



# Maternity protection and Childcare Systems in Bangladesh: Key Gaps in cash benefit

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## ► Maternity protection is set out by international labour standards

- ILO Convention on Social Security (Minimum Standards), Part VIII Maternity Benefit, 1952, (No.102)

C 102

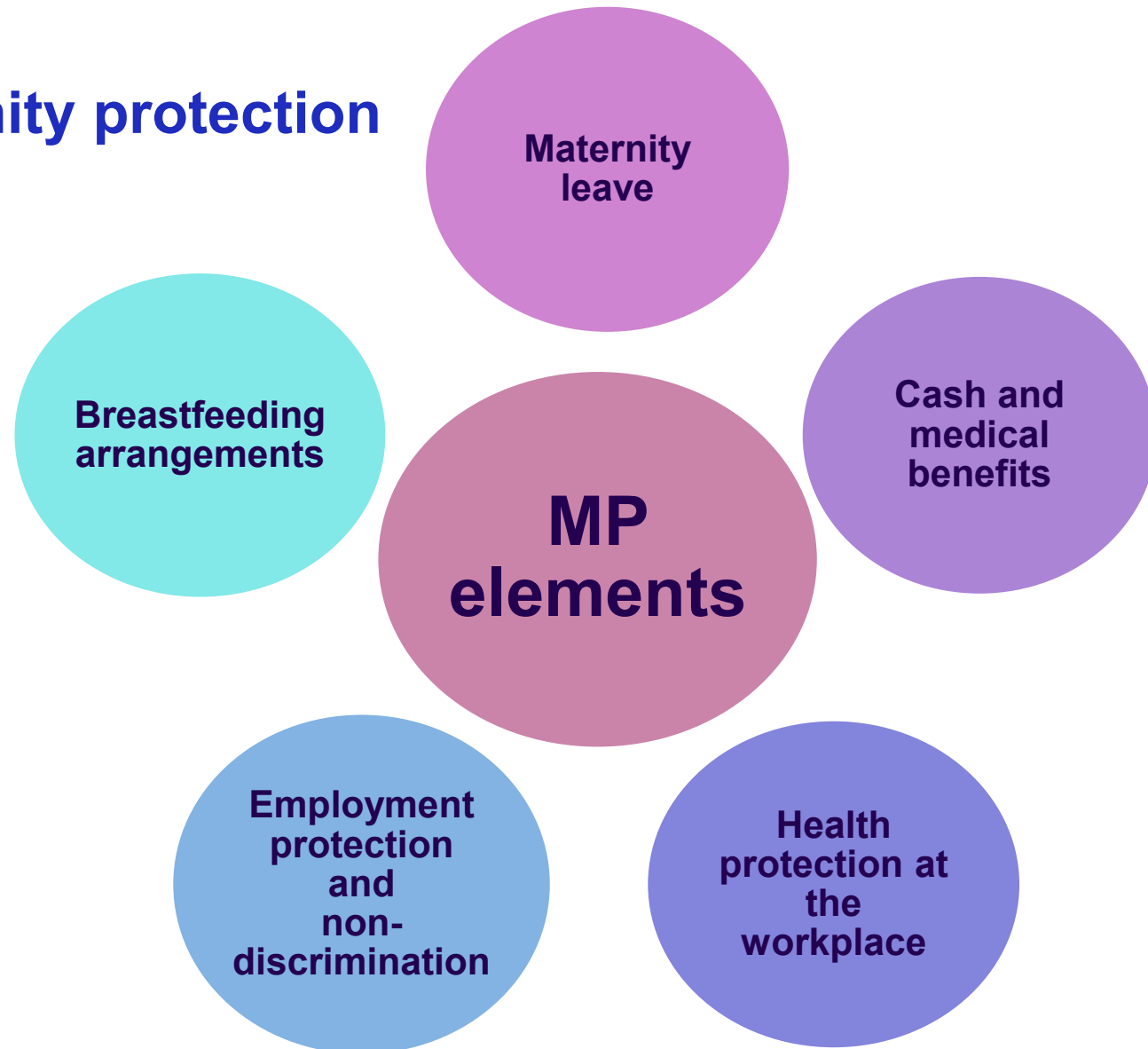
- ILO Convention on Maternity Protection, 2000 (No. 183)

C 183

- ILO Recommendation on Maternity Protection, 2000 (No. 191)

R 191

## Core elements of maternity protection



## ► Maternity protection in Bangladesh: National Legal Framework

**Bangladesh Labor  
Act 2006 (Chapter IV,  
sections 45-50)**

**Bangladesh Labor  
Rules 2015**

## ► Maternity cash benefit

- C183 enshrines that the cash benefits to be paid during maternity leave should be at least two-thirds of a woman's previous earnings for a minimum of 14 weeks.
- The principle of C183 also reiterates the principle endorsed in the Social Security Convention No. 102, that the cash benefit should be paid throughout the entire duration of maternity leave
- Bangladesh nonetheless does provide 16 weeks of paid maternity leave at a rate of 100 per cent of the previous earnings under the existing labor law (s. 48, BLA )

## ► Scope and coverage

- Convention No. 183 includes in its scope all employed women, including women employed in informal and atypical forms of work
- The scope of BLA is substantively narrow as it only applies to workers employed in the organized sectors whereas majority of women labour force in Bangladesh are employed in the informal sector including in domestic work.

## ► Eligibility requirements

- According to Convention No. 183, the sole prerequisite for a worker's right to maternity leave is the production of a certificate indicating the expected date of birth
- However, the national standard applicable in Bangladesh for obtaining the statutory maternity benefit includes a number of eligibility requirements.
- Section 46 of the BLA provides that to be eligible to receive maternity benefit under the law, a woman must be working under the employer for at least six months Immediately prior to the day of her delivery.
- Section 46 of the BLA expressly disqualifies a woman from obtaining maternity benefit if at the time of her pregnancy she has two or more surviving children

## ► Financing of cash benefit

- C183 emphasizes that employers should not be individually liable for the cost of maternity benefits payable to women employed by them, and that benefits should be provided through compulsory social insurance or public funds, which are the pillars of social security
- Under the BLA, in the absence of any social insurance scheme for maternity, the employer is the sole bearer for the full amount of liability when providing maternity benefits
- Although social insurance is considered to be the key element of social protection in Bangladesh and the NSSS's National Social Insurance Scheme (NSIS) includes strategy for introducing maternity insurance; little progress has been made so far towards implementation of such a scheme
- Moreover, Bangladesh does not have any mechanism for maternity benefits to be paid to the informal sector workers which constitutes the most crucial lacuna in social protection in this area.



## ► Financing Maternity Benefits through Social Protection

- Initiate a contextual analysis on the current maternity protection provisions followed by a feasibility study on maternity- insurance scheme.
- Tripartite national level dialogues are essential to formulate a roadmap towards developing an effective maternity protection framework for both formal and informal workers.
- Conduct an in-depth legal review to propose outlines of an effective legal framework for establishing social insurance scheme particularly for maternity protection
- Adopting policy measures to provide maternity cash benefits to informal workers through non-contributory social assistance programmes financed by public funds

A young girl with dark hair, wearing a red and orange sari, is focused on a craft project. She is holding a small object in her hands, possibly a piece of wood or a tool. The background is slightly blurred, showing other people in similar attire. A large blue diagonal banner covers the bottom left corner of the image.

# Thank You