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Comparative Analysis of Maternity Relief Laws in India vis-à-vis Singapore & Sri Lanka

SHIVANI¹

ABSTRACT

This paper is mostly concerned with the maternity benefits offered in India and other nations (Singapore & Sri Lanka). One-third of pregnant women in today's society work, and they face challenges that make it difficult for them to overcome health-related problems. All across the world, maternity benefit programmes have been put in place by various national governments. With a few exceptions, both the public and private sectors must adhere to this. In other words, a woman is only qualified if she has been employed by a business for at least 80 days in the previous 12 months, and her maternity leave payout is determined by her daily wage and actual absence.

But for female employees receiving maternity benefits in the public and private sectors, the government's benefit provisions act will remain the same. The maternity benefit programmes truly aid in the healthy protection of the mother and her child's lives as well as in providing for her maintenance needs, such as paid time off, pay, and bonuses. She can work from home and get an extension if necessary. Both the employer and the employee have agreed to it. She will be better able to care for her unborn child as a result both during and after her pregnancy. Therefore, the goal of this study is to understand precisely how maternity benefit plans for women offer them with facilities and how they differ in different nations.

Keywords: *Maternity benefits, working women, maternity schemes.*

I. INTRODUCTION

Maternity benefits may be claimed by any woman who is employed. A woman is entitled to receive maternity benefits during her pregnancy, such as paid time off (at the rate of the average daily wage for the period of her actual absence) and bonuses.

It is crucial to understand "Maternity Benefits Schemes in India and Abroad" in order to ensure workplace equity for all employees and to uphold society's obligation to look after expectant mothers and their unborn children.

¹ Author is a PhD Research Scholar at School of Law, Lovely Professional University, Phagwara, Punjab, India.

The purpose of this maternity programme is to provide working women with benefits during and after pregnancy as well as excellent results. Women employees have a fundamental right to be informed about Indian law and the maternity benefits that the government has established. Employers also have a duty to provide written information about the benefits that are available and who is eligible to claim them so that the woman can use the benefits without difficulty.

(A) Review of Literature

Puri, P. A., & Wani, S. A. (2022)² explained that the "Employee" was treated as a mere factor of production following industrialization in both the organised and unorganised sectors. The legal and social necessity of providing social security for workers who made significant contributions to the industry was undervalued. As a result, legislation is transformed into a tool for ensuring social and economic fairness. The Maternity Benefits Act of 1961 was enacted specifically to safeguard the rights of pregnant women and their families throughout pregnancy and childbirth. To put it simply, the Constitution's Directive Principles of State Policy serve as the backbone of the Social Security system. The primary goal of the study was to examine how social security, specifically Maternity Benefits for working women in any industry, has changed over time.

Saumya Dubey (2021)³, in 2017, The Maternity Benefit Act (MB Act below), which raises paid leave for expectant moms from 12 weeks to 26 weeks, has been adopted by the Parliament of India. The initially revolutionary change, under closer scrutiny, shows that the 'gender-based division of labor was not recognized in society and seems to improve it. Also, the MB Act requires employers liable to pay the costs of such benefits and thereby makes women workers "cheaper" than men. The move would result in approximately 12 million women leaving the workforce, according to projections (Nikore 2018). India has seen its Global Gender Gap Index, published by the World Economic Forum, fall continuously since 2016. The explanation for this is that women's participation in the Indian economy was poor and low, inclusive.

Furthermore, this law is important in trying to normalize the concept of the solo women's role in childcare. This Act is accompanied by the submission of the 2017 Paternity Benefit Bill to introduce new paternity leave legislation. It proposed to male workers in both organized and unorganized sectors a 15-day leave bonus paid to them. The plan to take paternity leave of 15 days seems to be a simple bite in promoting a widespread social reform in shared responsibility and shared parenting while the MB Act provides for a 6-month maternity leave period. The MB

² Puri, P. A., & Wani, S. A. "Social Security of Women in the form Maternity Benefits: A Human Rights Perspective." *Journal of Positive School Psychology*, 1888-1896. (2022).

³ Dubey, S. Gender (In) Equality in India: Analysing Maternity Benefits and Parental Leaves.

law must be examined in its current form, to connect the lack of inclusiveness among women in the workforce and to preserve the dignity of women. This article aims to highlight the pitfalls of the proposed law and discusses gender-neutral parental leaves to promote greater equality between men and women.

Anushka Sharma (2020)⁴, "An Understanding of the Transitional Nature of Law around Maternity Benefits in India", The objective of this review is to discuss the maternity leave legislation in three areas: firstly, it explores the maternity advantages offered by India, the case history on maternity leave and the effectiveness of current legislation. This is accomplished by identifying the constitutional requirement on maternity and foreign maternity rights which require the signatory State (India, in this case) to respect the requirement. Secondly, it highlights the disparity in maternity benefits offered between both the organized and non-organized industries and thus helps to promote the efficiency analysis. It also analyses the impact on maternity leave of labor reforms and the consequences of reforms in India.

Indian culture has often seen women as the weakest part of society about society's norms. On the opposite, men must provide financial assistance to the family. Culture promotes females as homemakers and caregivers of children. With time and culture rising, however, people now struggle for good pay where more females are interested in working. This was considered by the law in introducing the Maternity Benefit Act of 1961, which protects women's jobs during their maternity time and gives them a right to maternity care' – that is, full paid childcare without employment. In this sense, the legislation tackled the increasing uneasiness of society. The Act extends to all facilities employing ten or more workers. The Maternity Benefit (Amendment) Act 2017 came into effect, which is mentioned in detail in this Article after the recognition of the need for improvement and amendments to the act.

Gayathri Devi and DR K Logasakthi (2020)⁵, "A Comparative Analysis on Maternity Benefits In India With Other Countries.", The main emphasis of this paper is on maternity benefits in India and the rest. Today, one-third of women work through pregnancy and face a range of barriers to solving issues related to health. Government agencies in various regions around the world have implemented pregnancy insurance schemes. This applies, with some exceptions, to both the public and private sectors. i.e., a woman can work only when her maternity leave depends upon her monthly earnings and real absence as an organization over at least 80 days during the last 12 months. However, both the public and the private sector

⁴ Sharma, A. (2020). An Understanding of the Transitional Nature of Law around Maternity Benefits in India.

⁵ logasakthi, d. K. (2020). A comparative analysis on maternity benefits in india with other countries. *European Journal of Molecular & Clinical Medicine*, 7(3), 4928-4938.

companies for female employees on maternity benefits will be subject to the government legislation of the pay act. Motherhood insurance schemes contribute to safeguarding and assisting both mothers and their children's lives, like leave, wages, and rewards. It can work at home and can be extended if necessary. The employers and employees have a signed obligation. During and after pregnancy, it will support her take good care of her infant. This study, therefore, aims to deeply understand how maternity care services provide facilities for women and how they differ from other nations.

Ankita Verma, Rakesh Kumar Shukla and Y. S. Negi (2020)⁶, "An Analysis of Awareness and Implementation of Maternity Benefits Act – A Study in Western Himalayan State of Himachal Pradesh, India", One of India's workplace women's healthcare systems is the Maternities Benefits Act, 1961 (the most recent reform in 2017). This study considered the degree of understanding, the extent to which the Act would be applied, and the challenges that working women experience both before and after maternity leave in using the benefits of the Act. The study was surveyed of 112 contractual and daily working women, in the western Himalayan state of Himachal Pradesh, India, public and private education institutions. Just those women who took maternity leave and were brought back to research after their maternity leave. The study revealed that female staff and often working women had a lack of understanding. The pregnancy legislation is confused with schemes of motherhood. It became evident that women were not very much in general the voice on business owners' violence in the provision of prescribed benefits as they were concerned about work losses. Females: Females Emotional frustration and criticism from coworkers were experienced in the private industry if they were fully used leave the benefits. The government was suggested to notify women of maternal benefits Act by promotions for awareness. Business owners should also feel it their moral responsibility to pay due gain to and educate women in the workplace on the same matter.

II. MATERNITY BENEFIT (AMENDMENT) ACT, 2017

The Maternity Benefit Act was put in place to help and protect female employees who were expecting by providing them with maternity benefits like pay while they were expecting and bonuses, however it is only applicable to businesses with 10 or more employees.

The following establishment is covered under the act:

- Factories

⁶ VERMA, A., SHUKLA, R., & NEGI, Y. (2020). An Analysis of Awareness and Implementation of Maternity Benefits Act—A Study in Western Himalayan State of Himachal Pradesh, India. *Annals of Biology*, 36(1), 126-131.

- Mines
- Plantations
- Government establishments
- Shops
- Establishments under the relevant applicable legislation
- Establishment notified by the central government

According to the Maternity Benefit Act, a woman who has been employed for at least 80 days in the last year in the aforementioned industries. They'll obtain a salary based on their average daily pay basis and actual absence. This deed was governed by law as of April 1, 2017. Some specific advantages of this law include:

(A) Maternity leave for women and child: Every mother would be entitled to a 12-week maternity benefit under the Act. Under the Bill, this is extended to 26 weeks. According to the Act, within six weeks of the anticipated delivery date this maternity benefit must be used. In the Bill, this is modified to eight weeks. If a woman has two or more children, the maternity benefit will remain at 12 weeks, but it will not be available until six weeks before the expected delivery date.

(B) Duration of maternity leave: Every mother would be entitled to a 12-week maternity benefit under the Act. Under the Act, this is extended to 26 weeks. According to the Act, within six weeks of the anticipated delivery date this maternity benefit must be used. In the Bill, this is modified to eight weeks. If a woman has two or more children, the maternity benefit will remain at 12 weeks, but it will not be available until six weeks before the expected delivery date.⁷

(C) Maternity leave for adoptive and commissioning mothers: A clause in the law permits women to take up to 12 weeks of maternity leave:

- i. a mother who officially adopts a kid under the age of three months; and
- ii. a mother who holds the position of commissioning officer. A commissioning mother is a biological mother who uses her egg to create an embryo that is implanted in another woman.⁸

From the time the child is given over to the adoptive or commissioning mother, the 12-week

⁷ The Maternity Benefit (Amendment) Act, 2017

⁸ H. L. Kumar, Practical Guide to Maternity Benefit Act, (Universal Law Publishing, First Edition, New Delhi, 2017)

term of maternity benefit will be computed.

(D) Option to work from home: The law adds a clause stating that a woman may work from home by an employer. This would happen if it were possible to work from home by the nature of the job given to the lady. After the maternity leave time, this option may be used for a length which the employer and the lady mutually choose. The Act must provide a child nursery at a specified distance for every facility with 50 or more employees. In a Mother's Day four trips to the nursery are allowed. This includes the rest period.

(E) Informing women employees of the right to maternity leave: The law includes a provision that requires each institution to tell a woman about the maternity benefits available at the time of her appointment. Written and electronic communication should be used.

III. MATERNITY BENEFITS IN SINGAPORE

A working woman in Singapore who wants to receive maternity benefits from her employer and the government must meet the following requirements:

- The working woman must have been employed regularly for at least three months prior to getting pregnant or self-employed for the three months immediately following the birth of her child if the child is a citizen of Singapore.
- She should be wed to the child's father in a civil union.
- The employee was required to give the employer notice of her pregnancy before one week had passed.

Working women who fall into these categories are entitled to 16 weeks of paid maternity leave.

The company will cover the salary for the first eight weeks of leave. After paying the employee for the upcoming 8 weeks of leave, the government will refund the employer for that same amount. Only 12 weeks of leave may be taken if the infant is not a Singaporean citizen. For the first eight weeks of leave in this category, the employee will receive their actual income. Depending on the contract that the company and employee sign, the second four weeks of leave may be granted as unpaid time off. The employer will compensate the government for the wage provided during the 12 weeks for the first and second children, but not for the third or subsequent children.

Some exclusions:

- The mother is entitled to the entire amount of maternity leave if the kid is stillborn or dies soon after birth, and it is not counted when she applies for leave for her subsequent

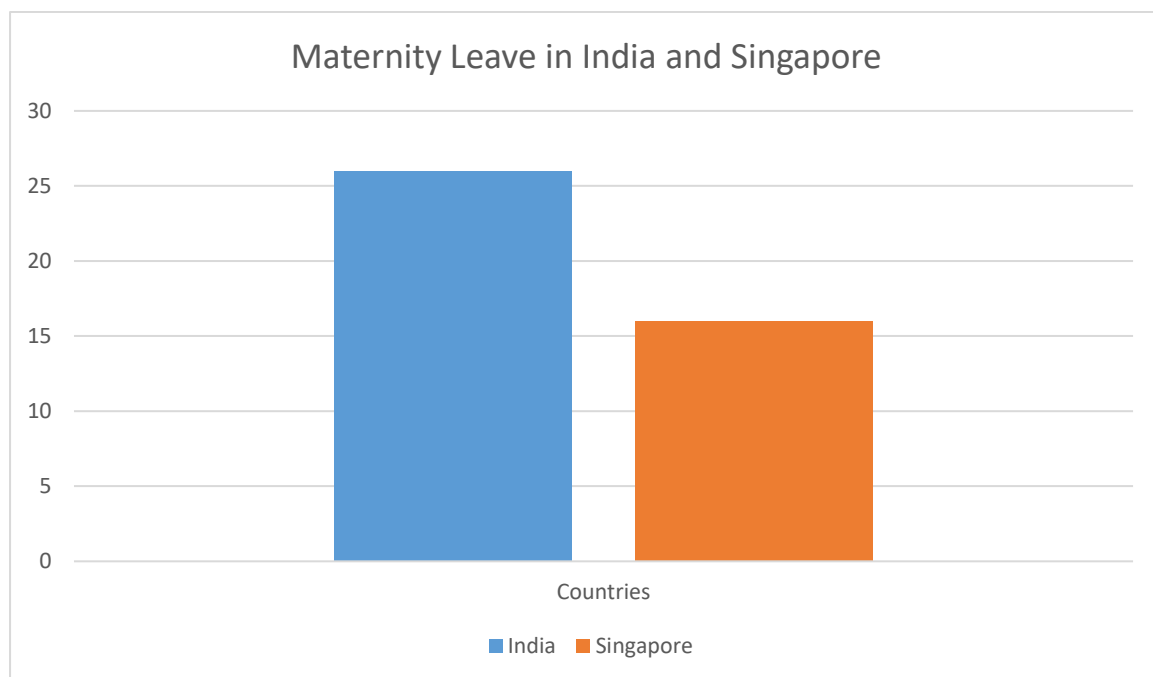
child.

- The advantages for the mother's twins are the same as those for a single child.
- If the pregnancy ends in abortion or a baby is lost after 20 weeks, the working woman may be eligible for solo sick time. It is not covered by the programme for maternity benefits.

Comparing maternity leave in India and Singapore using Table and Chart: Table No: 1

#	Country	Leave Period
1	India	12-26 Weeks
2	Singapore	Up to 16 Weeks

Chart No: 1



Interpretation:

Indian companies provide female employees more maternity leave than Singapore does. In Singapore, the maximum leave period is 16 weeks, compared to 12 to 26 weeks in India.

When converted to a percentage, India offers 62% of the total. Singapore is providing 38% of the total. Thus, it seems sense that India offers a longer leave duration.

IV. MATERNITY BENEFITS IN SRI LANKA

In Sri Lanka, the employed women are entitled to 84 days of maternity leave for the birth of

first and second child. These 84 days includes 14 days of pre-confinement leave and seventy days after confinement. If the confinement does not result in the form of a life child, in that case the pre-confinement period will remain the same, but the post confinement period will be reduced to 28 days. This ordinance applied to both the private and public sector employees.

Under the maternity benefit ordinance, the lactating mothers gets 2 hours of paid leave per day as nursing interval during the first six months to nurse their newborn children.

All female employees, both those who live on the employer's estate and those who do not, but who have given prior notice of pregnancy in the required manner and are seeking the alternative benefits, are eligible for these alternative maternity benefits.

Women employees who opt not to use the alternative maternity benefits are not eligible to receive the 84 days of paid leave offered as a maternity benefit.

After confinement she must inform the employer within a week about the date of delivery for the purpose of ascertaining the number of days, she is permitted to absent herself from the employment. She should also specify the number of children she has.

The Commissioner may revoke the certificate of exemption if the employer is not providing the alternative benefits as claimed and the Commissioner is not satisfied.

A maternity ward or lying-in room for the use of the woman worker, the assistance of a midwife at the time of delivery, a stay of at least 10 days in the maternity ward or lying-in room, and the supply of free meals during this time would all be considered alternative benefits. Such benefits should be paid to female employees at a proportion of 4/7ths of the benefits owed.

Given that she already has two living children, the female employee will be entitled to 42 days of maternity leave in the event that she gives birth to twins during the first confinement. It is crucial to remember that the number of children at the time of confinement, rather than the number of previous confinements, is what is taken into account. Additionally, estates offer nurseries for the newborn children of their employees. No employer shall knowingly employ a woman worker at anytime during the period of four weeks immediately following her confinement.

(A) Payment of Maternity Leave

If a woman's confinement results in the issue of a live child, she will be entitled to maternity benefits for a period of:

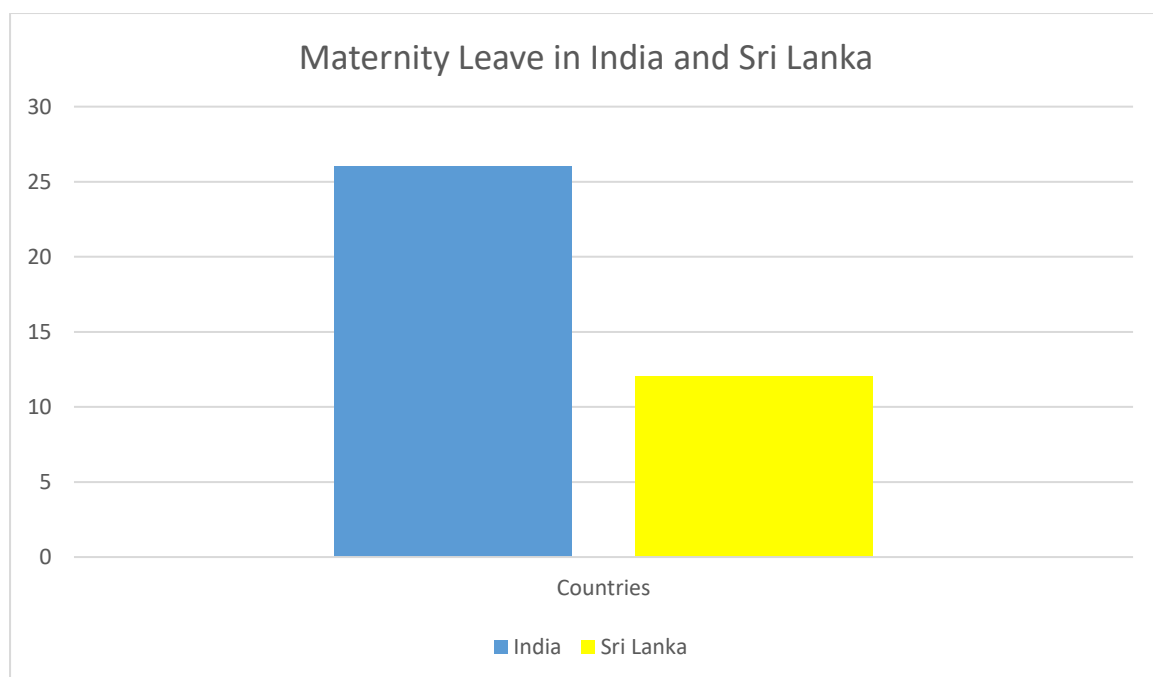
(a) twelve weeks, or two weeks up to and including the day of her confinement and ten weeks immediately following that day; and

(b) six weeks, or two weeks up to and including the day of her confinement and four weeks immediately following that day, if the confinement does not result in the issue of a live child.

Comparing maternity leave in India and Sri Lanka using Table and Chart: Table No: 2

#	Country	Leave Period
1	India	12-26 Weeks
2	Sri Lanka	12 Weeks

Chart No: 2



Interpretation:

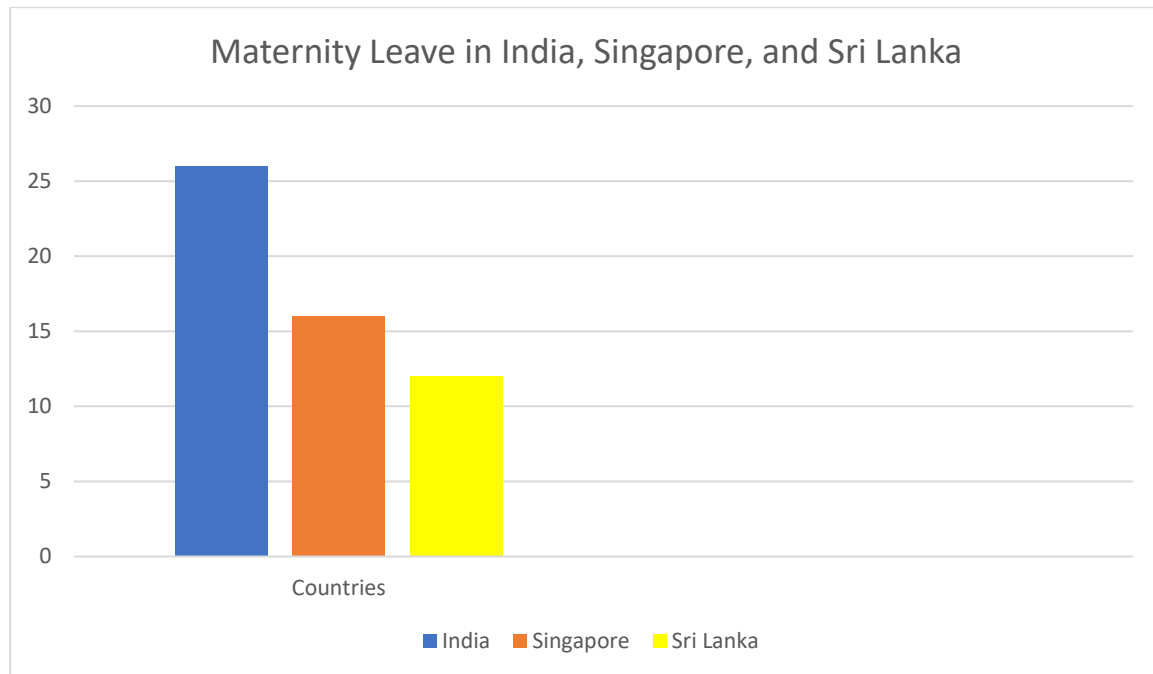
Indian companies provide female employees more maternity leave than Sri Lanka does. In Sri Lanka, the maximum leave period is 12 weeks, compared to 12 to 26 weeks in India. Thus, it seems sense that India offers a longer leave duration.

V. OVERALL VIEW

Comparing maternity leave in India, Singapore, and Sri Lanka using Table and Chart: Table No: 3

#	Country	Leave Period
1	India	12-26 Weeks

2	Singapore	Up to 16 Weeks
3	Sri Lanka	12 Weeks

Chart No: 3**Interpretation:**

In the diagrams above, a table and a chart compare the overall performance of the three nations. By observing, we can easily see that India's maternity benefits and leave length are higher than those supplied by the governments of the other two nations listed above.

VI. IMPORTANCE OF MATERNITY BENEFITS

Women employees today work on an equal basis with males employees. As a result of the conversion of many joint families to nuclear families, both men and women are now in a position to work and raise the standard of the family. However, women's physical condition differs from men's.

Women face physical challenges that males do not, particularly during pregnancy.

To restore their health and care for their new-born child, the maternity benefits are required.

VII. OBSERVATIONS AND DISCUSSION

The significance of maternity benefits as well as the availability of maternity leaves in India, Singapore, and Sri Lanka have been discussed in this research paper. It has been demonstrated in a comparative explanation utilising charts and tables. It is beneficial to understand the leave

advantages that a woman may receive throughout her pregnancy as well as how maternity leave and benefits differ from one country to the next.

The significance of maternity benefits and programmes used in several nations, including India, Singapore, and Sri Lanka, is illustrated in this paper. It aims to investigate the advantages and permitted leaves in particular. The above-mentioned countries have received a full Act and description.

VIII. CONCLUSION

Every working woman should have come to the decision of whether to stay at her job or quit during her pregnancy. There, the challenge is to decide between her personal life and her career. Thus, maternity programmes were developed to assist mothers and their unborn children while they were pregnant. These programmes aid the mother's health and lessen her stress levels and negative attitudes.

The maternity benefits prevent the woman from quitting her job and prevent the child from developing a "dark side" sensation, which is a bad feeling a child can get if it doesn't receive parental care from an early age.

In order to learn more about the maternity advantages and privileges that women receive while pregnant, I travelled to Singapore, Sri Lanka, and India for study and research. According to the research, Singapore will soon offer 16 weeks of paid maternity leave along with other benefits. Working women in Sri Lanka are granted 12 weeks of maternity leave as well as various benefits. India offers 26 weeks of paid maternity leave, with payments based on eligibility and base wage.

Finally, maternity leave and perks are provided to ease the pressure of working while pregnant on women and to help them feel comfortable and confident during that trying time. It aims to assist female employees both personally and professionally.

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