

# NATIONAL ASSEMBLY

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**Motivation by Hon. Winnie Moongo (PDM) regarding the Motion to discuss the possibility of increasing the amount payable in respect of maternity leave, paying women their full salaries, extending maternity leave up to five (5) months with full pay and including paternity leave in the legislative framework.**

**September 19, 2023**

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1. **Thank you, Honorable Speaker,** I rise today to discuss an issue that is important to many people throughout the country. I will also refer to a very important piece of legislation and some international legal instruments that I think have the potential to solve what is probably the *number one* problem that expectant and nursing mothers confront today. I am talking about the Social Security Act, 1994 (Act No. 4 of 1994) and its accompanying Regulations, as amended and the International Labor Organization (ILO) Maternity Protection Convention, 2000 (No. 183), as well as the accompanying Maternity Protection Recommendation, 2000 (No. 191).
2. **Honorable Members,** I speak today not only as a legislator, but also as a mother of two delightful children, and a fervent healthcare professional. I wholeheartedly implore you, fellow MPs, to sensibly apply your minds when we debate this important issue. Mothers are the strongest pillars that hold our communities together, and they continue to demonstrate the character and the courage that define us as a nation. They could also be the most vulnerable, when neglected and not cared for. You don't have to be a pregnant woman or a breastfeeding mother to comprehend this.
3. Universal social protection, of which maternity protection forms an integral part, is essential for realizing the human right to social security for all, advancing social justice and promoting inclusive growth, and accelerating progress towards achieving the globally agreed 2030 agenda for sustainable development and its accompanying goals and targets.

4. The ILO estimates that more than eight-hundred-(800) million women lack economic security around childbirth with adverse effects on the health, nutrition and well-being of mothers and their children. Since the ILO was founded over one-hundred years ago, international labor standards have been established to provide maternity protection for women workers.
5. The Convention, in particular, represents the minimum standards, whereas the accompanying Recommendation encourages additional measures. The basic elements of maternity protection include:
  - i. *Maternity leave duration:* The mother's right to a period of rest in relation to childbirth is a crucial means of safeguarding health and nutrition of the mother and her child. Convention No. 183 states that maternity leave should not be less than 14 weeks, while Recommendation No. 191 suggests that maternity leave be at least 18 weeks. However, the Recommendation does not preclude employers from increasing maternity leave up to more than 18 weeks.
  - ii. *Amount of maternity leave cash benefits:* The right to cash benefits during absence for maternity leave is intended to ensure that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living. Maternity leave cash benefits aim to replace a portion of the income lost due to the interruption of the woman's economic activities, giving practical effect to the provision for leave. Convention No. 183 states that cash benefits should not be less than two-thirds of the woman's earnings prior to taking leave, while Recommendation No. 191 encourages raising the benefits to the full amount of previous earnings.
  - iii. *Source of maternity leave cash benefits:* The source of benefits is important due to potential discrimination in the labor market if employers have to bear the full costs. Convention No. 183 stipulates that cash benefits shall be provided through compulsory social insurance or public funds, and that individual employers shall not be liable for maternity leave benefits without that employer's specific agreement. Surely, Namibian employers can be compelled by law, and through specific agreement, to pay pregnant women their full salaries.
  - iv. *Breastfeeding breaks and breastfeeding facilities:* The right to continue breastfeeding a child after returning to work is important since duration of leave

entitlements generally is shorter than the World Health Organization (WHO) recommended duration of exclusive and continued breastfeeding. Convention No. 183 states that women shall have the right to one or more daily breaks or a daily reduction of hours of work for breastfeeding, which is to be counted as working time and remunerated accordingly. Recommendation No. 191 states that where practicable, provision should be made for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace. For this, practices such as remote work options, flexible scheduling, and on-site childcare facilities for nursing women workers should be considered and encouraged.

6. Section 9 (1) of the Social Security Act states that maternity leave benefits shall be equal to 100 per cent of the basic wage of the female employee concerned, up to a maximum amount of N\$15 000 per month, payable for a maximum of 12 weeks. The current Regulations expressly states that the amount payable shall be N\$15 000 per month, for a maximum of 12 weeks. **Honorable Members**, the amount is not sufficient. Imagine a situation where by a government employee who has a housing bond; the employer covers the subsidy, and the employee will need to pay the difference (for the three months she is on maternity leave). This payment has to come from the N\$ 15 000. From the Social Security pay-out, the employee is also obliged to pay government medical contribution, GIPF, Social Security contribution, and for most, their own policy. However, the government only pays transport.
7. **Honorable Members**, Article 4(3) of the Convention specifies that *each Member may subsequently deposit with the Director-General of the International Labor Office a further declaration extending the period of maternity leave*. I, therefore, propose that the amount payable in respect of maternity leave be increased, and maternity leave duration be extended up to five (5) months, with full pay.
8. It is strongly believed that many Namibian fathers do not involve themselves in child care responsibilities. This motion is informed by objective reasoning, following a mini survey which showed that there is demand for paternity leave. Both Namibian employers and employees agree that the viability of paternity leave in this country is not in doubt. Paternity leave can be an important mechanism to encourage fathers to take greater responsibility in their children's upbringing. Male employees pay contributions to Social Security Commission, and only benefit under sick leave or death benefits, I think that they can start to benefit under paternity leave arrangement.

9. Some important questions to consider, as we debate this important issue include: Should paternity leave be limited to men who have named themselves as fathers on the birth certificate? Should paternity leave be limited to fathers who are sharing a common household with the mother and child? Should some type of verification be required to show that the father in question did in fact spend time bonding with the mother and child? How long should paternity leave be? And finally, should paternity leave be paid or unpaid? Should fathers be allowed three months' paternity leave, so that they are able to use at least one month before delivery, and two-months after delivery to give the necessary care to both the nursing mother and the new-born?
10. Breastfeeding is one of the most effective ways to ensure child health and survival. However, contrary to WHO recommendations, fewer than half of infants under 6 months old are exclusively breastfed. Breastmilk is the ideal food for infants. It is safe, clean and contains antibodies which help protect against many common childhood illnesses.
11. Pregnancy and maternity are potentially vulnerable time for working women and their families. Expectant and nursing mothers require special protection to prevent any potential adverse effects for them and their infants. They need adequate time to give birth, to recover from delivery process, and to nurse their children. Specifically, most mothers suffer from postpartum depression, which is a serious mental illness which affects both their behavior and physical health. Postpartum depression can interfere with one's day-to-day life. You might feel unconnected to your baby, as if you are not the baby's mother, or you might not love or care for the baby. While these feelings can be mild to severe, they remain a serious cause for concern.
12. At the same time, they also require income security and protection to ensure that they will not suffer from income loss or lose their job because of pregnancy or maternity leave. Such protection not only ensures a woman's equal access and right to employment, it also ensures economic sustainability for the well-being of the family. Returning to work after maternity leave has been identified as a significant cause for never starting breastfeeding, early cessation of breastfeeding and lack of exclusive breastfeeding.
13. Women who are absent from work on maternity leave should, therefore, be entitled to a cash benefit which ensures that they can maintain themselves and their child in

healthy conditions. Breastfeeding mothers should be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

14. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work should be determined by national law and practice. These breaks or the reduction of daily hours of work should be counted as working time and remunerated accordingly.
15. In March 2022, the Ministry of Labor, Industrial Relations and Employment Creation made (and *gazetted*) amendments to the Regulations pertaining to the Social Security Commission pay-outs for, among others, maternity benefits. Prior to these amendments, expecting women often opted to work until their due date to avert potential financial losses from the earlier SSC pay-out. This is not financially sustainable.
16. The Head of the SSC said in 2022 that it's difficult to pay women a full salary while on maternity leave. She also stated that contribution towards social security determines how much one is going to be paid, and that the Commission intended to phase in benefits over time. She, nonetheless, did not rule out the possibility of full payment for all women in future. She shared the same sentiment in September of this year. The future is here, and it's now. It can be done.
17. While I am not oblivious to the budget, financial position, and investment strategy implications of the SSC, I do believe this is attainable and as a caring society we equally need to invest in our female employees in order to achieve a more productive, and more inclusive workforce. Women, especially those in higher brackets, should not have to weigh their options of whether to take leave and lose money, or forfeit it altogether, but must continue getting their full pay. They deserve it.
18. I wish to take this time to thank all working mothers for the work they do, and the struggles they endure, especially during pregnancy and breastfeeding. You see, **Honorable Speaker**, to them, these proposed changes to maternity benefits could mean the difference between poverty and prosperity. Without mothers, we wouldn't have a thriving nation. It is, therefore, imperative that we protect the health and welfare of

working women during pregnancy, childbirth and breastfeeding, and to ensure that their employment is protected and that they are not subject to discrimination.

19. **Honorable Members**, there is no doubt in my mind that we will move forward to expand and strengthen Namibia's maternity protection package. At the very least, we need a debate that is conducted honestly, conducted fairly, and that doesn't turn maternity protection into a sweepstakes. I hope after this we will have it.

**I so move.**