

# White Paper on Parental Benefits

to help organizing employees towards protecting livelihoods of the 45+ lakh IT & ITES employees

## Introduction

Parental Benefits for IT/ITes Employees was a Survey conducted by Union of IT and ITes Employees (UNITE) to understand the effectiveness of maternity/paternity rights and the limitations that exist in the IT/ITES spaces.

Your inputs helped us understand the impact of the existing laws and areas of it that require improvement.

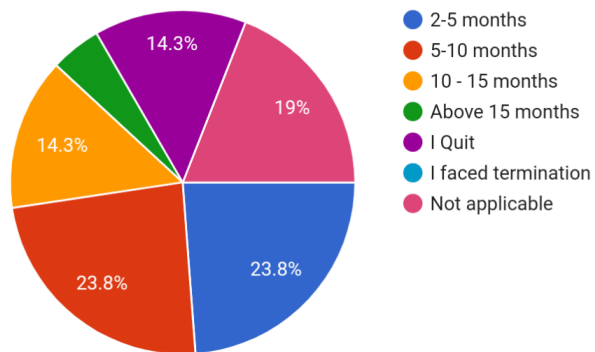
## What benefits do the existing Laws provide?

- Under 'The Maternity Benefit (Amendment) Act 2017' Maternity leave is 26 weeks and the pre-natal leave is eight weeks.
- A woman with two or more children is entitled to 12 weeks' maternity leave; the prenatal leave in this case is six weeks.
- The Act also provides for adoption leave of 12 weeks to adopt a child under the age of three months. A commissioning mother (Someone who has had a child through surrogacy) is also entitled to a 12-week leave.
- The Act further requires an employer to inform a woman worker of her rights under the Act at the time of her appointment in writing and in electronic form (email).
- The law stipulates compulsory crèche (daycare) facilities for every establishment across all sectors employing 50 or more employees. The mothers are allowed to visit the crèche four times per day.
- The law also says "In case where the nature of work assigned to a woman is of such nature that she may work from home, the employer may allow her to do so after availing of the maternity benefit for such period and on such conditions as the employer and the woman may mutually agree."
- According to the Maternity Benefits Act 1961 'No employer shall knowingly employ a woman in any establishment during the six weeks immediately following the day of her delivery or her miscarriage'.
- As with all workers, the Industrial disputes act prohibits any organization from arbitrarily dismissing workers, much less for pregnancy.
- There is no law for Paternity leave for the private sector in India, although some organizations have it.
- Post maternity issues like reskilling, re-entry programs and importantly discrimination do not find place in our law books.

## Findings

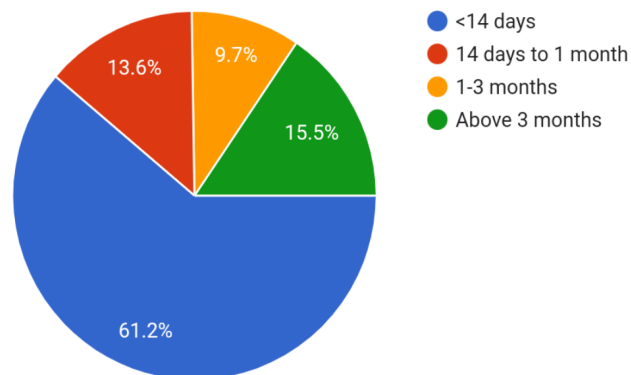
**1. 26% of women were back to work in under 5 months, which would be less than the allowed 26 weeks. 14.3 % of women quit work after pregnancy.**

At how many months after Expected Delivery Date (EDD) did you get back to work? (Include all leaves that you availed in addition to maternity leave)



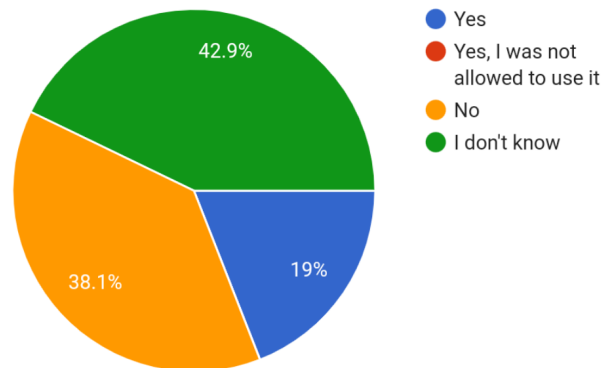
**2. 61% of companies provide less than 14 days of paternity leave**

How long is the Paternity Break in your organization?



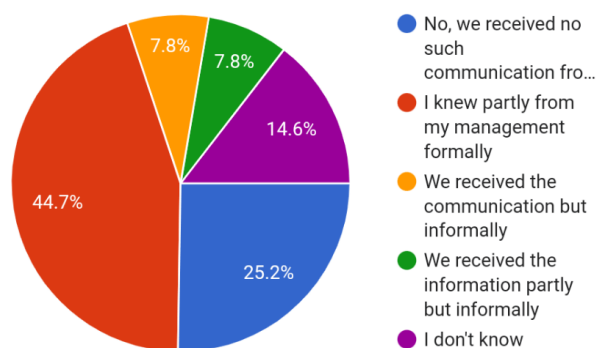
**3. 38% of companies don't run mother reentry programs, while 42% of employees don't know if their company offers such a program.**

Does your employer run a  
Mothers Re-entry or Comeback  
program?



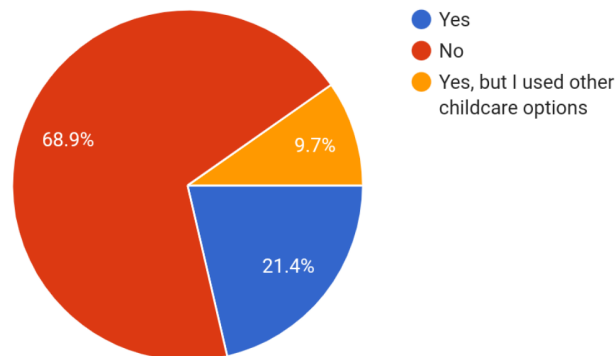
**4. 40% of the employees were not informed of their Maternity benefits.**

Were you informed about how  
many weeks of leave can be  
availed by a woman in case of  
child birth, miscarriage, adoption,  
surrogacy and  
hysterectomy/mastectomy/tubect  
omy etc?



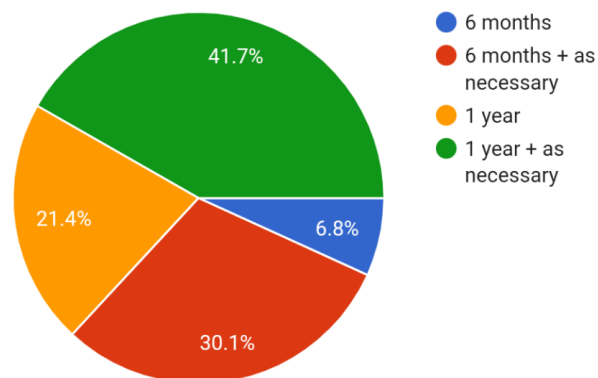
## 5. 69% of the companies do not have Creches.

Does your company have a creche?



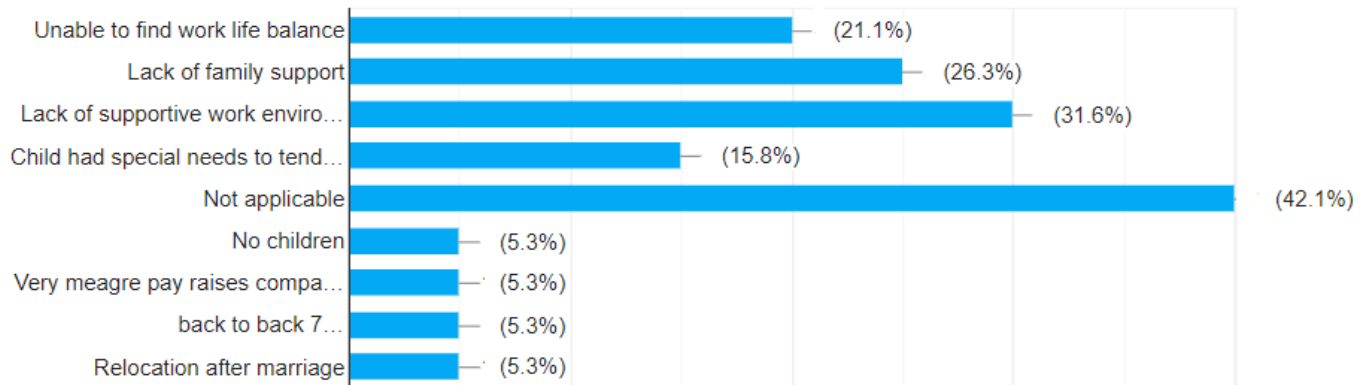
## 6. Only 7% of the employees think the present provision of 26 weeks is sufficient for Maternity.

How much time do you think maternity leave should be?  
(Countries like Sweden and Serbia offer paid maternity for upto 365 days)



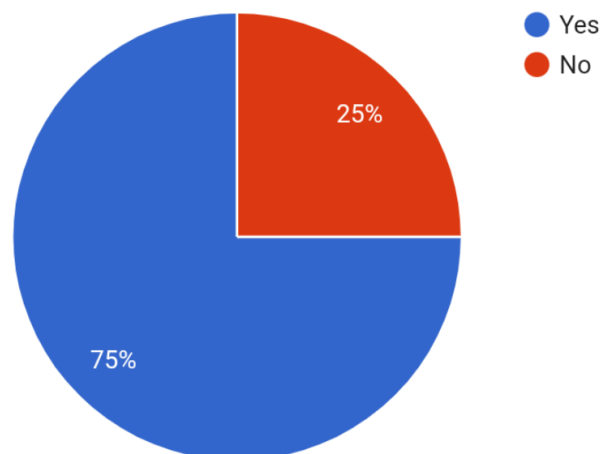
## 7. 25% of women quit due to lack of support from both family and work.

Reason behind why you Quit?



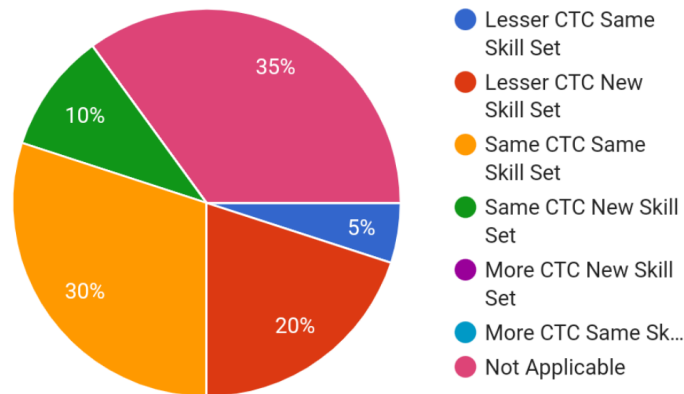
## 8. 75% of women faced a setback in promotions post maternity.

Did you see any setback in promotions because of your working hours as a mother?



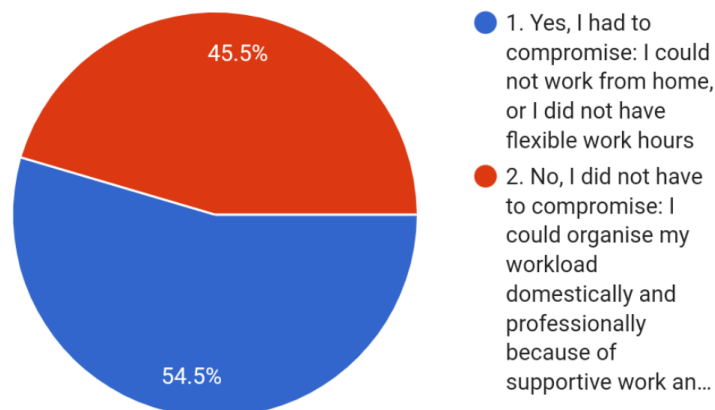
**9. 25 % of women had a pay cut post maternity.**

What was your change in salary when you returned to work after a career break (post maternity)?



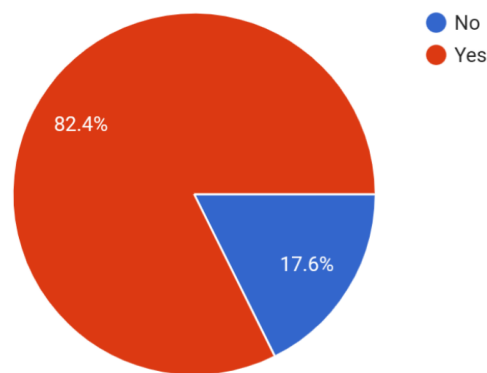
**10. At least 54% of the employees felt they had to compromise on childcare due to their work load and work hours.**

Did you have to compromise on childcare due to your workload and workhours?



**11. Over 80% of the respondents think the maternity benefits should be applicable to Transgender men and women.**

Do you think the applicable section of the maternity and paternity benefits should apply to Transgender men and Transgender women?



## Conclusions

Essentially the survey confirmed that, as with most workplace issues, Parental benefits too are meager, not effectively implemented and stacked against the workers, in this case almost exclusively women.

1. Most organizations do not adhere to the law of the land.
2. Employees are not aware of the rights that are bestowed upon them.
3. Discrimination exists widely.
4. Maternity and Paternity leaves are insufficient.



## Upon the findings UNITE places the following DEMANDS

1. Setup verification mechanisms for the strict implementation of the Maternity benefits Act in organizations. Ensure the setting up of creches in workplaces in compliance with the existing laws.
2. Extend Maternity leaves and institute mandatory paternity leaves.
3. Establish effective Internal committees to monitor and prevent discrimination in any form. Should any be found/detected, ensure the employee is at complete liberty to file a complaint against their employer and avail quick justice.
4. Mandate IT, ITES organizations to begin re-entry programs for smoother transitions. Remove age slabs on re-entry programs. Ensure prompt inclusion of women with longer career breaks through re-entry programs.