*Please indicate the scale of the benefits paid out of social assistance funds to women who fail to qualify for benefits provided as a matter of right and the rules concerning the means test (paragraph 5).*

*Please supply all available particulars of the system under which contributions or taxes are raised for the purpose of providing maternity benefits (paragraph 7).*

#### Article 5

1. If a woman is nursing her child she shall be entitled to interrupt her work for this purpose at a time or times to be prescribed by national laws or regulations.

2. Interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position shall be as determined by the relevant agreement.

*Please indicate the time or times at which a woman may interrupt her work in order to nurse her child (paragraph 1).*

*In cases where interruptions for the purpose of nursing are governed by collective agreements, please attach copies of the relevant provisions of typical agreements to your report (paragraph 2).*

#### Article 6

While a woman is absent from work on maternity leave in accordance with the provisions of Article 3 of this Convention, it shall not be lawful for her employer to give her notice of dismissal during such absence, or to give her notice of dismissal at such a time that the notice would expire during such absence.

Article 7

1. Any Member of the International Labour Organisation which ratifies this Convention may, by a declaration accompanying its ratification, provide for exceptions from the application of the Convention in respect of:

- (a) certain categories of non-industrial occupations;
- (b) occupations carried on in agricultural undertakings, other than plantations;
- (c) domestic work for wages in private households;
- (d) women wage earners working at home;
- (e) undertakings engaged in the transport of passengers or goods by sea.

2. The categories of occupations or undertakings in respect of which the Member proposes to have recourse to the provisions of paragraph 1 of this Article shall be specified in the declaration accompanying its ratification.

3. Any Member which has made such a declaration may at any time cancel that declaration, in whole or in part, by a subsequent declaration.

4. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the position of its law and practice in respect of the occupations or undertakings to which paragraph 1 of this Article applies in virtue of the said declaration and the extent to which effect has been given or is proposed to be given to the Convention in respect of such occupations or undertakings.

5. At the expiration of five years from the first entry into force of this Convention, the Governing Body of the International Labour Office shall submit to the Conference a special report concerning the application of these exceptions, containing such proposals as it may think appropriate for further action in regard to the matter.

*If a declaration has been made in virtue of paragraph 1, and if this declaration is still fully or partially in force, please indicate, in conformity with paragraph 4 of this Article, the position of your law and practice in respect of the occupations or undertakings excluded from the application of the Convention, showing what effect has been given or is proposed to be given to the Convention in respect of these occupations or undertakings.*

**III. Please state to what authority or authorities the application of the abovementioned legislation and administrative regulations, etc., is entrusted, and by what methods application is supervised and enforced. In particular, please supply information on the organization and working of inspection.**

**IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.**

**V. Please add a general appreciation of the manner in which the Convention is applied in your country, including, for instance, extracts from official reports, information regarding the number and nature of the contraventions reported, and any other particulars bearing on the practical application of the Convention.**

**VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.<sup>1</sup> If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

**Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a summary of the observations received, together with any comments that you consider useful.**

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<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognis