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### **A Study on Maternity Benefit and Its Effectiveness in Workplace**

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#### **Abstract**

Maternity Benefits are the benefits received by women during pregnancy and to promote child care. A woman must be working as an employee in an establishment for a period of at least 80 days in the past 12 months to be entitled to maternity benefit under the provisions of the Maternity Benefit Act. A woman must be working as an employee in an establishment for a period of at least 80 days in the past 12 months to be entitled to maternity benefit under the provisions of the Maternity Benefit Act. The objectives of the paper is to analyse the laws and schemes made for the women for a period of maternity safeguards their rights, to know about the effective implementation of laws for the welfare of women in the workplace, to analyse the main problem experienced by women during their maternity period in the workplace. The research method followed here is empirical research. 200 responses have been collected which are taken through convenient sampling with a well-structured questionnaire. The information collected are age, gender, occupation Marital status, education qualification and the variables related to maternity benefits and its effectiveness in workplace.

#### **Keywords**

Employee, welfare, maternity period, benefits, workplace.

#### **INTRODUCTION**

Maternity is certainly, one of the greatest and the most transcendent manifestation of this nature but it comes with its own intricacies for the wombs that foster it. It is for this reason that Maternity benefits have been acclaimed as the most indispensable Human right as women continue to face dismissal and discrimination in hiring pertaining to their maternity. The environment at the workplace can put the health of the mother at perils due to maybe exposure to pesticides, solvents and other chemicals, compulsions of physically exacting work (e.g. heavy lifting); and irregular or prolonged stressful working hours. All these could be really detrimental to the health of pregnant women and their fetuses, including greater risks of preeclampsia and hypertension, complications during pregnancy, miscarriage, and stillbirth, fetal growth retardation, premature birth, and various other problems.

The objective of maternity benefits is to protect the dignity of "Motherhood" by providing the complete & health care to the women & her child when she is not able to perform her duty due to her health condition. There is need for maternity benefits so that a woman is to be able to give quality time to her child without having to worry about whether she will lose her job and her source of income.

Maternity Benefit: Sections 5, 6, and 7 provide for the right that women have to receive maternity benefit from their employers. In accordance with Section 5(2), a woman can only claim maternity benefit from an employer after completing a minimum period of 80 [eighty] days in the employment of the establishment from whom such benefit is being claimed, in the twelve months immediately preceding the date of her expected delivery. Such benefit is available to any woman working in the employment of the establishment, irrespective of the contract she has with the establishment. It was held by the Supreme Court that the benefit that was conferred by the Maternity Benefit Act, read with Article 42 of the Indian Constitution, was directed to help women to not only safeguard her maternity rights but also preserve her effectiveness as an employee and keep her efficiency level stable. She, therefore, requires any amount that may become payable to her, in lieu of the medical expenses and wellbeing of the child.

Maternity leave is the time, typically measured in weeks, a mother takes off from work following the birth of her baby. Many employers also offer leave for the father, typically referred to as paternity leave. Maternity and/or paternity leave may or may not be paid. As such, expectant parents may have to accommodate a reduction of income while on leave in addition to the added costs associated with newborn babies. Around the world, minimum maternity leave guidelines are often regulated by law and in many cases funded by the government with employers free to offer better terms if they wish. As a result, the number of weeks granted for maternity leave and the percentage of pay received during that time varies from one country, state (where applicable), and employer to the next.

#### **OBJECTIVES:**

- To analyse the laws and schemes made for the women during the period of maternity safeguards and their rights
- To analyse the effective implementation of laws for a welfare of women in workplace
- To analyse the main problem experienced by women during their maternity period in the workplace.

#### **REVIEW OF LITERATURE**

**Blau and Ehrenberg (1997)** have discussed the Effectiveness and Impact of Maternity Benefit (Amendment) Act, on Employment in Unorganized Sector with Reference To Construction Company (West Nagpur, Maharashtra, India)", this articles aids to understand effectiveness of maternity benefits and also it creates an awareness among working women to know their rights. It helps them to understand social security and protections available for them.

**Litwan et al. (2021)** has discussed the Working paper on Labour Regulations in India: the study reveals that the workers in organised sector get all welfare benefit, including maternity. Whereas, workers employed in unorganised sector fraught with uncertainty of job and benefit. The study proposed that the government should work towards enhancing social security incrementally in unorganised sector

**Abou-ElWafa and El-Gilany (2019)** has discussed the leave and wages paid Maternity Benefit Act of India grants full-paid absence of work for working maternity mothers and the new bill raised the leave duration to 26 weeks for the new mothers in

all establishments (including the private sector) contrary to the original 12 weeks paid-leave. Implications of the new maternity act.

**Galloway et al. (2020)** has discussed the study suggested that as a first step, the government should provide leave for the working women who have to forgo their earning during the period of maternity. After granting a raise in paid maternity leave, India now holds position among the top 16 countries those provide the longest maternity leave and after Norway and Canada it is the 3rd single largest.

**Galloway et al. (2020)** have analysed the Women workers in the unorganised sector: Labour laws do not offer protection and welfare to the workers employed in unorganised sector, whatever protection available is inadequate. 92% of the women workforces are employed in unorganised sector. Women employed in construction industry are mostly exploited; they are employed on casual basis.

**Pereira-Kotze et al. (2022)** have analysed that the Women, along with workers from ethnic minorities, migrant workers and both older and younger workers, are disproportionally found in SMEs. Maternity protection and family responsibilities are, therefore, a key concern for both women workers and their employers. Maternity protection is often perceived as a burden by small business owners. In some countries, the law provides that employers should shoulder maternity leave cash benefits, while, in others, regulations exempt employers in SMEs from applying maternity protection provisions.

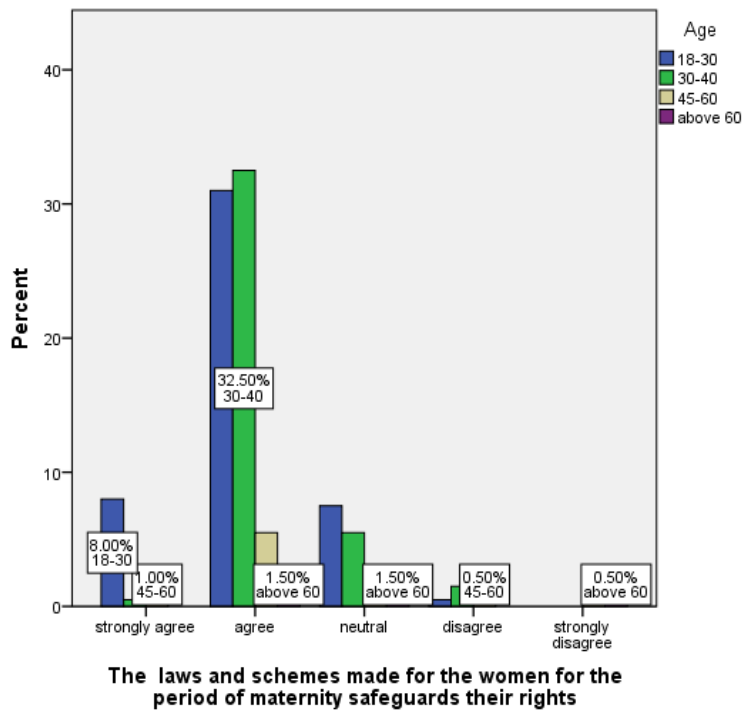
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## **METHODOLOGY**

The study used both primary and secondary data. primary data collected from the respondents using convenient sampling with the structured questionnaires information such as age, gender, occupation Marital status and education qualification and opinions on the laws and schemes made for the women for a period of maternity safeguards their rights. The total responses collected is of 200 samples. secondary information is also collected from various sources like books, articles, research papers etc.. primary data was collected through questionnaires. simple percentage and graphs were used.

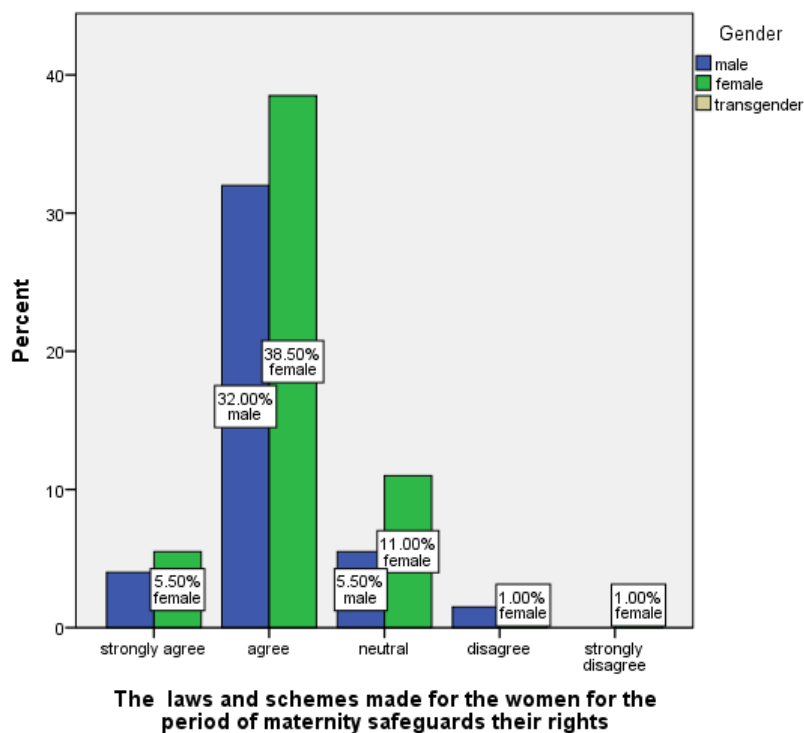
**ANALYSIS:**

FIGURE 1-



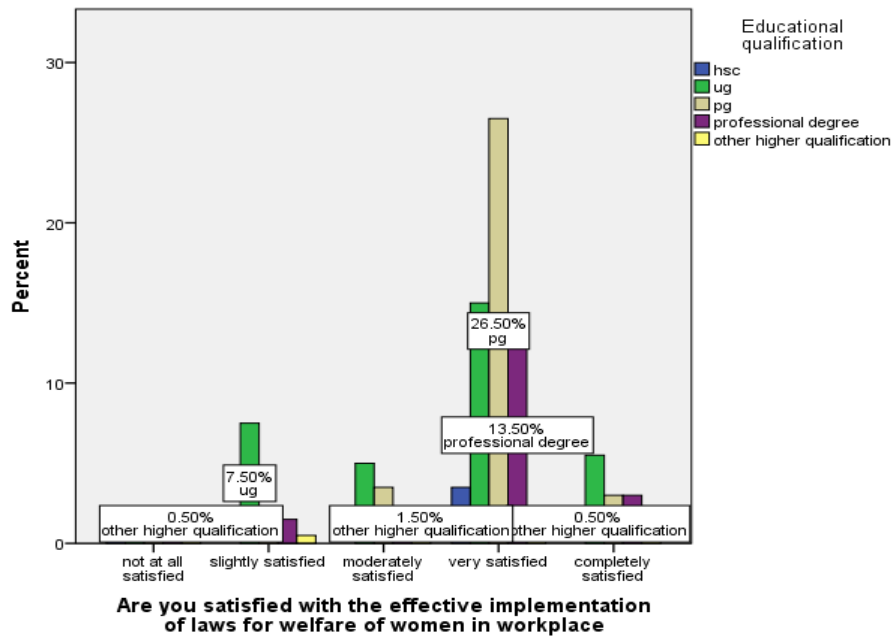
Legend: Figure 1 shows the distribution of age of the respondent and opinion on the laws and schemes made for the woman for the period of maternity safeguards and their rights.

FIGURE 2-



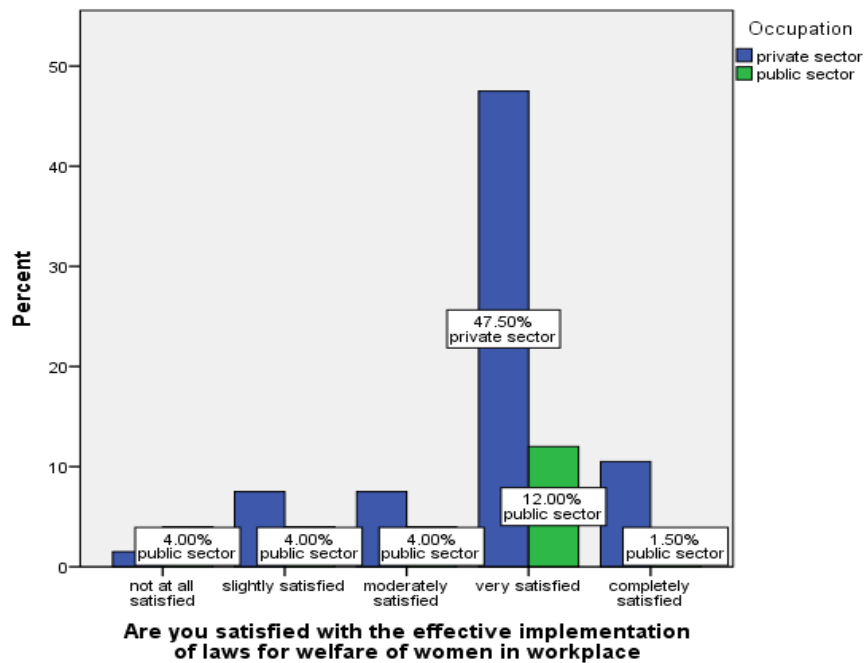
Legend: Figure 2 shows the distribution of Gender of the respondent and opinion on the laws and schemes made for the woman for the period of maternity safeguards their rights.

FIGURE 3-



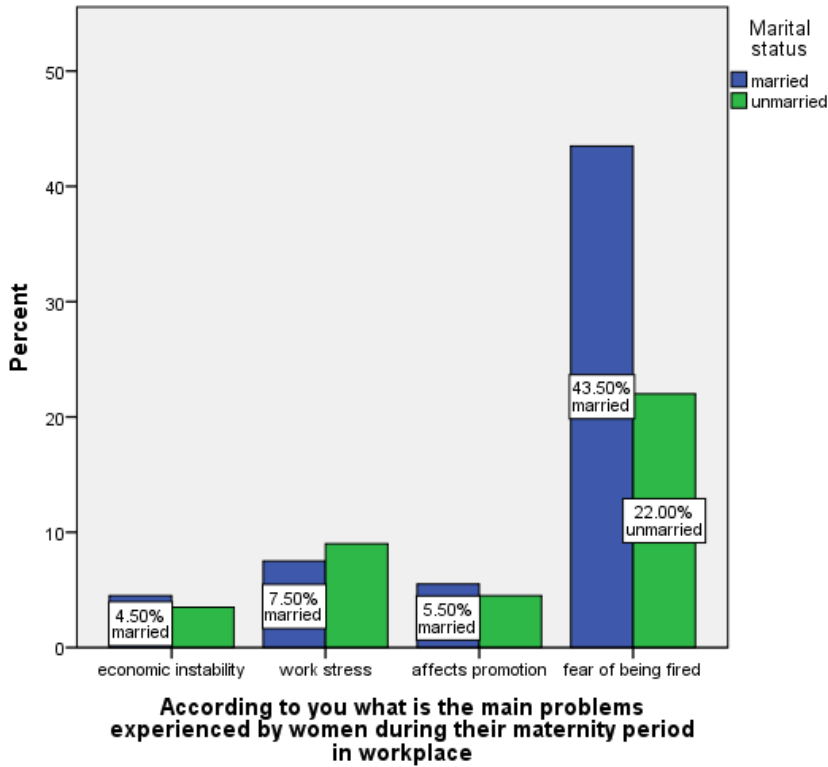
Legend: Figure 3 shows the distribution of Educational qualification of the respondent and opinion on the effective implementation of laws for welfare of women in the workplace.

FIGURE 4-



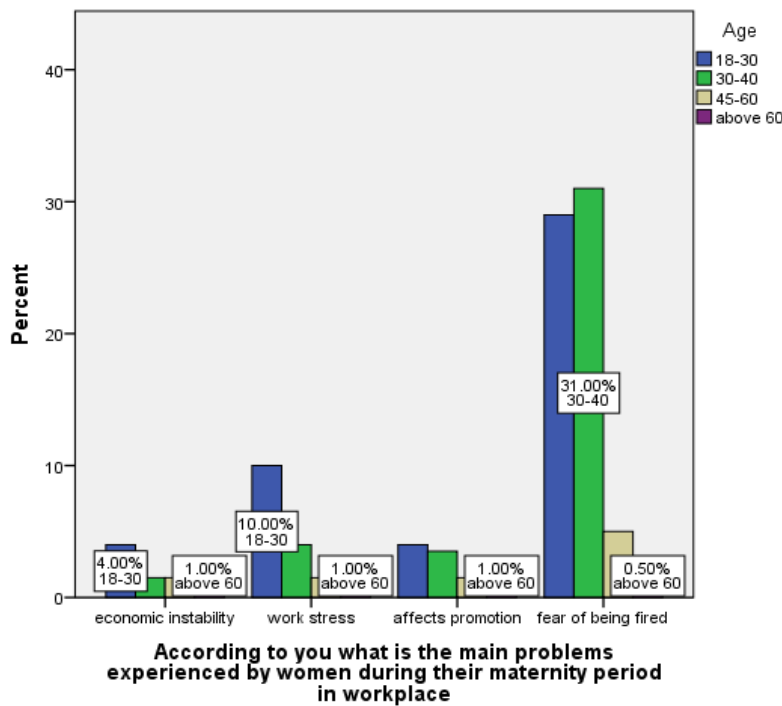
Legend : Figure 4 shows the distribution of Occupation of the respondent and opinion on the effective implementation of laws for welfare of women in the workplace.

FIGURE 5-



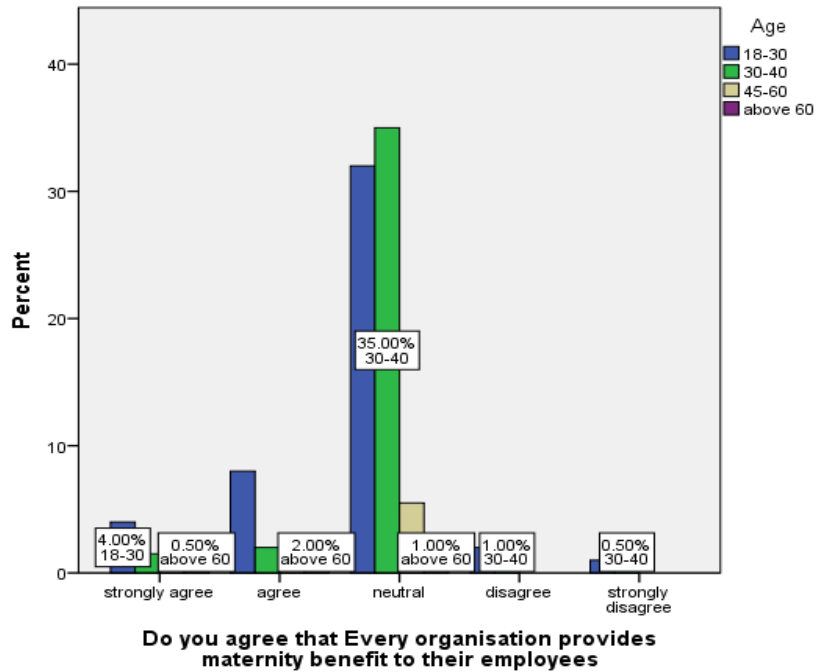
Legend : Figure 5 shows the distribution of Marital status of the respondent and opinion on the main problems experienced by women during their maternity period in workplace.

FIGURE 6-



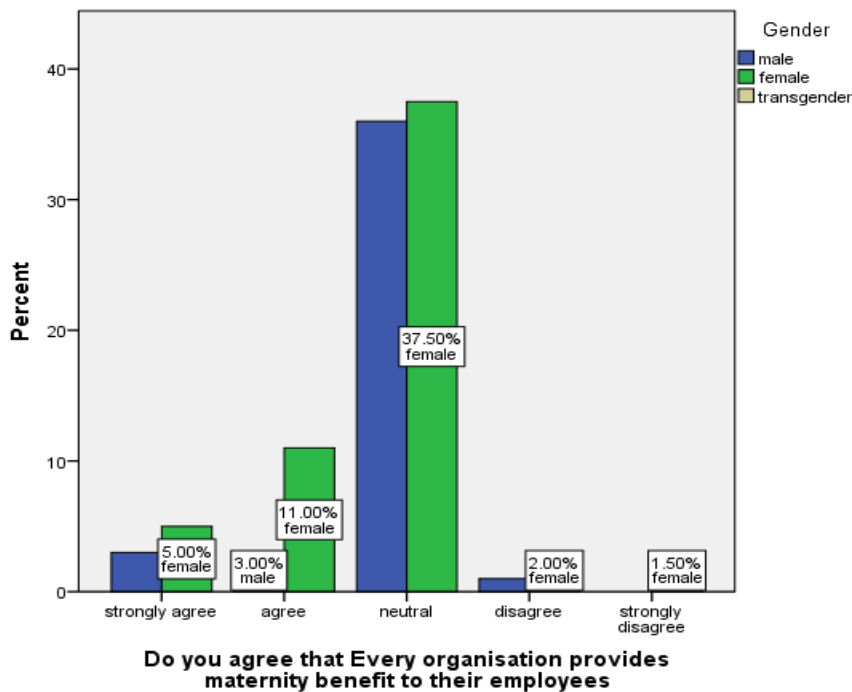
Legend :Figure 6 shows the distribution of Age of the respondent and opinion on the main problems experienced by women during their maternity period in workplace.

FIGURE 7-



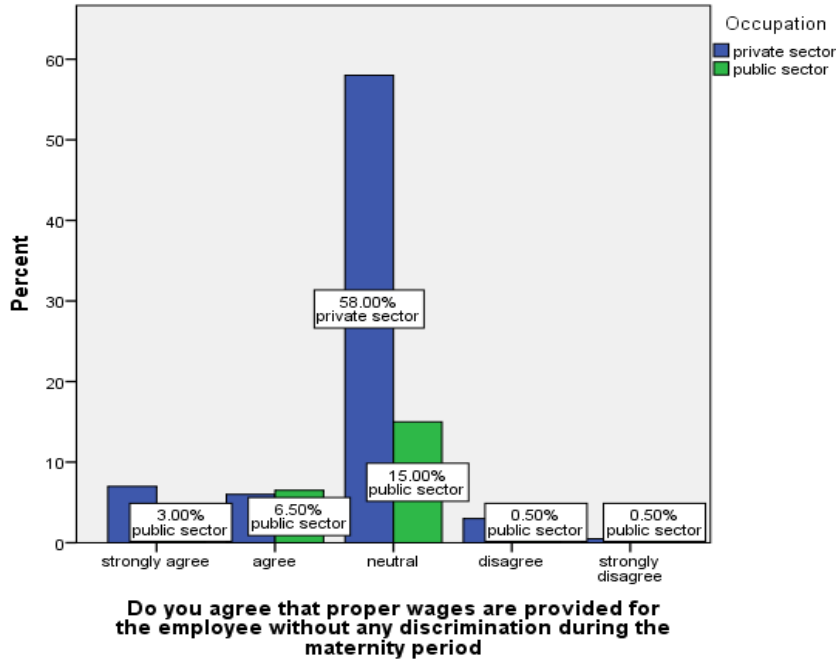
Legend: Figure 7 shows the distribution of Age of the respondent and opinion on the Every organization provides maternity benefit to their employees.

FIGURE 8-



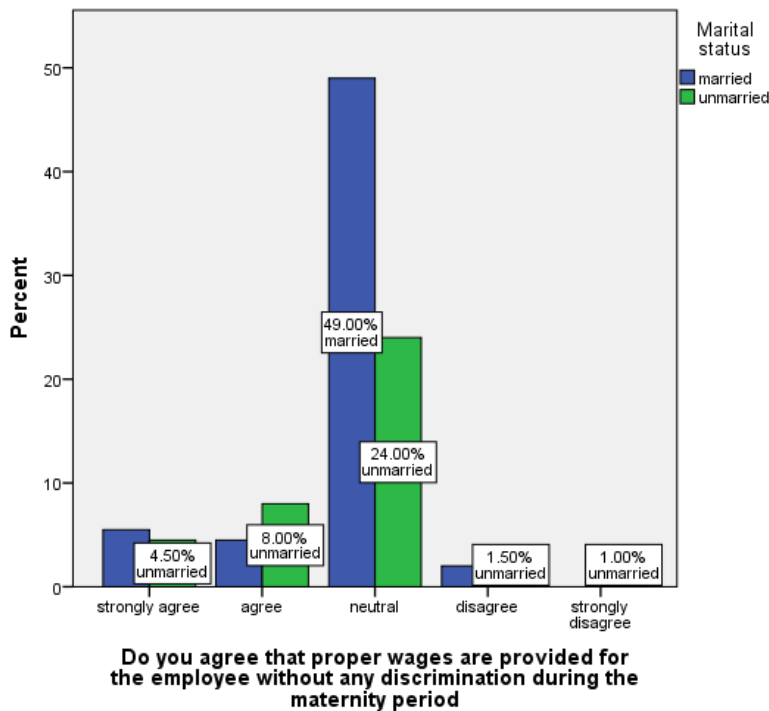
Legend: Figure 8 shows the distribution of Gender of the respondent and opinion on the Every organization provides maternity benefit to their employees.

FIGURE 9-



Legend: Figure 8 shows the distribution of Occupation of the respondent and opinion on the proper wages are provided for the employees without any discrimination during the maternity period.

FIGURE 10-



Legend: Figure 10 shows the distribution of Martial status of the respondent and opinion on the proper wages are provided for the employees without any discrimination during the maternity period.



## RESULT

- The first question is regarding the the laws and schemes made for the women for the period of maternity safeguards their rights with the agreeability options The results are portrayed in the **Figure 1 and 2**.Figure 1 shows the results being compared with independent variable age. Figure 2 shows the results being compared with the independent variable gender.On analysing the results it was found that most of the people opted the option Agree.
- The second question is regarding the satisfaction level of the respondent with the effective implement of laws for welfare of women in workplace.The results are portrayed in the **Figure 3 and 4**.Figure 3 shows the results being compared with independent variable Educational qualification.Figure 4 shows the results being compared with independent variable occupation.On analysing the results it was found that most of the people opted the option very satisfied.
- The third question is regarding the the main problems experienced by women during their maternity period in workplace.The results are portrayed in the **Figure 5 and 6**.Figure 5 shows the results being compared with independent variable Marital status.Figure 6 shows the results being compared with independent variable Age.On analysing the results it was found that most of the people responded for the option fear of being fired is the main problem for women during the maternity period.
- The fourth question is regarding the Every organization provides maternity benefit to their employees.The results are portrayed in the **Figure 7 and 8**.Figure 7 shows the results being compared with independent variable Age.Figure 8 shows the results being compared with gender.On analysing the results it was found that most of the people opted with the option neutral.
- The fifth question is regarding rating the the proper wages are provided for the employees without any discrimination during the maternity period with the options of strongly agree,agree,neutral,disagree and strongly disagree The results are portrayed in the **Figure 9 and 10**.Figure 9 shows the results being compared with independent variable occupatio .Figure 10 shows the results being compared with Marital status.On analysing the results it was found that most of the people responded for the option Neutral.

## DISCUSSION

The first question is regarding the the laws and schemes made for the women for the period of maternity safeguards their rights with the agreeability options The results are portrayed in the Figure 1 and 2.Figure 1 shows the results being compared with independent variable age. Figure 2 shows the results being compared with the independent variable gender.On analysing the results it was found that most of the people opted the option Agree.The second question is regarding the satisfaction level of the respondent with the effective implement of laws for welfare of women in workplace.The results are portrayed in the Figure 3 and 4.Figure 3 shows the results being compared with independent variable Educational qualification.Figure 4 shows the results being compared with independent variable occupation.On analysing the results it was found that most of the people opted the option very satisfied.The third question is regarding the the main problems experienced by women during their maternity period in workplace.The results are portrayed in the Figure 5 and 6.Figure 5 shows the results being compared with independent variable Marital status.Figure 6 shows the results being compared with independent variable Age.On analysing the results it was found that most of the people responded for the option fear of being fired is the main problem for women during the maternity period.The fourth question is regarding the Every organization provides maternity benefit to their employees.The results are portrayed in the Figure 7 and 8.Figure 7 shows the results being compared with independent variable Age.Figure 8 shows the results being compared with gender.On analysing the results it was found that most of the people opted with the option neutral.The fifth question is

regarding rating the the proper wages are provided for the employees without any discrimination during the maternity period with the options of strongly agree, agree, neutral, disagree and strongly disagree The results are portrayed in the Figure 9 and 10. Figure 9 shows the results being compared with independent variable occupatio .Figure 10 shows the results being compared with Marital status. On analysing the results it was found that most of the people responded for the option Neutral.

#### **LIMITATIONS:**

The limitations to the study include issues with sample and selection, insufficient sample size for statistical measurement, lack of previous research studies on the topic, limited access to data and time constraints.

#### **CONCLUSION:**

After analyzing various provisions of the 1961 Act and related cases it can be concluded that Maternity Benefit Act, 1961 is a boon for the working women in the sense that they don't have job insecurity during their maternity period. But there are certain shortcomings of the Act which needs to be looked upon. Firstly, the duration of leave must be extended in order to allow a mother to fully recover and recuperate as well as efficiently nurse her new born child. Within this, the duration of post natal period must be extended keeping in mind factors like rise in number of late marriages, cesarean births, nuclear families and increasing urbanization. In the 44th Indian Labour Conference, held in February, 2012, it has been recommended that Maternity Leave under the Maternity Benefit Act be increased from the present level of 12 Weeks to 24 Weeks the responsibility of child care is often singularly put upon women. This reinforces patriarchal otions and stereotypes and also enhances the discrimination they face from employers. In order to reduce these factors, the Act should also make a provision for paternity leave and follow a more egalitarian approach. Also, protection should be available to persons who adopt children.

#### **SUGGESTION:**

- Under the Maternity Benefit Act, 1961 benefit only availed by a majority of women worker employed in the organized sector. In India only 4 percent of women of the total women workforce in India are employed in the formal sector. The moment a woman becomes pregnant she is seen as a burden. The Act is biased towards the workers in formal labour force.
- The Act does not provide for paternity leave, it put the onus of the newborn's rearing on the mother. The inclusion of paternity leave is felt to be important to create a system through which a balance can be achieved to meet the responsibilities.
- The paid maternity leave period is discriminatory in a case of biological mothers it is 26 weeks & on the other hand for adopting & commissioning mothers it is only 12 weeks. It is important to note that time and attention required rising and looking after the child is similar in both the cases.
- The number of paid weeks reduces to twelve weeks in case of third birth; it has an impact on the upbringing of the child.
- Increased maternity period creates a financial burden on the employers.
- The amount as paid through various schemes is not adequate to meet out the exigencies of pregnancy.
- An independent body should be constituted to analyze the application and progress of the Act. Awareness towards the Act/ schemes through various means should be done at ground level.

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