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EVOLUTION OF MATERNITY BENEFITS: A COMPARATIVE ANALYSIS OF LEGAL FRAMEWORKS ACROSS DEVELOPED AND DEVELOPING NATIONS

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Abstract:

This doctrinal study investigates the historical evolution, present situation, and future directions of maternity benefit regulations in both developed and developing nations. The research utilizes a comparative legal approach to assess how maternity protection has transitioned from being considered charitable welfare to being recognized as legally enforceable rights within the broader contexts of human rights and gender equality. The analysis follows the development of international labour standards via a series of ILO Conventions and their integration into national law, highlighting notable disparities in aspects such as coverage, duration, funding structures, and enforcement mechanisms. By conducting a thorough examination of statutory laws, court rulings, and policy frameworks across various regions, this study identifies unique regional models while exploring the intricate relationship between economic progress, cultural elements, and legal safeguards. Special focus is placed on the ongoing implementation gaps that exist between legislative commitments and real-world practices, particularly in the informal sector where a majority of women in developing countries are employed. The research reveals that while maternity benefits are generally more extensive in developed countries, several developing nations have adopted innovative strategies worthy of broader exploration. The study also considers emerging patterns such as the gradual move towards shared parental leave, flexible work options, and increased protections for non-standard employment situations. An analysis of economic impacts shows that well-structured maternity benefit systems provide positive outcomes through heightened female workforce engagement, decreased employee turnover, and enhanced maternal and child health results. This research adds to the current body of knowledge by suggesting a framework for evaluating maternity benefit systems that takes into account different economic limitations while pinpointing essential minimum standards relevant across various development settings. The findings endorse policy suggestions aimed at achieving universal maternity protection while addressing challenges in implementation through technological advancements, collaborations between public and private sectors, and improved enforcement strategies.

Key Words: Maternity Benefits, Parental Leave, Legal Frameworks, Employment Rights, Gender Equality.

INTRODUCTION:

Protecting maternal health and economic stability during pregnancy and after childbirth is a vital intersection of labour rights, gender equality, and public health policy. This research paper explores the development of maternity benefit systems in both developed

and developing countries, emphasizing the intricate relationship between international standards, national laws, and socioeconomic factors. Maternity protection has significantly evolved since the early 20th century, moving from minimal attention in workplace regulations to comprehensive systems that include leave

entitlements, financial support, job security, and healthcare access. These protections serve various purposes: ensuring the health of mothers and infants, maintaining women's financial independence, promoting gender equality in the labour market, and contributing to broader demographic and social welfare goals. Despite this progress, notable disparities exist between the strong maternity systems in wealthy nations and the limited protections accessible in developing countries, reflecting wider inequalities in economic resources, institutional capabilities, and sociopolitical priorities. The International Labour Organization has been instrumental in creating global standards for maternity protection through a series of conventions that have spanned almost a century. Starting with the Maternity Protection Convention of 1919 (No. 3) and progressing through later revisions in 1952 (No. 103) and 2000 (No. 183), the ILO has progressively broadened the recommended protections' scope and detail. These conventions, in conjunction with complementary frameworks from organizations like the United Nations through CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) and the WHO, have positioned maternity protection as both a fundamental labor right and a public health necessity. However, there remains a significant gap between the ratification of these instruments and their effective execution, particularly in resource-poor contexts where informal employment predominates and enforcement mechanisms are weak.

India offers a compelling example of the implementation difficulties that developing nations face when trying to extend maternity benefits across various economic sectors and employment types. Despite progressive legislation, such as the notable enhancement of leave entitlements under the 2017 amendment to the Maternity Benefit Act, many women in India's workforce—especially those in informal and agricultural sectors—are effectively excluded from statutory protections. The

fragmentation of oversight across multiple regulatory bodies, low awareness among eligible women, financial challenges for small businesses, and cultural barriers to women's employment all contribute to shortcomings in implementation. These issues highlight broader challenges between ambitious legislative frameworks and the real structural conditions of developing economies with limited fiscal and administrative resources. This research employs a comparative approach to analyze maternity benefit frameworks across different national contexts, focusing on their historical progress, legal structures, coverage parameters, adequacy of benefits, and implementation processes. By contrasting the experiences of nations at various levels of economic development, the study aims to pinpoint both effective practices and ongoing challenges in providing maternity protection. The analysis recognizes that successful maternity benefit systems must consider several factors: sufficient support for maternal and child health, economic viability for employers and government agencies, alignment with broader social welfare systems, and responsiveness to evolving trends in female labour participation and family dynamics. Through this analysis, the research aspires to contribute to ongoing policy discussions on enhancing maternity protections in ways that take into account the unique needs and limitations of different national contexts.

REVIEW OF LITERATURE:

1. **Madhekar et al. (2020)**, carried out an in-depth examination of the Maternity Benefit Act of 1961 in India, along with its amendments in 2017, comparing it to maternity policies in nations such as Singapore, Malaysia, Thailand, Indonesia, and the Philippines. The research emphasizes India's favorable position in extending maternity leave to 26 weeks and establishing crèche facilities, while also pointing out the financial strain placed entirely on employers and the absence of provisions for the unorganized sector.

2. **Mondal and Pandey (2020)**, present a comparative analysis of maternity legislation in India and the USA, highlighting the differences between the two countries. India requires 26 weeks of paid maternity leave, whereas the USA allows only 12 weeks of unpaid leave as stated in the Family and Medical Leave Act (FMLA). The authors examine how these disparities impact women's involvement in the workforce and their economic stability.
3. A comprehensive literature review featured in **Frontiers in Public Health** explores the difficulties women experience when re-entering the workforce following maternity leave. The research highlights that, even with legal protections for their jobs, women frequently face obstacles in career advancement, wage disparities, and challenges in achieving work-life balance. It emphasizes the importance of implementing supportive policies in the workplace to enable easier transitions back into employment.
4. An article published in the **Indian Journal of Legal Review** offers a critical examination of the Maternity Benefit Act, 1961, emphasizing key amendments such as the increase in maternity leave from 12 weeks to 26 weeks. The paper addresses the Act's limitations, including the sole financial burden placed on employers and the lack of explicit guidelines regarding nursing breaks and crèche facilities. It also contrasts India's provisions with those of nations like Singapore and Malaysia.

RESEARCH OBJECTIVES:

1. To analyse the historical development and status of maternity protection laws in both developed and developing countries.
2. To find out significance of maternity protection demonstrated by conventions established by the International Labour

Organization (ILO) and other global entities.

3. To find out ongoing implementation obstacles of maternity benefit in India.

RESEARCH METHODOLOGY:

This research utilizes a mixed-methods strategy that integrates doctrinal legal analysis with comparative evaluation. Primary materials, such as laws, judicial decisions, and international agreements concerning maternity benefits, will be comprehensively analysed in a selection of both developed and developing countries. To support the primary analysis, secondary resources like academic papers, policy documents, and demographic statistics will be included. The comparative analysis focuses on four key areas: the length of statutory leave, wage replacement percentages, protections for employment, and challenges in implementation. Historical trends will be traced to identify patterns of evolution, while contextual elements (economic factors, cultural perceptions, and political structures) will be examined to explain differences. This methodological framework allows for both a descriptive outline of legal systems and a critical assessment of their effectiveness in meeting maternal needs in various socio-economic environments.

HISTORICAL DEVELOPMENT OF MATERNITY PROTECTION LAWS:

The development of maternity protection laws reflects broader changes in societal views regarding women's work, reproductive rights, and social welfare. Initial maternity protection initiatives emerged in industrialized countries during the late 1800s and early 1900s, primarily aimed at improving public health by decreasing maternal and infant mortality rates in harsh industrial work environments.

- Germany led the way by introducing maternity insurance in 1883 as part of Bismarck's social insurance framework, offering limited paid leave and medical care. This model later inspired similar

efforts throughout Europe, with France enacting maternity leave in 1909, the United Kingdom in 1911, and Italy in 1912.

- The founding of the International Labour Organization in 1919 represented a crucial turning point with the ratification of Convention No. 3, which recommended 12 weeks of maternity leave, provisions for medical care, and job protection principles that would lay the groundwork for contemporary maternity benefit systems.
- The era following World War II witnessed a significant enhancement of these protections in Western European countries, as welfare states developed more extensive social security programs linking maternity benefits with broader family-friendly policies. During this time, the Soviet bloc introduced comprehensive maternity protection systems; however, these were often primarily aimed at fulfilling state economic goals rather than empowering women.
- The 1970s and 1980s brought another wave of reforms in developed countries, recontextualizing maternity protection within rising gender equality frameworks and incorporating more flexible leave policies and specific anti-discrimination measures.

Conversely, the progression of maternity protection in developing regions followed markedly different paths, influenced by colonial histories, economic limitations, and varied cultural contexts. Many post-colonial countries inherited minimal labour protections that only encompassed formal sector workers, establishing persistent structural inequalities in access to maternity benefits. Latin American nations typically created maternity protection systems earlier than other developing areas, with Argentina, Brazil, and Chile offering benefits between the 1930s and 1950s, although these were mainly restricted to urban formal sectors.

In Asia, maternity legislation surfaced unevenly, with India implementing the Maternity

Benefit Act in 1961, yet challenges persisted due to the prevalence of informal employment. In Africa, maternity protection laws were mainly introduced after independence, often subject to significant limitations in their scope and enforcement capabilities. The global shift toward neo-liberal economic policies in the 1980s and 1990s imposed conflicting pressures on developing countries while international organizations advocated for maternity protection standards, they also promoted labour market flexibility and reduced public spending. Since 2000, several middle-income nations have made significant progress in enhancing maternity protections, with Brazil, South Africa, and China establishing more inclusive frameworks. Despite these improvements, considerable global disparities remain in the availability, sufficiency, and enforceability of maternity benefits, with an estimated 830 million women workers worldwide still lacking sufficient protections.

INTERNATIONAL LEGAL FRAMEWORK:

International legal frameworks consist of treaties, conventions, and agreements that regulate interactions among countries. They foster international collaboration, safeguard human rights, oversee trade, and tackle matters such as environmental conservation and dispute resolution. Important institutions like the United Nations and the International Court of Justice assist in the application and enforcement of these legal norms. Some of the International legal frameworks are listed below;

ILO MATERNITY PROTECTION CONVENTIONS:

1. MATERNITY PROTECTION CONVENTION, 1919 (NO. 3): THE FOUNDATION OF INTERNATIONAL STANDARDS:

The International Labour Organization's first effort in maternity protection began with its third convention, which was adopted during the inaugural International Labour Conference in 1919 in Washington, D.C. This groundbreaking instrument laid down the essential components of maternity protection that would shape national laws around the globe for many years.

Convention No. 3 focused on women employed in industrial and commercial sectors, stipulating a twelve-week maternity leave period, with a mandatory six weeks of leave following childbirth. Notably, it required financial support "sufficient for the full and healthy maintenance of herself and her child," to be provided through public funds or an insurance scheme. The convention also forbade employers from terminating women during their maternity leave and allowed nursing mothers to have two 30-minute breaks during their working hours to breastfeed their children. Despite its advanced stance for the time, Convention No. 3 had significant limitations, excluding agricultural and domestic workers and lacking provisions for health protection during pregnancy. Nevertheless, it marked a groundbreaking recognition of maternity protection as a fundamental labor right during an era when women's participation in the workforce faced considerable opposition. Ultimately, the convention garnered 34 ratifications, establishing an international standard that would be revisited as societal attitudes and economic conditions changed.

2. MATERNITY PROTECTION CONVENTION (REVISED), 1952 (NO. 103): EXPANDING PROTECTION IN THE POST-WAR ERA:

In the aftermath of World War II, during a period of significant social and economic changes, the ILO revisited its maternity protection standards with the adoption of Convention No. 103 in 1952. This updated convention greatly broadened both the coverage and benefits, extending protections to women engaged in non-industrial and agricultural roles, as well as domestic workers and wage-earning women working from home. While maintaining the twelve-week maternity leave provision, the convention stipulated that cash benefits should be no less than two-thirds of prior earnings and required medical benefits that include prenatal, childbirth, and postnatal care, in addition to necessary hospitalization. Convention No. 103 reinforced employment protections by clearly prohibiting dismissal

during pregnancy or maternity leave and upheld the nursing break provisions established by its predecessor. The convention introduced more comprehensive financing guidelines, stating that benefits should be supplied via compulsory social insurance or public funds, and forbade individual employers from bearing the direct costs of maternity benefits – a principle designed to prevent discrimination against women during hiring processes. Although it marked a notable advancement, Convention No. 103 garnered only 41 ratifications throughout its existence, with numerous countries struggling to implement its provisions within their current social security systems or economic realities. Nevertheless, it provided a crucial reference for national legislation during the latter part of the 20th century.

3. MATERNITY PROTECTION CONVENTION, 2000 (NO. 183): ADAPTING TO CONTEMPORARY WORKPLACE REALITIES:

The latest and most detailed ILO standard regarding maternity protection, Convention No. 183, was adopted in 2000 in response to the increasing recognition of women's important economic roles and evolving employment trends globally. This convention marked a major update to international standards by ensuring coverage for all employed women, "including those in non-traditional forms of dependent work"—a vital recognition of the rise of informal and non-standard employment sectors. Convention No. 183 extended the minimum maternity leave to 14 weeks and improved the cash benefit standard to two-thirds of prior earnings for qualifying women. It enhanced employment protection measures by explicitly prohibiting maternity-related discrimination and mandating the right to return to the same or a comparable job with equal pay. The convention broadened health protections to encompass measures that address workplace hazards affecting maternal and reproductive health, as well as extended provisions for nursing breaks. Importantly, Convention No. 183 introduced greater flexibility in its application, permitting exceptions for

certain worker categories and progressive implementation in developing countries—concessions aimed at enhancing both ratification and practical application. Along with Recommendation No. 191, which proposes even higher standards including 18 weeks of leave and full wage replacement, Convention No. 183 provides a modern framework that balances the needs of women, the interests of employers, and the varied contexts of different nations. As of 2024, the convention has garnered 42 ratifications, chiefly from European and Latin American countries, with ongoing advocacy efforts directed towards increasing its adoption in developing areas.

CEDAW PROVISIONS ON MATERNITY RIGHTS:

The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, which was adopted by the United Nations General Assembly in 1979, serves as a pivotal international framework that specifically tackles maternity rights as a crucial aspect of gender equality. **Article 11** of CEDAW includes the most detailed provisions related to maternity protection, asserting that pregnancy and motherhood should not be valid reasons for employment discrimination. **Article 11(2)** instructs State Parties to "implement appropriate measures to stop dismissals based on pregnancy or maternity leave" and to provide "maternity leave with pay or comparable social benefits without detriment to previous employment, seniority, or social allowances." This provision acknowledges the financial risks that women frequently encounter due to maternity and establishes safeguarding against pregnancy-related discrimination as an essential right. Furthermore, the Convention obligates signatories to cultivate supportive social services, especially childcare options, that help parents manage family responsibilities alongside professional commitments recognizing that maternity protection must go beyond the immediate childbirth period to facilitate ongoing workforce participation by women. **Article 12** enhances these employment safeguards by mandating

States to guarantee women's access to suitable healthcare services concerning pregnancy, childbirth, and the postpartum period, including free services where required and sufficient nutrition during both pregnancy and breastfeeding. Moreover, **Article 4(2)** asserts that "special measures aimed at protecting maternity shall not be seen as discriminatory," thus acknowledging the necessity for distinct treatment to achieve genuine equality. Through these interrelated provisions, CEDAW establishes a comprehensive perspective on maternity rights that includes job security, income protection, healthcare access, and supportive social frameworks—creating an all-encompassing standard that has subsequently impacted national legislation and policy formation in both developed and developing countries.

UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS AND MATERNITY PROTECTION:

The Sustainable Development Goals (SDGs) established by the United Nations in 2015 set forth a detailed framework for global development up to 2030, with several goals that closely align with objectives for maternity protection. SDG 3 (Good Health and Well-being) specifically aims to decrease maternal mortality rates and ensure that everyone has access to reproductive healthcare services, acknowledging that effective maternity protection systems significantly enhance maternal and infant health outcomes by improving access to prenatal care, minimizing workplace risks during pregnancy, and providing sufficient recuperation time after childbirth. SDG 5 (Gender Equality) highlights the essential role of maternity benefits in promoting women's economic empowerment and combating gender-based discrimination, as comprehensive maternity protection allows women to remain connected to the labor market throughout their reproductive years, thus helping to bridge gender disparities in workforce participation, career growth, and

lifetime earnings. SDG 8 (Decent Work and Economic Growth) recognizes maternity protection as a crucial element of quality employment, with Target 8.5 specifically advocating for "decent work for all women and men" and Target 8.8 concentrating on the protection of labour rights. The guiding principle of "leaving no one behind"—which is fundamental to the SDG initiative emphasizes the necessity of extending maternity benefits to women in precarious work situations, including those in informal, agricultural, and migrant labour roles. Despite these clear correlations, the SDG framework lacks specific indicators that directly measure the coverage and adequacy of maternity protection, creating difficulties for the systematic tracking of global advancement. As nations formulate national development strategies aligned with the SDGs, incorporating strong maternity protection measures represents a strategic move with far-reaching benefits across various development aims, supporting not just individual women and their families, but also contributing to larger goals of social inclusion, economic resilience, and sustainable development.

REGIONAL ANALYSIS AND COMPARISON:

The regional examination of maternity benefit systems highlights significant differences between industrialized and emerging countries, mirroring wider socioeconomic conditions and cultural values. While Nordic nations have set exemplary standards with extensive paid leave extending beyond 12 months and strong job protections, many developing countries face difficulties due to limited coverage and enforcement issues despite having progressive laws in place. This comparative analysis in the study sheds light on how historical paths, economic limitations, and competing policy priorities have created divergent systems across various regions. This section explores how distinct legal traditions—from Scandinavian social welfare frameworks to developing economies striving to balance growth with social safety—have shaped the breadth and execution of maternity benefits. By

evaluating these regional trends within their specific contexts, we can uncover valuable lessons about effective policy strategies that may guide future legislation, especially in developing countries working to enhance maternal protections while navigating resource constraints and informal economic sectors.

1. NORDIC MODEL OF PARENTAL BENEFIT:

The Nordic model is regarded as the benchmark for maternity and parental benefits worldwide, distinguished by extensive support systems and gender-neutral policies. Sweden initiated this approach in 1974 with its gender-neutral parental leave policy, currently providing 480 days of paid leave that can be divided between parents, including designated periods for each parent through "daddy quotas." Norway offers either 49 weeks at full pay or 59 weeks at 80% pay, with 15 weeks allocated for each parent. Finland provides around 9 months of paid leave alongside a paternity allowance, while Denmark offers 52 weeks with the option for flexible distribution. Iceland's system is unique with its 3-3-3 model, which allocates three months to the mother, three months to the father, and three months to be shared. These policies benefit from strong public funding, high-quality childcare services, and workplace environments that support parental leave for all genders. The Nordic model illustrates how generous maternity benefits can exist alongside high female workforce participation and economic competitiveness, highlighting a link between generous parental policies and improved gender equality outcomes.

2. EUROPEAN UNION'S PREGNANT WORKERS DIRECTIVE:

The Pregnant Workers Directive (92/85/EEC), put into effect in 1992 and later revised, set forth minimum standards for the protection of maternity

across EU member states, creating a cohesive framework while allowing for some national differences. The directive requires a minimum of 14 weeks of maternity leave with sufficient compensation, forbids termination during pregnancy and maternity leave, allows time off for prenatal check-ups, and mandates risk assessments in the workplace for pregnant and breastfeeding employees. The 2019 Work-Life Balance Directive further enhanced these protections by instituting at least 10 days of paternity leave, 4 months of parental leave (with 2 months that cannot be transferred), and 5 days of annual leave for caregivers. Despite the existence of these common standards, there are considerable disparities among EU countries, with nations like Bulgaria providing 58.6 weeks of maternity leave at 90% pay, while others only meet the basic requirements. Challenges in implementation remain, especially concerning workplace discrimination, inconsistent enforcement across member states, and insufficient protection for non-standard workers. Nonetheless, the directive signifies a notable supranational legal structure that has improved maternity protection standards throughout various economies and social systems.

3. ASIAN PERSPECTIVES:

Asian maternity benefit systems exhibit significant variation, influenced by different levels of economic growth, cultural perceptions of gender roles, and governmental priorities. In Japan, maternity leave lasts for 14 weeks at two-thirds pay through the health insurance program, along with the option of parental leave until the child turns one year old (which can be extended to two years), offering 67% of salary for the initial six months and 50%

for the subsequent period. Nevertheless, cultural norms often hinder full participation, resulting in only 7% of eligible fathers taking paternity leave. Singapore provides 16 weeks of maternity leave at full salary for citizens and permanent residents, funded by employers for the first eight weeks and then by the government for the remaining time, in addition to a week of paternity leave. The Maternity Benefit (Amendment) Act of 2017 in India greatly increased maternity leave from 12 to 26 weeks for the first two children, making it one of the most extensive statutory provisions worldwide, although implementation issues arise in the informal sector where about 90% of women are employed. These disparities highlight broader socioeconomic situations: Japan faces challenges related to demographic decline and work-life integration, Singapore navigates economic practicality alongside pro-natalist initiatives, and India confronts essential maternal and child health issues while dealing with extensive economic inequalities.

4. AFRICAN MATERNITY PROTECTION FRAMEWORK:

African maternity protection systems form a complex scenario influenced by the legacies of colonialism, global labour standards, available resources, and differing degrees of labor market formalization. Numerous African countries have adopted legal maternity leave regulations that theoretically align with ILO standards; for instance, South Africa provides four months of maternity leave along with unemployment insurance benefits ranging from 38–60% of wages, while Kenya offers three months at full remuneration. Nevertheless, considerable gaps in implementation exist due to insufficient enforcement

measures, widespread informal economies, and fiscal limitations. The methods of financing these benefits vary significantly: in some nations such as Ethiopia (which offers 90 days at full pay), employers are mandated to cover the costs, potentially leading to hiring bias, while others like Morocco leverage social security systems. Coverage inequalities are especially notable in sub-Saharan Africa, where formal employment constitutes a minor segment of women's labor. Notable progress includes South Africa's extension of benefits to domestic workers, Rwanda's focus on providing workplace support for breastfeeding, and initiatives to formalize informal sectors in nations such as Ghana and Tanzania. International agencies, especially the ILO with its Maternity Protection Convention (2000), have been instrumental in shaping policy initiatives, though the uptake of ratification across the continent remains limited.

5. LATIN AMERICAN FRAMEWORKERS:

Latin American maternity benefit programs have significantly transformed in the past few decades, mirroring the region's distinctive mix of strong familial ideals, Catholic influence, ongoing inequality, and progressive legislative changes. In Brazil, mothers receive 120 days of fully paid maternity leave funded through social security contributions, with the possibility of extending it to 180 days for companies that engage in tax incentive plans, while fathers are entitled to 5 days of leave (or 20 days if involved in incentive programs). Chile's maternity leave system offers 18 weeks of fully paid leave, allowing mothers flexible options for distribution and additional provisions in case of complications. In Mexico, the law guarantees 12 weeks of leave at full salary, financed by social security. The region has also made strides with

innovative methods such as Uruguay's gradual re-entry into the workplace and forward-thinking childcare policies. However, challenges in implementation remain, especially in economies with large informal sectors—where it is estimated that over 50% of workers in countries like Peru, Bolivia, and Colombia do not have access to formal benefits, despite their legal rights. Recent trends in reform focus on expanding coverage to those who were previously overlooked, promoting paternal participation through extended paternity leave, and tackling the relationship between maternity protection and ongoing gender pay disparities. These advancements highlight Latin America's overall movement towards enhancing social protection systems while dealing with deep-seated inequalities and constrained fiscal resources.

6. NORTH AMERICAN APPROACHES:

North American methods regarding maternity benefits illustrate significant differences between the United States and Canada, showcasing contrasting beliefs about the government's role in supporting families. The United States is the only developed country that does not have a federally mandated paid maternity leave policy, instead relying on the Family and Medical Leave Act of 1993, which grants only 12 weeks of unpaid leave and is applicable only to employees at companies with 50 or more employees—thus leaving about 40% of the workforce unprotected. Some states, including California, New York, and Washington, have established their own paid family leave programs, while many employers provide voluntary benefits, resulting in notable disparities based on location and employment status. In contrast, Canada offers up to 18 months of job-

secured maternity and parental leave through its Employment Insurance system, with 55% wage replacement for 15 weeks of maternity leave and 40 weeks of parental leave (or a longer period at a lower rate). This juxtaposition underscores fundamentally different strategies: the U.S. model focuses on employer choice and limited government involvement, while Canada embraces a more universal, government-managed framework that treats parental leave as a social entitlement rather than merely an employment benefit.

ONGOING IMPLEMENTATION OBSTACLES FOR MATERNITY BENEFITS IN INDIA:

1. LIMITED COVERAGE AND ENFORCEMENT:

Although the Maternity Benefit (Amendment) Act 2017 extended maternity leave to 26 weeks, its application is still predominantly limited to the formal sector. The Act does not affect an estimated 90% of women employed in the informal sector, such as domestic helpers, agricultural workers, and self-employed women who do not have formal employer-employee relationships or the necessary documentation.

2. FINANCIAL BURDEN ON EMPLOYERS:

The existing structure burdens employers with the financial costs of maternity benefits, leading to hesitance in hiring women of childbearing age. In contrast to numerous developed countries where expenses are distributed through social security contributions, India's employer-focused funding approach unintentionally perpetuates gender bias in hiring, especially impacting small and medium-sized enterprises.

3. INADEQUATE AWARENESS AND INFORMATION ASYMMETRY:

A lack of knowledge regarding entitlements continues to exist among

beneficiaries and employers, particularly in rural regions and less developed states. Numerous eligible women are oblivious to their legal rights, the process for applying, and the systems in place for addressing grievances, while employers may not fully grasp their responsibilities under the law.

4. COMPLEX ADMINISTRATIVE PROCEDURES:

The intricate procedures involved in securing benefits, along with the necessary documentation and verification steps, pose considerable obstacles for recipients. This administrative challenge disproportionately impacts women with lower levels of education and individuals engaged in informal work who have minimal access to administrative assistance.

5. FRAGMENTED IMPLEMENTATION INFRASTRUCTURE:

The responsibility for executing maternity benefits is shared among various government departments, but there is a lack of effective coordination. This division leads to gaps in implementation, uneven application of the regulations, and insufficient monitoring, particularly at the state and district levels.

6. SOCIAL AND CULTURAL BARRIERS:

The ongoing social norms that perceive child-rearing as solely the duty of women hinder the effectiveness of gender-neutral policies such as paternity leave and childcare services. Women encounter subtle biases in the workplace when they utilize maternity benefits, which can lead to being excluded from important projects or experiencing stagnation in their careers after returning.

7. REGIONAL DISPARITIES IN IMPLEMENTATION:

There are notable differences in the effectiveness of implementation among states, with more advanced states demonstrating higher levels of compliance compared to less industrialized areas. These geographic differences exacerbate existing socioeconomic disparities and result in an unequal distribution of maternal protection throughout the country.

FINDINGS AND SUGGESTIONS:

FINDINGS:

According to the research paper, the findings indicate that although considerable progress has been achieved in maternity benefit laws globally, there are still gaps in implementation, especially in developing nations. The study highlights significant differences between the comprehensive models found in Nordic countries and the limited protections available in developing areas, with India serving as an example of implementation difficulties despite having progressive laws. Economic limitations, the dominance of the informal sector, and sociocultural obstacles continue to hinder the effective application of maternity protections, resulting in substantial discrepancies between legal provisions and their actual implementation.

SUGGESTIONS:

1. EXPAND SOCIAL SECURITY COVERAGE:

Shift from employer-funded maternity benefits to a social security-based system to promote fairer cost distribution, lessen discriminatory hiring practices, and broaden coverage for the informal sector by implementing innovative contribution strategies designed for developing countries.

2. SIMPLIFY ADMINISTRATIVE PROCEDURES:

Enhance the benefit application process by introducing digital platforms, a single-window clearance system, and easier documentation requirements to

boost accessibility, especially for women in rural and underdeveloped areas.

3. STRENGTHEN ENFORCEMENT MECHANISMS:

Create specialized monitoring teams equipped with sufficient resources, conduct frequent compliance assessments, and enhance penalty measures to guarantee the effective enforcement of current legal frameworks in all economic sectors.

4. PROMOTE GENDER-NEUTRAL PARENTING POLICIES:

Implement and promote paternity leave and shared parental leave alternatives to balance caregiving duties and minimize workplace bias related to anticipated maternity leave usage.

5. DEVELOP TARGETED AWARENESS PROGRAMS:

Develop thorough awareness campaigns tailored for various stakeholder groups, such as employers, women employees across different sectors, and local government officials, to tackle the gap in information concerning maternity rights and responsibilities.

6. CREATE PUBLIC-PRIVATE PARTNERSHIPS:

Create partnerships among government bodies, private sector employers, and community organizations to jointly cover implementation expenses, enhance oversight of compliance, and build supportive workplace environments such as childcare facilities and adaptable work schedules.

CONCLUSION:

The comparative evaluation of maternity benefit systems in both developed and developing countries uncovers a complex situation influenced by historical developments, socioeconomic factors, and cultural settings. Although there has been significant global advancement in recognizing maternity

protection as a fundamental right instead of merely a welfare issue, notable inequalities remain between the strong systems found in Nordic and European countries and the implementation hurdles experienced by developing nations such as India. The transition from the initial ILO Convention No. 3 (1919) to the more all-encompassing Convention No. 183 (2000) illustrates a growing international agreement on minimum standards, yet total coverage continues to be out of reach, especially for women working in informal sectors. This research indicates that effective maternity protection necessitates more than just legislative measures; it requires well-coordinated implementation strategies, sustainable financing solutions, and cultural transformations aimed at achieving gender equality. The situation in India exemplifies how progressive laws may be weakened by real-world challenges, including insufficient coverage, financial pressures on employers, bureaucratic complications, and cultural obstacles. Looking ahead, it is crucial for policymakers to tackle these gaps in implementation through innovative strategies that reconcile economic considerations with the essential need for universal maternal protection, possibly by utilizing hybrid funding frameworks, technology-based administration, and enhanced coordination among government entities. Such changes would not only align maternity benefits with broader developmental objectives but also consider the specific contexts of different countries.

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