

WOMEN WORKERS, MATERNITY BENEFITS & TRADE UNIONS

The industrial hazards to women's fertility have already been covered. There are documented cases in which women have chosen to be sterilised rather than lose their jobs. To choose between job security and your baby's health is a very dismal choice indeed. It is perhaps the most extreme example of the way in which women child-bearers, can be prevented from taking up employment.

In South Africa there is an additional aspect to the question of women's control over their own fertility: their right to bear children. Women are often questioned about whether they want to have children before they are employed, and the government increasingly offers contraceptive services to factories. The advertisement (page 30) amply describes their attitude to women and how their concern is for a stable, productive workforce. Workers are instruments in that production, not people.

Once women are employed they must deny their right to bear children, if they want to retain their jobs. This enforced separation of the roles of child-bearer and worker is most visible in the position of pregnant workers. An organiser for the Commercial Catering and Allied Workers Union of South Africa (Ccawusa) said that his union tries to get agreements with employers that pregnant women will not have to work in unhealthy conditions. If their job involves hard labour, they should be transferred for the duration of their pregnancy. But he says that women often hide the fact that they are pregnant for the realistic fear of losing their jobs. On the whole in South Africa, it is NOT accepted that

pregnant women have as much right to work and to return to their jobs, as other workers.

Extract
from
Family
Planning
Association
brochure
aimed at
employers.

THE MOST IMPORTANT REASONS FOR SUCH AN EXTENSIVE PROGRAMME MAY BE SUMMARISED AS FOLLOWS:

- The establishment of a stable and productive work force to increase overall profitability;
- The stabilising effect it has on the economy of the country resulting in bigger investment possibilities for overseas investors;
- Without planning, the service period of women is often interrupted due to unplanned pregnancy;
- Workers from overcrowded, unhappy homes are less productive and often suffer from poor health;
- Male workers must be motivated to support their wives in the use of modern family planning methods;
- The smaller family norm leads to a higher standard of living;
- Many male workers are laid up because of venereal disease;
- The costs relating to the recruitment and re-training of workers can be drastically decreased.

YOU, AS EMPLOYER, GAIN—

- a more productive worker with fewer family problems on his mind;
- a more motivated worker with a planned family life;
- a healthier worker who can provide better in the daily needs of his smaller family.

Both the Factories Act and the Shops and Offices Act provide that pregnant women can claim Unemployment money for the last month of their pregnancy and the first two months after they have given birth. (For detailed regulations see box on UIF).

But there is no definitive guarantee that women must be allowed to return to the job that they left. It is therefore important that such agreements must be made by unions and industrial councils.

In a random survey of industrial councils and unions in Johannesburg, the following answers were given to the question "HAVE YOU NEGOTIATED ANY RIGHTS FOR PREGNANT WOMEN IN RELATION TO MATERNITY LEAVE?"

African Food and Canning Workers Union

No formal agreement. Some committees have negotiated with management for a woman to return to her job, but only if a job was going, so she would not necessarily get back her old job.

Building Society Officials (Industrial Council)

Each society has their own policy. It is usually left to the discretion of the manager, who takes into account the particular worker, how long she's been there and job efficiency. "Have there been any changes to remove sex discrimination?" "We have no sex discrimination".

CCAWUSA

"Some companies have specific policies on maternity leave. You must sign a resignation form before you leave and 'you may come and try' when you want to return to work".

Chemical Workers Industrial Union

There is no right to maternity leave, but women expect to have maternity leave, so it often comes up in factories. Committees have taken it up in some factories but usually women only get back their jobs if there's one going at the time of their return.

Clothing Industry Industrial Council

Maternity leave is granted one month before

delivery and up to two months after the birth. The job has to be kept open for the woman. If she does not go back two months after the baby is born, then the employer can give the job to somebody else.



CUSA

The union has negotiated some recognition agreements which increase the time a woman can take off before birth of her child, from a month to 6 weeks, and the time after birth from two to three months, with the woman retaining her job. Sometimes employers argue that a job cannot be kept vacant, but that isn't true for routine jobs. The union president said that at their last seminar people had pressed for greater financial benefits, although men sometimes think the issue is over-rated. The union has also negotiated paternity leave for fathers for two or three days after the birth of their child. Some companies have agreed to this, others have not.

South African Hairdressers and Cosmetologists Association

Women have no guarantee of returning to their

jobs, if they fall pregnant and leave and don't make arrangements with their employer. It is up to the employer.

Transvaal Knitters' Association

There is an industrial council agreement, clause 9: "No employer shall terminate the services of any employee by reason of such employee
a) approaching confinement provided the employee returns not later than two months after the date of confinement." But the council spokesperson said that more often than not the returning worker lost her job, and it was difficult to prove that the reason was the pregnancy because employers have to give the workers only 5 days notice anyway. The council can only take up workers claims if they were not given paid notice.

South Africa's stand on maternity leave is a far cry from many other countries. One must always bear in mind that the law does not necessarily reflect practise. Nevertheless it is an indicator of the degree to which women's rights as mothers and workers are recognised. The following chart summarises the legislation on maternity rights in Southern African countries, as they affect women in the retail shops trade. The writer presumes that these apply across the board, but would welcome any further information.

Laws regarding maternity protection in Southern African Countries

BOTSWANA: Six weeks leave before and six weeks after confinement on at least quarter pay. Guaranteed job back after maternity leave. Mothers are allowed half an hour twice a day during working hours for nursing their infants.

LESOTHO: Six weeks leave without pay before confinement and six weeks after, on

production of a medical certificate. Half an hour off twice a day is permitted during working hours. An employee cannot be given notice of dismissal while on maternity leave.

SOUTH AFRICA: No provision is made for maternity leave with the right to reemployment. But a pregnant woman must not work in a factory for 4 weeks before and 8 weeks after confinement, and she can get unemployment insurance (see box).

SWAZILAND: Six weeks leave before and six weeks after confinement without pay. On resuming employment she is entitled to continue with her previous job or an equivalent one without loss of seniority.

HOW TO CLAIM MATERNITY BENEFITS:

REMEMBER:

The law says that a pregnant woman must not work in a factory :

- for 4 weeks before her baby is born, and
- for 8 weeks after her baby is born.

YOU CAN GET UIF MATERNITY PAY:

- if you have lost your job because you are pregnant OR
- if you are getting less than one-third of your wages because you are pregnant

HOW TO CLAIM:

- to qualify for maternity benefits you must have been employed for at least 18 weeks during the year before the expected date of birth of your child.
- you are then entitled to benefits for 18 weeks before the expected date of birth and 8 weeks after the birth. For each 6 weeks you've worked you get one week's benefits. So, to claim the full 26 weeks, you need to have worked for 3 years.
- in order to claim maternity benefits you must go to the unemployment insurance offices, at the labour department, where you will be given a form which must be completed by your doctor. You must take your contributors record card with you. Your employer must give you this card when you stop work.
- it is important to claim as soon as possible after you stop work as you will only be paid benefits from the day your form is completed.
- you will be paid 45% of your monthly salary. Payments of maternity benefits are made by cheque at two monthly intervals through the post and declaration forms for further benefits are posted with cheques to you. The forms must not be posted back before the date shown on the top of the form.

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