

## Editorial

# The enactment of the maternity and paternity bill 2019 of Pakistan

**Barka Sajid, Rabeya Farid\*, Muzainah Tabassum**

Department of Medicine, Jinnah Sindh Medical University, Karachi, Sindh, Pakistan

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**\*Correspondence:**

Dr. Rabeya Farid,

E-mail: [rabeya.farid15@gmail.com](mailto:rabeya.farid15@gmail.com)

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“Parental leave” or “family leave” refers to a sanctioned duration off from work that is granted to both parents, irrespective of gender, to nurture a recently arrived offspring. This comprehensive terminology encompasses maternity, paternity, and adoption leave.<sup>1</sup> Maternity leave is an expression of honour for the awe-inspiring physical and emotional journey experienced by mothers, simultaneously intertwining with paternity and adoption leave, which shines a spotlight on indispensable contribution of fathers. In 1919, the international labor organization (ILO) was established for the sake of providing women workers their necessary maternity leave rights. As stated in convention no. 183, maternity leave should be of at least 14 weeks or above, whereas recommendation no. 191 highlighted that leave should be of at least 18 weeks.<sup>2</sup> The maternity leave can be further classified into: (a) compulsory maternity leave (CML), encompassing two weeks after birth; (b) Ordinary maternity leave (OML), spanning the initial 26 weeks of maternity leave; (c) additional maternity leave (AML) accommodating the succeeding 26 weeks of leave.<sup>3</sup>

## EVOLUTION OF PARENTAL LEAVE IN PAKISTAN

The implementation of maternity and paternity leave policies in Pakistan has evolved over time to recognize the importance of supporting working parents. In 1958, the West Pakistan maternity benefit ordinance was introduced, initially providing maternity benefits to women but without any provisions for paternity leave.<sup>4</sup> In 1976, the maternity benefits ordinance introduced 12 weeks of paid maternity leave for female employees in West Pakistan.<sup>5</sup> In 1983, this was extended to 16 weeks. Female government employees were granted six months of maternity leave in 1992 under the federal government employees housing foundation ordinance. The Sindh

maternity benefits act in 2000 provided 16 weeks of paid maternity leave for female workers in Sindh province. The Punjab maternity benefit act of 2006 ensured 12 weeks of paid maternity leave for female workers in public and private sectors. This was reinforced in 2010 with the passage of the Punjab maternity benefits act. More recently, in 2018, the Khyber Pakhtunkhwa maternity benefits ordinance was introduced, granting 12 weeks of paid maternity leave in the province of Khyber Pakhtunkhwa.<sup>6</sup> Finally, in 2023, a significant milestone was reached as the federal government of Pakistan approved Paternity Leave Policy, allowing male employees to take 30 days of paid paternity leave.<sup>7</sup> These developments reflect the recognition of the importance of work-life balance and the need to support working parents in Pakistan.

## THE MATERNITY AND PATERNITY BILL, 2019

The bill proposed on 12 November, 2018 by senator Quratulain Marri, titled “the maternity and paternity bill, 2019” comprises eight clauses. According to the first clause this law has to be implemented by all public and private sectors. The second clause briefs about the eligibility criteria concerning the child, employee, establishment, employer and those prescribed by rules made under this act. The third clause discusses the extent of paid leave a female employee is entitled to; which goes up to 180 days for the birth of the first child, 120 days for the second, and 90 days for the third. Similarly, the fourth clause permits a fully paid paternity leave of up to 30 days to the male employees. Both third and fourth clauses mention the applicability of the leave which is thrice during the employment service with additional unpaid leaves for any further births. The fifth clause accentuates the punishment of the employers who do not comply with the law, with up to six months of imprisonment and/or a

fine of PKR100,000. The sixth clause signifies the enactment of this law over the preceding ones temporarily. The seventh and eighth clauses affirm the authority of the Federal government to establish the rules imperative for efficiently executing the purpose of this Act and to address any inconvenience without altering the provisions of this act.<sup>7</sup>

## AN ASSESSMENT OF PARENTAL LEAVE POLICIES INTERNATIONALLY

There exist notable disparities pertaining to parental leave worldwide, with different countries employing distinct approaches to facilitate parental leave and maintaining family-work balance. According to the world population review, countries providing maternity leave between 22 and 58.6 weeks are exemplifying best policies in this domain.<sup>8</sup> Notably, Pakistan is among the countries providing adequate weeks of leave mandatory for female employees i.e., 26 weeks of paid leave. Conversely, some of the developed countries have less generous policies. The United States grants only 12 weeks of unpaid maternity leave according to the family and medical leave act of 1993 (FMLA).<sup>9,10</sup> In Canada, the leave can be extended from 15 to 69 weeks, compensated with 55% to 33% of the base salary, Japan offers 14 weeks of paid leave, Australia is allocating 20 weeks for the leave with national minimum wage in lieu of basic salary while China is offering 14 weeks of leave along with maternity allowance.<sup>10-12</sup> It is worth noting that the access to adequate parental leave is regarded as a fundamental entitlement, particularly in modernized countries with a substantial labor force, more extensive policies in this regard should be considered. On the contrary, Pakistan's provision of extended leave with full salary, in conjunction with the inclusion of a separate one month of paternity leave, exhibits a progressive approach.

## SIGNIFICANCE OF THE PARENTAL LEAVE

Woman's right to a medically sufficient maternity leave is a salient factor for her and her family's well-being, in addition to propelling her contributions towards the prosperity of the respective country, provided being part of the national workforce. Around 70 to 90 percent of women face abuse in Pakistani households that leaves an emotional and psychological scar on children and the abused.<sup>13</sup> Employment that fulfils a woman's maternal right allows her to benefit from it as it secures her a position where she would be capable of safeguarding herself and her children from such an environment due to social security and financial self-sufficiency. Paid maternity leave can assure the sufficiency of rest needed by a new mother that will improve her overall health status, ensure an ample breastfeeding imperative for the nourishment of a newborn and assessment of diseases at an early stage by paying timely paediatrics visit, all this in turn can deescalate infant mortality rate and enhance infant immunization rates.<sup>15</sup> A paid parental leave works as a catalyst in the encouragement of the female

employees to return to work hence contributing to the nation's workforce which can be utilized to augment Pakistan's gross domestic product (GDP) and leads to its increment by 30% alongside the economic stabilization furthermore, it ensures in dual income of the household which can be a crucial factor for the financial needs of a family.<sup>14,16</sup> Apart from this, a paid paternal leave is also necessary for a family's well-being. It grants father the opportunity to spend quality time with their newborns and spouses that can help in the reduction of postpartum depression, equal contribution in responsibilities of the newborn and the household in general. Moreover, it will allow the employees to show their gratification towards their employers that can be reflected in their work, it will help create a positive and healthy environment which can prevent emotional disengagements and allow both parents to experience this new chapter of their lives together.<sup>16</sup>

## CONCLUSION

Since the past 65 years, 1958 till 2023 Pakistan has designed various policies for maternity leave with each amendment being more fruitful than the previous ones. All these developments highlight the utmost value and concern of the country in this regard. As of June 2023, president of Pakistan Dr. Arif Alvi officially approved the long awaited "the maternity and paternity bill, 2019" that has now been enacted as law under article 75 of the constitution of Pakistan. This law will now be implemented in all establishments throughout the country.

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