

Negotiations around maternity benefits

Where to now?



This article, written by Sharon Fonn, summarises the gains that have been made in recent years with regard to maternity benefits in South Africa. It identifies some of the issues which still need to be tackled and includes a brief discussion of parental rights agreements in other countries.

What has organised labour in South Africa won?

Some unions in South Africa have worked hard to win maternity benefits and parental rights for their members while others have neglected this area of struggle. As a result, in some workplaces a year's partially paid maternity leave (including other benefits) is a well established principle, while in others having both a baby and a job is not even



Parents have the right to have a job and the time to take adequate care of their children.

considered a right.

Unions have, in the various different agreements across industries, managed to negotiate various rights. The negotiated rights grow out of a particular understanding of the roles and rights of men and women in society. This understanding is outlined in the principles that follow.

Underlying principles to negotiating parental rights agreements

- Men and women have the right to hold a job and have children.
- They have a right to work under healthy and safe conditions and to be able to give their children the necessary care and attention that all children deserve.
- A commitment to the elimination of discrimination on the basis of gender must exist.
- Men and women should have equal opportunity to combine employment with family life.
- Women employees should not be discriminated against on the grounds of pregnancy
- Men and women who are parents should be able to exercise their parental responsibilities.

Practical rights established

The following list has been compiled from the parental rights section of various agreements between unions and employers. These rights have been based on the various principles outlined above. While each agreement does not embody all of these rights, the list indicates the scope of issues that have been taken up in the parental rights debate.

The right to:

- both a baby and a job;
- re-employment after maternity leave;
- maternity leave which is not seen as a breach of employment;
- the same service benefits given to other employees during the time one is on maternity leave;
- return to a similar job at the same wage grade;
- health and safety clauses to protect the health of the pregnant woman and the unborn child;
- sufficient leave after the birth to ensure mothers are in a position to breastfeed;
- extra sick leave allowance for mothers so they can take children to clinics when necessary;
- paternity leave for fathers;
- flexible payment of wages to women on maternity leave so as to allow them maximum UIF (Unemployment Insurance Fund) pay as well as pay from the employer;
- negotiations at industrial council level, thereby extending benefits to non-unionised workers;
- time off for child care. This right extends to adopted as well as biological children;
- extra time off for children till the age of 12 years based on the belief that children need special care well beyond infancy.

What problems still exist?

The issue of both parents being allowed leave at the time of birth of a child has raised interesting questions about the traditional role of fathers. According to one union member at a seminar on maternity benefits: "Men should only be allowed home if they promise to help and not go out drinking with friends".

The maternity benefits gained by unions have, ironically, contributed to the difficulties women experience in looking for employment. Employers can avoid the extra cost of providing maternity benefits by excluding women from employment.

Both unions and employers have suggested that a fund be created to which the state and all employers contribute, irrespective of whether they employ women or not. This

fund could then be used to provide maternity benefits to families having babies. This fund could be more flexible than the present UIF maternity scheme. Unions need to address whether this is a viable system to fight for or whether they need to push the state to use tax money to increase the benefits and flexibility of the present UIF.

How do we compare with other countries?

As mentioned earlier, some South African unions have negotiated successfully for reasonably comprehensive maternity benefits for their members. These gains compare favourably with the gains made by unions in many developed western countries.

The South African state, however, has very little progressive legislation covering parental rights. Besides the UIF, which allows for limited maternity pay and leave, the state does not take responsibility for the maintenance of healthy family relations. (Instead, through its numerous apartheid policies, the state has actively destroyed healthy family life.)

There are states in the USA, however, where guaranteed re-employment is not established and no maternity benefits are provided. But South Africa falls far behind



Unemployed and frustrated: some employers avoid the extra costs of maternity benefits by not providing jobs to women.

Sweden, where extensive and flexible rights for parents exist.

In Sweden, either the mother or the father may take leave for up to a year and they may share this time between them. Thus the mother may take the first few months and the father the next. At present, a new policy is under consideration where parental paid leave may be extended to two years, of which the last 6 months may be restricted to fathers only. This is to encourage fathers to participate more actively in child rearing.

Various factors facilitate the creation of these liberal parental rights in Sweden. Sweden is run by a government in which workers are well represented. Negotiations take place between the labour movement and the state and many agreements are enacted as law. This means agreements extend to all workers, as opposed to South Africa, where agreements hold only for

the workplaces covered by the union that negotiated the agreement. Furthermore, the Swedish state takes real responsibility for providing services for the working class and state funds exist to pay for parental leave to care for children. All parents can take advantage of these rights and services, irrespective of their place of work.

There is a significant difference between Sweden and South Africa with regard to gender relations. The roles of mothers and fathers with regard to housework or child care is understood differently in the two countries. It is both socially acceptable as well as practically possible for fathers to be the primary care giver in Swedish society.

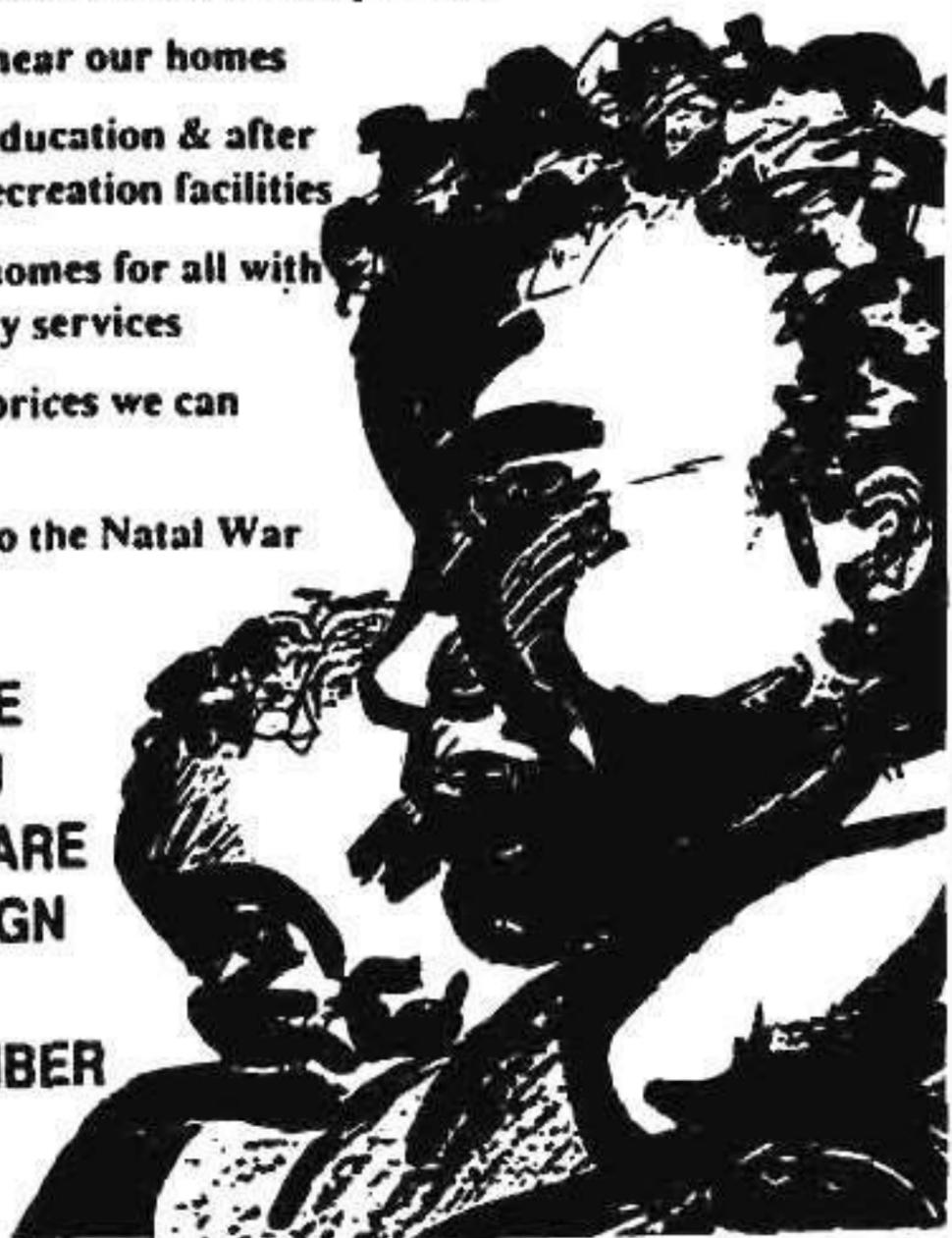
Because of these ideological beliefs, Sweden spends its national wealth in specific ways. A comprehensive social welfare policy exists. A family is assured of a regular income even if a breadwinner is looking after a child, rather than working in the formal employment sector.

Our Children Are CRYING for CHILDCARE

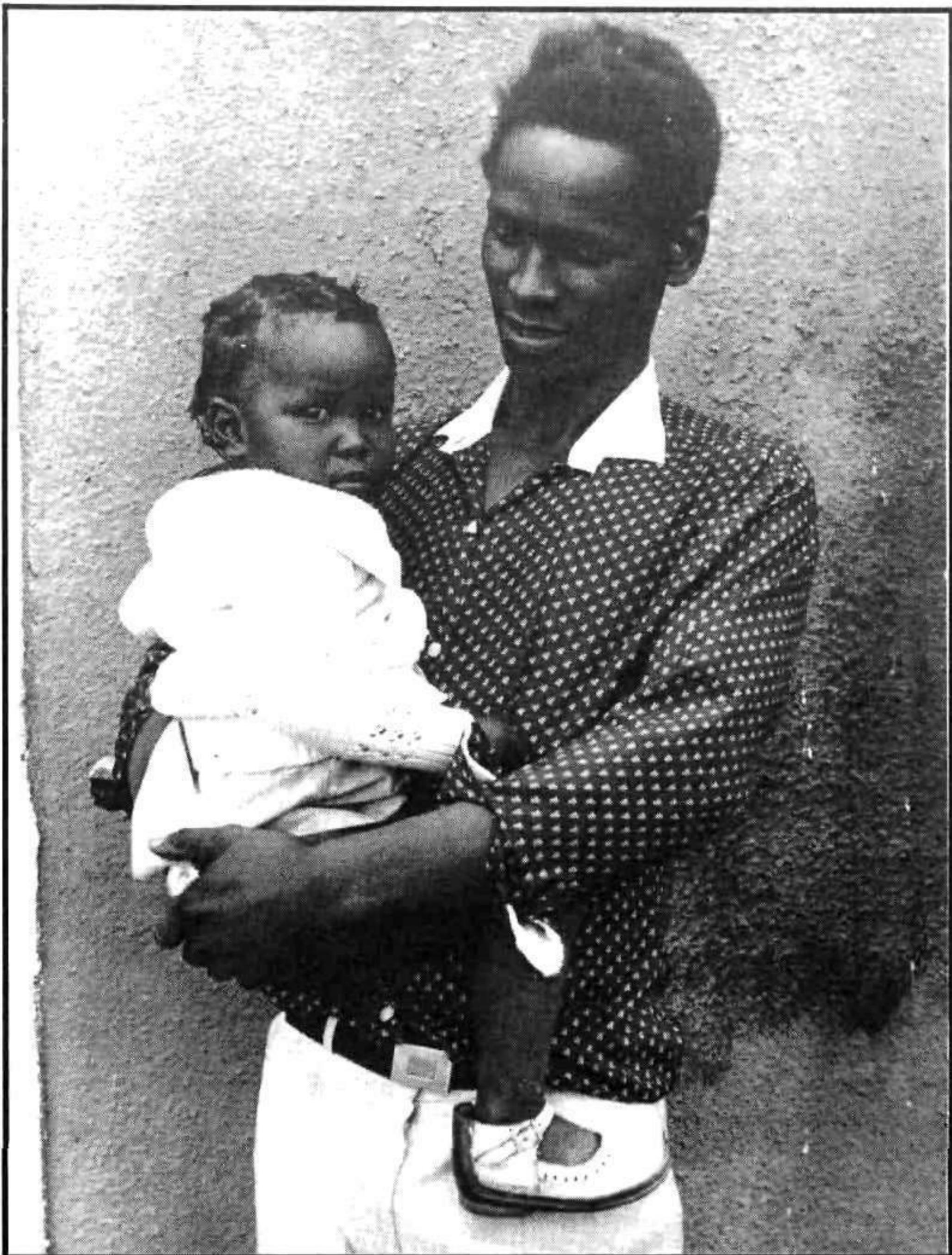
We demand the protection of our children

- ✱ adequate maternity benefits including paternity leave
- ✱ 20 days childcare leave for parents
- ✱ creches near our homes
- ✱ proper education & after school recreation facilities
- ✱ proper homes for all with necessary services
- ✱ food at prices we can afford
- ✱ an end to the Natal War

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COSATU's recent campaign supports parental rights.



Bringing up children is the responsibility of both the mother and the father. Parental rights agreements should reflect this principle.

Sweden has a national health service that makes health care free at the point of delivery.

There is a comprehensive child care system funded by the government, allowing parents to leave their children and return to work.

While one is not suggesting that the Swedish model is the one for South Africa to follow, it is useful in a short article like this to highlight the principles that are incorporated in some of their policies which do allow for wide ranging benefits for workers who choose to have a child.

Where to from here?

Those unions which have already negotiated an advanced set of maternity agreements might be in a position to:

- assist those unions which have no such agreements;
- challenge the existing status quo with regard to sex roles;
- create conditions in this society which would lead to the creation of social services and programmes whereby both men and women who choose to have children can also work and know that their children will be well cared for when they return to work;
- challenge the conditions of service of women who are pregnant;
- demand the inclusion of adequate and appropriate educare for children of workers;

In addition, gender relations and parental rights must be placed firmly on the agenda of working class organisations and future policy discussions. These issues are important and have implications for how South African society is reconstructed.

The rewriting of the South African constitution is likely to occur in the near future. We need to use this opportunity to make it as all encompassing, enabling and progressive as possible. □

Acknowledgement

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