

Seven Key Issue Areas In ILO Convention No. 183

Protection	ILO Convention 183
Scope (Who is Protected?)	<ul style="list-style-type: none"> • All married and unmarried employed women including those in atypical forms of work
Amount of Leave	<ul style="list-style-type: none"> • Not less than 14 weeks (remember: ILO Recommendation 191 calls for 18 weeks) • Provision for 6 weeks compulsory postnatal leave
Cash Benefits	<ul style="list-style-type: none"> • Two thirds of a woman's previous earnings OR Equivalent payment • Benefits to be provided from social insurance or public funds or determined by national law and practice
Medical Benefits	<ul style="list-style-type: none"> • Prenatal, childbirth and postnatal care and hospitalisation care when necessary
Health Protection	<ul style="list-style-type: none"> • Pregnant and nursing women shall not be obliged to perform work that is assessed as detrimental to the mother or child
Employment Protection and Discrimination	<ul style="list-style-type: none"> • Unlawful for employer to dismiss a woman during pregnancy, whilst on maternity leave or nursing, unless the reasons are unrelated to pregnancy or nursing, and the burden of proof rests with the employer • Guaranteed right to return to the same position or an equivalent position with equal pay • Protection against discrimination in employment (eg hiring policies) on grounds of maternity • Prohibition of pregnancy testing at recruitment
Breaks For Breastfeeding/Childcare	<ul style="list-style-type: none"> • Right to one or more daily breaks for breastfeeding/lactation • Right to daily reduction of daily working hours for breastfeeding • Breaks or reduction in hours counted as working time and therefore paid.

1. Scope – Who is Covered?

Country	Thailand	Cambodia	Malaysia	Philippines	Indonesia
Scope	Private sector – (Women working at workplaces w/ 10 or more workers and with contributions to Social Welfare Fund for at least 7 mths) and public sector (civil servants and state-owned enterprises) NOT domestic workers	All workers EXCEPT domestic workers, civil servants, Armed Forces and Police	All workers employed longer than 90 days, EXCEPT domestic workers and manual labourers	Any employed woman who has made 3 or more monthly contributions to Social Security, incl. Domestic workers whose salary exceeds 1,000 pesos	All women workers

2. Amount of Leave

Country	Amount of Leave	Limits/Conditions
Thailand	90 days	Applies for up to 2 births
Cambodia	90 days	-
Malaysia	60 days	Applies for up to 5 births. Women who miscarry after 28 weeks or have still births are also covered
Philippines	60 days; 78 days for caesarian section deliveries	4 wks must be taken after the birth – applies for up to 4 births, including miscarriage.
Indonesia	3 months	1.5 mths must be taken after the birth

3. Cash Benefits

Country	Pay	Who Pays?
Thailand	Full (for those making contributions to social welfare fund for at least 7 months)	45 days – employer; 45 days – social welfare fund
Cambodia	Half (only for those employed longer than 1 yr)	Employer
Malaysia	Full (for those employed longer than 90 days)	Employer
Philippines	Full	Social security system (two different funds for private and public employees)
Indonesia	Full	Employer

4. Medical Benefits

There is no legislated requirement in any of the five SE Asian countries to provide medical benefits such as pre- natal, childbirth or post-natal care, or hospitalisation care.

5. Health protection

Country	Protection	Conditions/Sanctions
Thailand	Employee is entitled to request a temporary change in duties before or after childbirth, and the employer 'shall consider' changing her duties	Employee must provide doctors' certificate
Cambodia	For the first two months after maternity leave the employee is expected only to perform light work	Minimal fines
Malaysia	Women workers in general cannot be required to work between 10:00pm and 5:00am without a dispensation from the Director-General. But no specific protections for pregnant employees or new mothers.	-
Philippines	There are certain restrictions upon women working between 10:00pm and 6:00am, although exceptions can be made by the Dept. of Labour. No specific protections for pregnant employees or new mothers.	-
Indonesia	Employers are forbidden to require pregnant employees to work between 11:00pm and 07:00am if the employee provides a doctor's certificate stating that it would endanger the pregnancy	1 – 12 months' jail sentence and/or a fine of between Rp10 million and Rp.100 million.

6. Employment Protection and Discrimination

Country	Protection	Sanction
Thailand	Prohibited for an employer to terminate a woman's employment because of her pregnancy	Up to six months imprisonment and/or a fine of not more than 600,000B
Cambodia	Prohibited for an employer to terminate a woman during her maternity leave or at a date when the end of notice period would fall during maternity leave	Minimal fines
Malaysia	No female employee may be dismissed from her employment whilst she is on maternity leave	?
Philippines	It is unlawful for any employer: To deny any woman employee the maternity benefits or to dismiss any woman the purpose of preventing her from enjoying any of the maternity benefits; <ul style="list-style-type: none"> - To discharge such woman on account of her pregnancy or while on leave or in confinement due to her pregnancy; - To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant 	Criminal liability
Indonesia	It is prohibited for an employer to dismiss a woman for reasons of pregnancy, childbirth, miscarriage or breastfeeding	-

7. Breaks for Breastfeeding and Childcare Provisions

Country	Provisions
Thailand	-
Cambodia	For one year following childbirth, breastfeeding mothers are entitled to one hour break (or 2 x 30 min) per day. Enterprises employing >100 women shall establish nursing rooms and day care centre. Enterprises not able to establish such facilities shall pay for the costs of childcare for their employees.
Malaysia	-
Philippines	-
Indonesia	Employers should provide a suitable place for breastfeeding mothers to nurse their children during work hours.

Relevant Labour Laws:

Cambodia: Labor Law of 1997

Indonesia: Manpower Act No. 13 of 2003

Thailand: Labour Protection Act 1998, Social Security Act

Philippines: Labor Code, Social Security Law

Malaysia: Employment Act, 1955