

INSTRUMENTS FOR PARLIAMENTARY OVERSIGHT

[Convention on the Elimination of All Forms of Discrimination \(CEDAW\) \(1979\)](#)



Article 11.2

“...In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or maternity leave and discrimination in dismissals on the basis of marital status; b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances...”

All of the countries of the Americas and the Caribbean have ratified CEDAW.

[ILO Convention No. 183 - Maternity Protection \(2000\)](#)

Highlights

Article 4, “Maternity Leave”: Establishes a minimum maternity leave period of 14 weeks.

Article 5, “Leave in Case of Illness or Complications”: Establishes an extended leave period in the case of illness or complications related to pregnancy or childbirth.

Articles 6 and 7, “Benefits”: Establishes that cash benefits must be at least two-thirds of the woman’s previous earnings, or, if payments are not computed based on previous earnings, a comparable amount resulting from an average of such a calculation. Qualifying conditions are to be satisfied by a large majority of women workers. Those who do not qualify should be entitled to social assistance funds. Benefits are to be paid through compulsory social insurance or public funds, with employers not being individually liable for direct costs (see 6.8 a and b for exceptions). States with insufficiently developed social security systems may still be in compliance if the payments are made at a rate no lower than that for sickness or temporary disability; in reporting, these States must describe the measures being taken to progressively raise the benefits rate.

Articles 8 and 9, “Employment Protection and Non-Discrimination”: Establishes that women are guaranteed the right to return to the same or an equivalent position paid at a rate not lower than her pre-leave pay. Maternity is not to constitute a source of discrimination in employment, including access to jobs.

Article 10, “Breastfeeding Mothers”: Establishes paid breaks or reduced work hours for breastfeeding.

[Recommendation No. 191, accompanying C183](#)

Did you know?



As part of the reporting process on the Beijing Declaration and Platform for Action, the governments of Latin America and the Caribbean submit reports about their current status and intended plans to meet the Beijing objectives. ECLAC’s Division for Gender Affairs compiles and analyzes these national reports, which can be found at the link below. In them, you can find information submitted by your government about work-family conciliation, paid maternity or parental leave, care services, and many other gender equality issues.

<https://www.cepal.org/en/work-areas/gender-affairs/la-plataforma-accion-beijing-cumple-25-anos>

Highlights

Item 1: Encourages the extension of maternity leave to at least 18 weeks, with an additional extension for multiple births. Women should be entitled to freely choose when they take any non-compulsory portion of their maternity leave.

Item 10: Specifies that adoptive parents should have access to the same systems of leave, benefits, and employment protections.

The following countries in the Americas and the Caribbean have ratified ILO Convention No. 183: Belize, Cuba, the Dominican Republic, and Peru.

[ILO Convention No. 156 - Workers with Family Responsibilities](#) (1981)

Highlights

Article 3: Establishes the effective equality of opportunity for all workers with family responsibilities (not limited to dependent children) to not experience conflict between their employment and family responsibilities to the extent possible.

Article 4: Establishes the right to free choice of employment for workers with family responsibilities, and for their needs to be taken into account in the terms and conditions of employment and in social security systems.

Article 5: Establishes that measures are to be taken to meet the needs of these workers in community planning, and in the development or promotion of public or private services including childcare.

Article 6: Establishes the responsibility of relevant authorities and bodies to raise public understanding and opinions on the importance of equality of opportunity for all workers with family responsibilities.

Article 7: Establishes that vocational training should be available to enable these workers to become and remain integrated in the labour force, and to re-enter after an absence due to their family responsibilities.

[Recommendation No. 165, accompanying C156](#)

Highlights

Item 8.2: Specifies that special measures are not discriminatory during a transitional period that has the goal of guaranteeing rights to non-discrimination.

Item 11b: Specifies the need to promote education encouraging the sharing of family responsibilities between men and women.

Item 16: Specifies that marital status or other family situations cannot be grounds for refusal or termination of employment.

Item 18: Specifies that particular attention should be given to implementing measures to progressively reduce daily hours of work and overtime, and to providing more flexible working arrangements, rest periods, and holidays.



Item 22: Notes that either parent should have the possibility of obtaining job-protected parental leave following maternity leave, and that this leave may be introduced gradually.

Item 24: Specifies that the competent authorities should conduct surveys and collect information to determine the appropriate scope and nature of childcare and family services and facilities, including adequate statistics on the number of workers with family responsibilities engaged in or seeking employment, and on the number and age of their children.

Item 27: Specifies that social security benefits, tax relief, or other appropriate measures should be available to workers with family responsibilities.

Item 28: Specifies that during parental leave workers may be protected by social security.

The following countries in the Americas and the Caribbean have ratified ILO Convention No. 156: Argentina, Belize, Bolivia, Chile, Ecuador, El Salvador, Guatemala, Paraguay, Peru, Uruguay, and Venezuela.

[ILO Domestic Workers Convention No. 189](#) (2011)

Article 14: Requires that domestic workers be able to enjoy conditions no less favourable to other types of workers with respect to social security protections, including those related to maternity.

[Recommendation No. 201, accompanying C189](#)

Highlights

Item 3c: Specifies that States should ensure that domestic workers not be required to disclose pregnancy status or take pregnancy tests.

Item 25b,c: Specifies that work-life balance and the reconciliation of work and family responsibilities are needs that must be addressed, and that domestic workers' concerns and rights related to these needs must be taken into account.

The following countries in the Americas and the Caribbean have ratified ILO Convention No. 189: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Grenada, Guyana, Jamaica, Nicaragua, Panama, Paraguay, Peru, and Uruguay.

[Convention on the Rights of the Child](#) (1990)



Article 3: Obligates States to ensure children the protection and care that is necessary for their wellbeing, taking into account the rights and duties of parents or others legally responsible for them, and to this end, to take all appropriate legislative and administrative measures.

Article 7: Specifies that children have the right to know and be cared for by their parents.

Article 18: Requires that States recognize that both parents or legal guardians have a responsibility for their child's upbringing



and development. Further mandates States to provide appropriate supports to parents and legal guardians – and those who work in particular – in fulfilling these responsibilities.

All of the countries of the Americas and the Caribbean except for the United States have ratified the Convention on the Rights of the Child.

Agenda 2030

Paid parental leave can contribute to various Sustainable Development Goals. It protects women's health and wellbeing after childbirth, enhances child health, provides income security to caregivers and recognizes and values the work they do, and maintains or strengthens women's attachment to the labour market.

SDG 1: End poverty in all its forms everywhere



Target 1.3

Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.

SDG 3: Ensure healthy lives and promote well-being for all at all ages



Target 3.1

By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births.

Target 3.2

By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births.

SDG 5: Achieve gender equality and empower all women and girls



Target 5.4

Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.

SDG 8: Promote inclusive and sustainable economic growth, employment and decent work for all



Target 8.5

By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.