

## HUMAN CAPITAL- IMPACT ASSESSMENT OF AMENDED MATERNITY BENEFITS ACT, 2017

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### Abstract

*Maternity Benefits play a critical role in ensuring adequate comfort to female employees in pursuance of their careers. It is therefore essential to understand fully, the rights, protections and the efficacy of such benefits in a certain society. With this study, we look into the aforementioned parameters with objectivity and present a holistic assessment of the Maternity Benefits Act 2017 passed in its current form by the parliament of India. We study the impacts of the act through a thorough analysis of the various features of the Act and to further study the efficacy we conduct interactions with stakeholders and beneficiaries of the act. We look into the need of the act and the importance of the individual features of Maternity Benefits. With this study, we aim to achieve a substantial understanding of the Impact of the act amongst the reader and further encourage research into the topic.*



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### I. Introduction

Demographic dividend in India is expected to last until 2055 and good health, quality education and decent employment can harness the economic potential of the youth.<sup>1</sup> With male to female ratio at 108.18 males per 100 females in 2020, India witnesses close to about 50% of population being women. While participation of women in the workforce should be taken to its full potential, women account for only 19.9% of the total labour force in India.<sup>2</sup> Amongst a host of

<sup>1</sup> [https://economictimes.indiatimes.com/news/economy/indicators/india-enters-37-year-period-of-demographic-dividend/articleshow/70324782.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/news/economy/indicators/india-enters-37-year-period-of-demographic-dividend/articleshow/70324782.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>2</sup> World Bank Group, "[Labor Force, Female \(% of Total Labor Force\) – India](#)," *The World Bank Databank* (2020).

factors that contribute to exploiting this potential, health factors and related policies play a significant role and, thus, should remain a top priority.

According to the World Economic Forum's Global Gender Gap Report 2021, India ranks 140 amongst 156 countries becoming the third-worst performer in South Asia, with Pakistan and Afghanistan following it and Bangladesh at the top. "Among the drivers of this decline is a decrease in women's labour force participation rate, which fell from 24.8% to 22.3%. In addition, the share of women in professional and technical roles declined further to 29.2%. The share of women in senior and managerial positions also remains low: only 14.6% of these positions are held by women and there are only 8.9% firms with female top managers."<sup>3</sup>

This is partly due to restrictive cultural norms regarding women's work, gender wage gap, lack of safety policies and flexible work offerings.<sup>4</sup> There is also gender discrimination in women's inadequate representation in politics, technical and leadership roles, apart from traditional gender roles assigned to women in India, poor healthcare, lagging female to male literacy ratio and the resultant income inequality and financial dependency.<sup>5</sup> Gender disparity is amply found in recruitment, pay parity, appraisals and promotions.

One important reason that we intend to study is the maternal discrimination faced by women at the workplace. Given that woman is the primary care taker of the child and her own health after child birth, and that child care burden is disproportionately shared by women within the household, it is important for her to have medically advised period of rest, post natal. In this context, we look to study the impact of legislation on the easement and opportunity to work accorded to women in India.

The maternity benefits were instituted in the Maternity Benefits Act, 1961 to ensure that young mothers' ability to participate in the workforce is not hindered because of childbearing and child-rearing responsibilities. Women have customarily played a primary role when it comes to childcare, even when they have partners or spouses. For working women who do not have adequate support in caregiving, this often becomes an impediment to their ability to work

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<sup>3</sup> <https://www.thehindu.com/news/national/wefs-gender-gap-index-india-slips-28-places-ranks-140-among-156-countries/article34206867.ece>

<sup>4</sup> Aditi Ratho, "Promoting Female Participation in India's Urban Labour Force," Observer Research Foundation, Issue Brief No. 348 (March 2020): p. 2; Wheebox, *India Skills Report 2020: Reimagining India's Talent Landscape for a \$5T Economy* (2020): p. 23, 60.

<sup>5</sup> Gupta, Kamla; Yesudian, P. Princy (2006). "Evidence of women's empowerment in India: a study of socio-spatial disparities". *GeoJournal*. **65** (4): 365–380. doi:10.1007/s10708-006-7556-z. S2CID 128461359.

efficiently. In order to combat this and give female employees the time and space required for a new child, the law mandates employers to provide female employees with paid leave. While the legislation is definitely well-meaning, it is critical to examine its socio-economic implications. In the case of any legislation, especially those enacted to benefit specific groups, it is paramount that there are no negative outcomes which counteract the positive intent of the statute. Without this assessment, laws are likely to be infructuous, yielding nothing but an empty promise at equality.

While the Act itself has been drafted with an objective of securing equal opportunity, the ground realities reflect a stark difference. It is not uncommon for female candidates to be asked intrusive questions about their current, and intended marital status, along with similarly personal questions about whether they have, or intend to have children. Among many employers, there is a reluctance to employ and engage women in meaningful roles. By hiring women, many employers run the risk of incurring an additional gendered cost if such women choose to become mothers.

There are comments made behind closed doors about how expensive it has become to hire women on account of the law's increased stringency. Consequently, it is likely that the Act emerges as counterproductive because employers choose to cut costs by not hiring women at all, which will reduce female workforce participation.

Larger, smarter, and more strategic investment is required in citizens, with the understanding that sustainable economic growth comes from women's empowerment, which in turn, comes from comprehensive reproductive health services.<sup>6</sup> It is not only important for the State to have policies and programmes for constructive development of its human capital, specifically women, but essentially important to ensure that law is being implemented. Changes are needed to mitigate the impact of discrimination on account of maternity leave.

For women to participate in the workforce and contribute to growth of a nation, there is need for a holistic approach. For a gender-inclusive recovery, women empowerment is critical, where both men and women have equal power and opportunities for education, healthcare, economic participation and personal development. Empowerment of women enhances the quality and quantity of human resources available for development.<sup>7</sup>

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<sup>6</sup> <https://blogs.worldbank.org/africacan/to-build-human-capital-prioritize-womens-empowerment>

<sup>7</sup> Gupta, Kamla; Yesudian, P. Princy (2006). "Evidence of women's empowerment in India: a study of socio-spatial disparities". *GeoJournal*. 65 (4): 365–380. doi:10.1007/s10708-006-7556-z. S2CID 128461359.

The focus legislation for this study is the Maternity Benefits (Amendment) Act, 2017 passed by the parliament of India. The primary goal of this qualitative study is to know (a) why is it important for a woman to work, as seen from her perspective; (b) examine the amended Maternity Benefits Act, 2017 as viewed from the government's perspective; (c) describe the outcome of discrimination amongst women with respect to leave, as seen from the employer's perspective; and (d) identify areas that can help overcome the problem.

It adds to the literature of working women in private sector and Government sector, particularly, Delhi University, directly from the perspective of women who have faced maternal discrimination and reveals discrimination amongst women on account of leave, despite the law being there to protect their working status. We interview women in this sector and find discrimination across professions, to the extent of involuntary resignation, mental harassment and pay disparity.

## **II. Women in the workforce-A historical perspective**

Ancient humans practised a nomadic lifestyle until they started settling and domesticating livestock. Such permanence led to a stark change in the society leading to growing interests in production and reproduction. This was accompanied by an enlarged role for women in the civilizational ethos. Although there was a sexual division of labour, there was a balance between man and woman. While both man and the woman acted as protectors, the man focused on hunting, the woman was reproducing and providing.

Furthermore, women looked after domestic work of the family. However, with the strong establishment of the sense of community and growing importance of land and livestock, man started searching for tools to protect larger groups of people and their interests. This led to a major shift from women's dominance to the rise of masculinity and patriarchy thereby deteriorating their social importance. While tracing the emergence of power, the natural evolution of the hunter into a political chieftain paved the way for his further ascent into technical, political and religious power. Alongside, the hunter (war lord) and the shepherd (law lord) became landlords too. In this setting, the male became the leading figure while the woman occupied the second place.

As patriarchy developed, society came to be viewed as, in the words of Emile Durkheim "a neatly integrated functioning whole in which everyone had their place – and women's place

was in the home”. Durkheim argued that as societies progressed, labour became more elaborated, their roles increasingly specialised and the difference between them could be marked. According to him “one of the sexes takes care of the affective functions and the other of intellectual functions”<sup>8</sup>

With the coming of capitalism and an established patriarchy, the status of women in relation to work changed. Bearing children, taking care of affective functions and doing household chores became secondary to the more productive capitalist responsibilities. Eventually, women found productive roles in the developing society by working outside the four walls of their house to earn wages and contribute to the market.

However, interestingly, even when women started going out to work, their nature of work was dominated by their gender defined roles as they chose to do jobs which would allow them to perform the “affective functions”; Jobs such as teaching, nursing, social work, so on and so forth. With subsequent industrial revolutions and advancement of technology, we see women taking up more proactive employment in the non-traditional settings.

### **III. The Legislation-Maternity Benefits (Amendment) Act, 2017**

The Maternity Benefit (Amendment) Act, 2017 came into effect on April 1, 2017, with the approval of The Honourable Prime Minister, Shri Narendra Modi to some amendments to the Maternity Benefit Act, 1961. It applies to all mines, plantations, shops, establishments, and factories across all sectors.

The salient features of the Act include the following:

- Maternity leave of 26 weeks is provided to a woman who has worked in an establishment for a period of at least 80 days in the past 12 months.
- Establish crèches for establishments with more than 50 workers.
- Mothers are entitled to visit the crèches up to four times a day and to two nursing breaks per day in addition to any other breaks that are available as a matter of course, until the child attains the age of 15 months.
- Employers are required to inform women in writing and electronically about the maternity benefits at the time of joining.
- Denial of leave is liable for penal action.

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<sup>8</sup> <https://www.jstor.org/stable/202203>

- ‘Commissioning mother’ and ‘adopting mother’ are to be provided 12 weeks maternity leave, tubectomy entitles for 2 weeks’ leave. Under critical circumstances like premature delivery, miscarriage & medical termination of pregnancy, 1 month leave may be provided.
- The leave and payment provisions vary for different companies. A medical bonus of Rs. 3500 is entitled in addition to 26 weeks of paid leave and 12 weeks of paid leave for already a mother of two. Pregnant Women and lactating mothers further draw a benefit of Rs. 6000/- under the National Food Security Act, 2013.
- A pregnant employee should not be given difficult tasks, including long-standing working hours that might affect both Mother and child, should ensure the health and safety of the female employee for six weeks following the delivery as well as miscarriage. The employer also cannot dismiss or discharge a female employee during the maternity leave period. Organizations will also facilitate work from home conditions. If an employer does not adhere to the Maternity Act, there are severe repercussions. The penalty to an employer for non-acceptance of the Act is a fine of Rs. 500/- or imprisonment which can extend to a year or with both.

#### **IV. Methodology**

We conducted an online interview with women across various sectors that include School teachers, School administrators, Delhi University teachers, Private sector employees, and Human resource managers, director of call centre, lawyer and doctors. The interview took around 1 and a half hour with each respondent and represented the sector they belonged to.

The interaction was conducted with respondents with their consent and they were fully explained the goals of the study. The interview was purely voluntary and anonymous and took about 2 months to complete.

Questions were asked about their demographic profile, family size, their inclination towards work, choice between work and reproductive health, discrimination at workplace regarding grant of leave. It was fully optional for the respondents to answer the questions. Open ended interaction included asking them their stories and experience regarding grant of maternity leave and how it affected their mental health and child bearing in future.

## V. Results and Discussion

The participants were similar to the general population in that sector. They were qualified for the jobs and worked to their full potential but maternal discrimination, across sectors, resulted in findings based purely on their experiences, organised into the following discussion:

*Performance-based expectations* - Discrimination was reported regarding nature of work assigned, promotion appraisals and mental uneasiness related to inability of the women to work because of motherhood. Their competence is challenged in that they could not take new projects or assume leadership roles because of their maternal responsibilities. They are denied the opportunities of being part of important decision-making situations. Pressure was created to either leave the job or take projects below their competence.

A joy to be shared is kept a secret unless it becomes evident and that too, becomes stressful.

*In our interaction with a 30-year-old woman working as software personnel in a multinational company, we found that she had certain medical issues during her pregnancy, so she had to inform her manager, otherwise according to her 85 % of the ladies keep their pregnancy a secret as that could lead to hindrance in promotions, appraisals and interactions.*

*An atmosphere is created (that you are unproductive, tasks will not be assigned to showcase your capabilities) for the employee to leave the job at her own will. Bonus also gets affected and mental stress is too high for women to continue with the job.*

*Financial independence* – Maternity resulted in impediment in maintaining regular financial flows as leave was without pay. Women are also asked to make up for the loss of work during leave, though the leave was without pay. This causes mental stress to the negative impact on the health of the child and the mother.

Particularly, for families where these women are the main working force, the financial instability causes a huge burden.

We chose to interview women in the teaching jobs of Delhi University, a much sought after job for managing the family responsibilities as the calendar has flexible working hours and leaves at intermittent intervals.

*In the year 1993, our respondent, currently an Associate professor in Delhi University could not get maternity leave (as she was an ad-hoc employee), and was denied renewal of the job but other senior members of the organisation recognised her contribution to the organisation and favoured her getting the job. However, the respondent had to give an undertaking that*

*she would take 21 days of leave without pay and join on the 22<sup>nd</sup> day. She did not want to lose the job and so, without knowing whether the delivery would be normal or C sec, she agreed to the terms. Despite the delivery being a C sec, which required adequate health care, further leave was denied and she had to join. On asking why the job was important, she said she did not want to give up on her financial independence and give up her achievements so easily. When she became permanent in 2006, with 1 child, she was not able to respond to our question if she would bear a 2<sup>nd</sup> child if maternity benefits were not available. Caesarean delivery with job insecurity and no maternity benefits, stress and responsibilities attached to rearing the child along with organisational responsibilities, she could not think of repeating the same stress and responsibilities.*

This was in 1993. Today, in 2021, has the situation improved in terms of benefits extended to women?

The followings interviews are the reflection of today's scenario:

*A 32 years old faculty who has child of 2 and a half years said very clearly that it was very stressful to be in a job where there is no maternity leave. She got 28 days of leave without pay with an assurance that all assigned and pending work has to be finished. She was not able to feed her child as per medical requirement after 28 days. Her own nutrition requirements were ignored due to planning required for pumping and storing of milk. The question is how nutritious is it to feed the child with stored milk. Maternal feed is direct feed. Express feed can be effective for 24 hours but feed cannot be stored for that long for women with long working hours.*

*However, she was lucky to have people at home to take care of the child. One-month old baby had to be left at home with an extra luck that a close relative offered her a helping hand. In the absence of maternity benefits, when we asked her if she would like to go for a 2<sup>nd</sup> child, she said if she is assured of getting the job back after the unpaid leave of 28 days, she would plan the child. But if there is choice between job and the child, she would prefer the job because of financial independence, her own space and recognition in the society.*



*We interacted with a 32-year-old teacher with 2 children. For her first pregnancy she got 25 days leave without pay. She had to join back and manage feeding as per the work timings. In-between work and nursing the child, she neglected her own health in terms of not eating food on time. Since she joined after 25 days of leave for her second child who was caesarean, she had to give top feed from 25<sup>th</sup> day onwards. Pumping milk for the second child was not possible. When we asked whether for her, job is more important or children, she said she cannot think of not having a job. Child raising can be managed with the help of family members.*

Unfortunately, everyone does not live in a joint set up and quitting the job becomes action of the last resort. Pregnancy, being a phase in life; families love to plan their children. Since the nuclear family trend has approached in, and couples are moving outstation for work, help at home is not always available. Pregnancy, in such cases, comes with lot of questions and the excitement converts into concerns about safety of job, being able to work during pregnancy, meet the expenses of delivery, get paid for the period of leave, be allowed to work from home, manage to pay for the crèche etc. These concerns have deterred women to either not take up jobs or return to jobs against the medical advice or quit the jobs to take care of their children. *Challenging work-life balance* – Pregnancy was viewed as a challenge in maintaining work-life balance. Without provision of leave and lack of support from the administration, leaving the job was the only alternative that super imposed home responsibilities over official commitments.

*From the same profession in Delhi University, we met another women of 35 years with a daughter of 2 years, working in a different institution. She was in Ad-hoc job during her pregnancy. When asked for maternity leave, she was asked to resign and then apply again. When she resisted and requested to join back after 21 days, the head of the institute felt it is inhumane, and the best course of action for her was to leave the job. These arguments and counter requests took so much on mental stress and strain that it created few medical issues. Ultimately she had to resign the job. During the intermittent period, there were some changes in appointment rules and the risk of her not being reinstated became very high. However, she was fortunate to get back her job but after re-joining, her starting date of service became post-delivery implying that her seniority started from the latter. During her entire leave period, she suffered from extreme tension, stress and anxiety of whether she would get back her job or not.*

Motherhood is a joy one wants to share and to learn from experience of others at the workplace. It needs to be celebrated and a desired step for any woman to take. Medically also, when we interviewed a Gynaecologist, she stated that it is important to conceive to maintain the body clock.

*Lack of facilities* – Though big companies have the facilities of crèches linked to their workplaces for providing breast feeding facilities to mothers, after they join for work, many organisations do not have such facilities and, feeding becomes a problem. Maternal discrimination takes a toll on physical and mental health of women and a financial and job penalty that undermines their talent at the cost of motherhood.

*In interaction with a school teacher of a society managed private school which is more than 75 years old, a teacher informed that teachers have maternity leave for all. She left her private bank job to be a teacher with half a day of job so that she can take care of her children and family. She cannot think of a life without working.*

*However, the cost that the institution bears for maternity leave is compensated in other ways.*

*Interaction with a business head of a school, revealed that there are flexible leave rules. However, at the time of appointment all female staff are clearly told that they will be given three months without pay maternity leave. But if one wants to extend, then one has to take a chance as the School may find someone else in place. While she is expecting her first child, whatever the health status, she is sure to join back after 3 months of delivery. She cannot take a chance.*

All the people whom we interviewed showed lot of passion and desire to be working.

In a society where gender discrimination is already existing on many fronts, maternal discrimination fuels the problem that needs to be addressed. Despite choosing “motherhood friendly occupations like teaching, the situation is not motherhood friendly. Women have to pay a price for motherhood rather than being incentivised. Such situations make motherhood itself viewed as a choice, which in the long-run is not the right choice.

## Medical practitioners' view on Maternity Benefits

*We interviewed a gynaecologist having her own clinic. As per WHO guidelines<sup>9</sup> 2 years of breast feeding for the child is essential. While formula feed can be a substitute, many families cannot afford 2 years formula feed. She further stated that maternity benefits do not confine just to child feed, they go beyond that. Stress, work routine, who takes care of the child, body problems and entering a new role in their lives, all can take a toll on the health of the mother. Maternity leave is extremely essential to overcome these problems whose long-term implications can be felt later. Body to come back to normal requires a minimum of 6 weeks and that must be taken care of by the employers and the law. Even if 6 months' leave is not granted, a minimum of 3 months must be granted for the physical and mental health of the mother and the child. It requires lot of motivation to breast feed the child and a stress-free environment to do so. The pressure to go back to work can be a hindrance to do so. Nutrition, immunity, bonding and cognitive development of both mother and child need time and, thus, leave. With so much diversity in work today, it is important to have a stress-free delivery and post-delivery care. As a fertility expert, she comes across lot of working women under stress to balance work and home. With no leave in hand, this stress can accentuate. Low body reserve at the time of delivery needs time to recover and in the absence of leave, the health can get affected.*

*Another senior gynaecologist from the Government of India was interviewed and she recommended that though 6 months are desirable, 6 weeks are utmost essential post-natal for the body to recover. She strongly recommends work from home and crèche facilities for the babies in case 6 months leave is not granted. Delivery is not just about feeding, it also prevents a woman against diseases like cancer, fibroids etc. She stressed that pregnancy is nature's way of encouraging women to have children as it helps them fight many diseases. Nulliparous women are likely to suffer more from these diseases.*

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<sup>9</sup> <https://www.who.int/news-room/fact-sheets/detail/infant-and-young-child-feeding#:~:text=WHO%20and%20UNICEF%20recommend%3A,years%20of%20age%20or%20beyond.>

*Best time to produce a healthy baby is 21 to 35 years and that is also the time for young women to enter into or build their career. With too much job stress to handle, pregnancy takes a back seat, particularly when the benefit of leave is denied. Women involved in physical work can face issues with their system if they join work before the desired leave. 6 months' leave, can overcome fatigue, emotional and psychological stress.*

*Being a doctor, in her own experience she found that young married women are not preferred for hiring. Pregnancy has become a complex matter related to gender, health, social and economic issues.*

### **Legal view on Maternity Benefits**

*We interacted with a Supreme Court lawyer, according to whom public sector employees have easy recourse to law under Administrative Tribunal Act, 1985. Discrimination against rights provided to the individuals by the State is enforceable in the court of law through the legal framework created by the Act. Article 39 provides for, men and women equally, the right to adequate livelihood and that the health and stress of the workers is not to be abused. Article 42 provides for just and humane conditions and maternity relief. The private sector is not bound by the strict oversight mechanisms as in the public sector and hence is free to freely operates for profits within the confines of the law. Their employees have to file a civil suit which they normally do not as expenses can be huge, and it is a long-drawn process.*

*In the country, NLSA (National Legal Services Authority) provides free legal aid for women to fight their case but most of the women are not aware of their rights or give up the battle half way through as the expenses related to this long and time-consuming process are borne by the employee and there is no certainty till the case is decided. Societal pressure and ostracization sometimes demotivate the female employees in pursuing the case till the end. Besides, if a woman files a case, she is looked at as a bold, understanding, outspoken, "badi tez hae, ladaki hae" woman which is not well taken in a well-defined social structure. She is regarded as uncooperative, bold and contentious female which hurts her future prospects in the same company or elsewhere. The general lack of awareness of their rights also plays a role in women submitting to the will of their employer Private sector follows a hire and fire policy because of which*

*women find it difficult to fight for their rights. Employers prefer women employees to be submissive. Through the interaction, we learnt that there exists disparity when it comes to rights and their implementation in the context of maternity benefits. The Act and the amendments thereof allow for a path of realization of the goals set forth by the aforementioned directive principles. The Act extends the protection under Article 14 and 16 to employees of the private sector.*

## **VI. Employers' Dilemma in providing maternity benefits**

Though maternity leave in India has brought comfort to the working women, the employers have their own set of concerns:

1. Maternity leave cost has to be borne by the employers alone in India. Government contribution is not forthcoming in meeting this cost.
2. They have to appoint additional staff as a replacement for the woman employee on leave. Training cost of this temporary staff is an added expense for the employer.
3. Setting up a crèche is another infrastructure investment for the employer in addition to recruiting a trained staff to handle the crèche.

*We interacted with a young HR manager of a company with turnover of less than Rs. 10 crore. His view is that giving maternity benefits is financial burden on the company and that they give it to people at senior level or give 30% of the benefits. Such small companies have different policies tuned to (a) salary drawn by the employees, (b) level at which they are working, and (3) time period for which they have worked.*

*Profit is the goal and leave seems to be an added burden. They provide leave depending on the relationship they share with the employees. They do not fear going against law as the employees would not file a case against them. He said that some kind of support system from external agencies can be motivating for the company to extend such benefits.*

*In interview with director of a call centre with 1000 employees, the observation was that the centre has 3 layers of work force: (i) juniors who take the calls, not employed under any formal rules. When asked about maternity benefits to them, there was no facility for them. In fact, the centre runs through them as they had no privileges of leave. (ii) The second layer of people includes floor managers; with some leaves but no maternity benefits as such. (iii) The top level where maternity benefits are given but only for 3 months and not 26 weeks. Though they follow the rules applicable to MSMEs but for maternity, employees are at the mercy of employers.*

## **VII. Policy recommendations**

Human capital, being essential to any nation has to be protected and cherished. It is essential for the State to provide care, attention and protection to the mother and child in their formative stages. For that the State, employers and the employees should come forward with policies that can protect the interests of women.

*“Planning the baby? Will you be able to manage the job along with the child? These questions are asked only to women. Though asked in a friendly tone, they have an underlying meaning.”*

If this questions the ability of a woman to maintain a good work-life balance, there should be provision to allow the woman to fully recover as per medical advice. Collective sharing of responsibility by both the parents and external support of the Government and the employer can be a big boost in promoting women empowerment.

A country’s parental leave policy is often a reflection of how the country views gender equality. By dividing responsibilities between both parents, a country encourages gender equality and breaks free from traditional gender roles.<sup>10</sup>

Some of the recommendations in this regard can be a way forward to achieve the goal:

1. Role models – Within the same sector, some employers may provide better opportunities for maternal benefits. As maternal discrimination varies by institution, maternity friendly institutions can be role models for others to provide similar benefits.
2. Corporate policies – Friendly policies at the corporate level can mitigate maternal discrimination.

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<sup>10</sup> <https://www.globalpeoplestrategist.com/4-countries-with-the-best-parental-leave-laws/>

- Through mutual negotiation between the employer and employees on leave, if part of the salary is shared by the woman on leave, the leave rules can become more flexible.
  - After the employee joins back for work without (if not provided) full maternity benefits, the employers can reduce their daily working hours by 2 or 3 hours so that the mother can go home early to look after the child. Flexi-time, work in shifts, work sharing can be friendly maternal benefits.
  - A common crèche facility can be run by employers in close vicinity and the cost can be shared.
  - Leave should be considered a short term investment for long-term gains of health of the mother and child. This is the social cost to result in gender equality and better representation of women in the workforce.
3. Government support – Though law exists in place, the problem lies with implementation. In many ways, support by the Government can be the best boost for relief on account of maternity benefits.
- Some kind of arrangement where government and employers share the cost can promote employers to be more flexible in appointing female employees. Rather than companies bearing all the cost, sharing can be a way forward.
  - Tax benefits can be provided to small companies for giving this leave. This will neutralise the additional cost and provide the much desired support to women.
  - Public funded crèches can support maternal benefits.
  - Paternity leave can be increased and father and mother should not be allowed to take leave at the same time.
4. Gender parity at home/Behavioural change– Men should as much be part of the child rearing as the mother. Support of men can make lasting impact on family benefits. Additionally, with some external help, this can give required attention to the child.
5. Know your rights - Women must be aware of their rights and have the courage to make a collective effort to create awareness about how to proceed under law for protection of their rights. To fight for your rights is the right of every individual and one must not give it a back seat.

## VIII. Conclusion

To empower women to maintain balance between work and home, particularly with respect to child, maternity benefits can help to a large extent. The larger question is whether the Maternity Benefits (Amendment) Act and its amendments have been taken in the right spirit in terms of its implementation and overall effect on the economy.

The findings, drawn directly from the respondents' experience seem to impose 'motherhood penalty' on women across professions, either in terms of law or size of the organisation. In addition to already existing gender disparities, maternal discrimination forces women to take jobs that are leave friendly, return to jobs without leave benefits or leave the jobs.

An equitable workplace requires a broad outlook that provides maternity leave and facilities like work from home, crèche at work place, flexi-time, work sharing etc. This is important for women and the child, who are potential contributors to economic growth.

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