India’s Landmark Maternity Bill: Getting Ready for a Working-Mother-Friendly Workplace

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Abstract--- The passing of the Maternity Benefit (Amendment) Act, 2017 in India is sure a landmark change to address the challenges being faced by increasing number of women workforce, especially in India where socio-cultural norm demands the working women to take care of the house as well as her work. Increasing women in workforce also does not see men partaking in unpaid care work at home. This paper uses case study approach to explore some of the working mother’s best strategies and initiatives across the world vis-a-vis the new maternity benefit bill in our country, and bring forth the need to identify new areas where working-mother-friendly workplace can be nurtured in our country.

Keywords--- Maternity Benefit, Unpaid Care, Paternity Leave, Family Support.

Introduction

March 27, 2017 rained in good news to the mothers as amendment to the Maternity Benefit Act was given assent by the President of India, and this was published in the official gazette on March 28 as the Maternity Benefit (Amendment) Act, 2017. This act regulates the much needed maternity leave entitlement and other related benefits for women employed in factories, mines and shops or commercial establishments with 10 or more employees. This increase in leave from 12 weeks to 26 weeks was much relief to nearly 1.8 million women workforce in the organized sector in India. This also puts India in the third position after Canada and Norway, which provides maternity leave for 50 weeks and 44 weeks respectively. This indeed is being regarded as a progressive amendment and would have a positive impact on women participation at work place and foster a healthy balance between work and family life. This is the most welcome amendment in our country to Maternity Benefit Act, as reports by publications like Wall Street Journal 2016 points that India has one of the world’s most inconsistent female participation rates in its labor force. A recent study published by Times Jobs 2017 also reiterates that a vast majority of working women do not find their workplaces woman friendly. This calls for what more and what else needs to be revamped.

Literature Review

A look into the key amendments of the Maternity Benefits Bill 2017 clearly portrays how it regulates paid maternity leave entitlement and other related benefits for women employed in factories, mines and shops or commercial establishments employing 10 or more employees. Some of the key amendments of the act are:

- **Increased Paid Maternity Leave:** The MB Amendment Act has increased the duration of paid maternity leave available for women employees from the existing 12 weeks to 26 weeks. Under the MB Amendment Act, this benefit could be availed by women for a period extending up to 8 weeks before the...
expected delivery date and remaining 18 weeks can be availed post childbirth. For women who are expecting after having 2 children, the duration of paid maternity leave shall be 12 weeks (i.e., 6 weeks pre and 6 weeks post expected date of delivery).

- **Maternity leave for adoptive and commissioning mothers**: The MB Amendment Act extends certain benefits to adoptive mothers as well and provides that every woman who adopts a child shall be entitled to 12 weeks of maternity leave from the date of adoption.

- **Work from Home option**: The MB Amendment Act has also introduced a provision called "work from home", which may be exercised after the expiry of 26-week leave period. Depending upon the nature of work, women employees may be able to avail this benefit on terms that are mutually agreed with the employer.

- **Crèche facility**: The MB Amendment Act makes crèche facility mandatory for every establishment employing 50 or more employees. Women employees would be permitted to visit the crèche 4 times during the day.

- **Employee awareness**: The MB Amendment Act makes it mandatory for employers to educate women about the maternity benefits available to them at the time of their appointment.

This will surely enhance increased women participation in the labour force and improved work-life balance too. However, critics opine that the same facility be extended to men too, as both the father and the mother play an equal role in upbringing of their child. Yet, not many companies are following these amended provisions, and dissatisfaction prevails among working mothers. Data also reveals that Indian women are provided maternity leave than what is provided in developed countries like Japan, Germany, United Kingdom and South Korea.

On the other hand, studies also reveal some disturbing hard facts. Majority of the women feel there is bias in career progression when compared to men in aspects like promotion, salary increase and incentives. A study by Times Jobs Bureau 2017 found that nearly 70% of the women employees had rated flexibility in their organizations as poor, and is a major reason for them to join or leave a company. Also, most working mothers find their employers are indifferent to their need for more leaves than the regular ones, as women in our social context shoulders more childcare responsibilities than men. In another study, the female respondents to the survey have reported that their career ambitions are just as high as those of their male peers, and that they are willing to do what it takes to achieve their goals and ambitions (IWN Survey, 2015-16). The Indian social structure expects women to work as well as to take care of her family responsibilities; there is no change in sharing her unpaid care work at home. These are really quite rattling challenges to be faced by women amidst other workplace bias and challenges that she has to face. This then calls for better workplace strategies and initiatives especially for the working mother, as this is the one that causes disruption in her career to family or settling down for a less rewarding career. This is also the need of the hour, as our country’s rich demographic advantage in terms of young workforce containing both men and women have begun to set foot in the workspaces.
Objective of the Study

The aim of this paper is to identify strategies and initiatives that can be mooted towards making our workplaces friendly to working mothers, as the Maternity Bill (amendment) Act 2017 alone is not the solution when we review the multitude of challenges being faced by working women in general and working mothers in particular.

Research Methodology

This study will use a case study approach to learn, unlearn and relearn from successful women-friendly workplace initiatives from across the globe, as we today represent a globalized economy.

Discussion & Learning

Case Study 1: Considering a few significant excerpts from IWN Survey on “Favorable Ecosystem that will make a Difference for Women” in the year 2015-16 in India: The study brought forth that on analysis of the opinion of male and female respondents with reference to various corporate cultural challenges using percentage point difference showed significant differences in opinion on the variables “In my organization women are as likely as men to reach top management” and “Pregnancy & maternity leave undermine a women’s career”, and this shows male counterparts feel workplace gender issues for women are less in comparison to women as can be seen from the exhibit below.

<table>
<thead>
<tr>
<th>Individual factors - Opinion of Female Respondents</th>
<th>Strongly Agree</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Even with equal skills and qualifications women have much more difficulty in...</td>
<td>27</td>
<td>40</td>
</tr>
<tr>
<td>Working part time reduces the chances of reaching top management</td>
<td>24</td>
<td>55</td>
</tr>
<tr>
<td>A top career implies anywhere anytime availability that requires sacrifices</td>
<td>29</td>
<td>59</td>
</tr>
<tr>
<td>Pregnancy and maternity leave undermine a women’s career</td>
<td>21</td>
<td>28</td>
</tr>
<tr>
<td>In my organisation women are as likely as men to reach top management</td>
<td>65</td>
<td>35</td>
</tr>
</tbody>
</table>

(Source: IWN Survey 2015-16)

Another important observation on variables related to performance which companies seem to adopt is also a reason of concern for career growth of women in particular, as our Indian society still looks upon women to work as well as take care of her family responsibilities. This is so, even though both men and women respondents agree that a top level career implies “anytime, anywhere” availability to work, and this
standard surely does impose severe penalties on the growth and development of women professionals in today's organizations. This finding very much coincides with World Fathers Care Report published by Mencare (2015) which highlights that despite increasing women embracing jobs, there is no compensatory decrease in women's participation in the unpaid care work at home. A UN report defines unpaid care work as including domestic work (meal preparation, cleaning, washing clothes, water and fuel collection) and direct care of persons (including children, older persons and persons with disabilities, as well as able-bodied adults) carried out in homes and communities with no financial recompense.

It is also seen that 72% of women and 58% of men agree that working part-time does have its share in thwarting their career path. This opinion is high among women where significantly working part-time is considered as an opportunity to enter into employment market.

The study though reveals that in terms of physical infrastructure there are women-friendly workplaces like uniform being enforced, First Aid kits, hygienic toilets/washrooms, security gate is provided, strangers are not welcome, reading and indoor sports is available, etc.

**Learning:** The study thus calls for urgent need to correct the disparity at workplace through a functional paternity leave provision. This will provide a chance for men to participate in “involved fatherhood”. This will contribute towards social, cultural and economic benefits to family and nation. This paves way for speedy recovery of women after pregnancy and brings down postpartum depression too. This will lead to equal leaves for both and help companies to verify whether male employees will experience a career stall if they avail this opportunity. Although a paid paternity leave has cultural implications in a country like India, it is being increasingly introduced by organizations like Netflix, Microsoft, Facebook, etc. This also requires the incumbent to declare himself as the primary caregiver before being qualified for the same. When equal leave opportunity is provided, this adds on as an investment in relationship and reduce the tension levels of women professionals. This has been proved by academic research done mostly in Europe.

**Case Study 2:** This is based on 2017 Working Mother 100 best companies (survey report from Bonnier Corporation, 2017) in America. The report was compiled after examining responses to over 400 questions on leave policies, workforce representation, benefits, childcare, advancement programs, flexibility in policies and more. A snapshot of the data reveals that:

- The ratio of men: women in the 100 Best Companies for working mothers were 54%:46%. The ratio of men: women managers in these companies were 56%:44%.
- The number of weeks of paid leave available at 100 best companies was 10 weeks. This was, however, 15 weeks in the top 10 and 25 companies. On an average, only 9 weeks were being utilized.
- It was interesting to observe that the fully paid paternity leave was 4 weeks on an average in the 100 best companies. Also it was 9 weeks and 7 weeks in the top 10 and 25 companies.
All the companies were offering phase-back programs or reduced-hour programs to their full-time female employees who return to work after pregnancy.

Flexible work timings and telecommuting were available. These companies also provided support for telecommuting equipment and supplies.

Most companies provide benefits that help their employees’ families grow like egg freezing, surrogacy, in vitro fertilization, childcare referral services, before and after school child care, etc.

**Learning:** Working Mother 100 Best Companies reflect their employees have flexible schedule, advancement programs and family support that make them stay productive and satisfied. We also see quite innovative strategies and initiatives being followed by these companies in terms of parental leave, family support and advancement programs which stand quite ahead of our country’s ecosystem for working women, though we give one of the best maternity leaves, i.e., 12 weeks while the average in US is 10 weeks and some return earlier than that (9 weeks).

**Conclusion**

A comparison and contrast of workplace ecosystem prevailing for working mothers in the US and India show significant differences in terms of the number of weeks of paid leave provided to women and men in the form of maternity and paternity leaves. Also, the family support programs provided to working mothers like flexible schedule, preschool and afterschool care, and eldercare programs are really a big move towards bridging the gap between before and after pregnancy, and empowers women to be competitive at their workplaces. The strategies being followed by these Working Mother 100 Best Companies will surely satiate the aspirations of our working mothers and put them on par with their male counterparts to progress in a positive manner in their career.

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