



**Global Dynamics
of Social Policy** CRC 1342

Explaining the discrepancy between laws and practices of paid maternity leave in LMICs

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The access to maternity protection

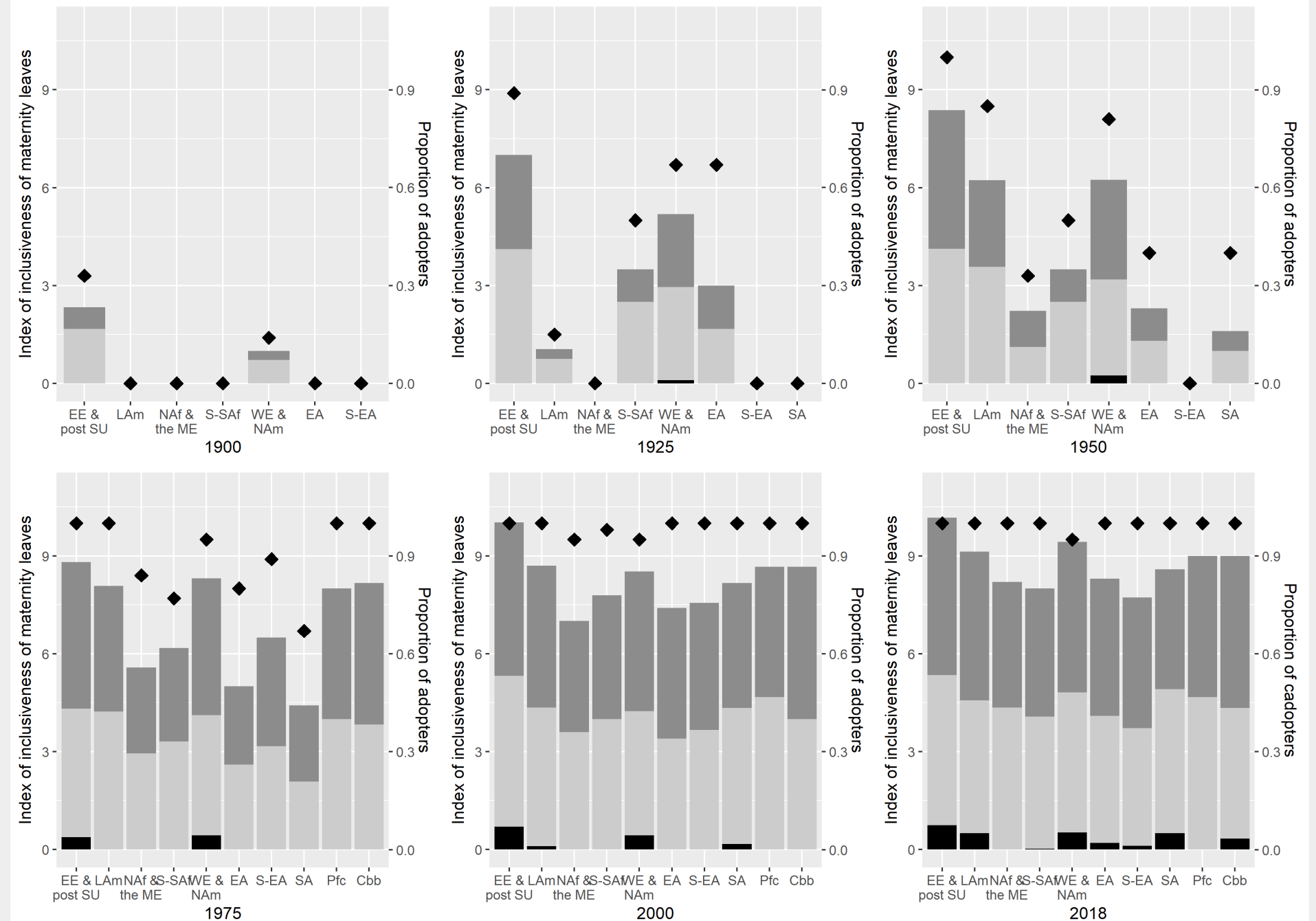
- » The access to maternity protection as a fundamental right since the Declaration of Human Rights in 1948
- » All low- and middle-income countries (LMICs) have introduced paid maternity leave.
- » Recent extension of maternity protection coverage in LMICs

Inclusiveness sub-indices

Coverage

Eligibility

Social assistance



The access to maternity protection

- » Yet, only **40.6** percent of employed women receive maternity benefits in practices (Addati et al., 2014, p. 35)
- » Examples of the discrepancy between laws and practices of social security system
 - › Maternity protection legislations for Beedi and Cigar productions and garment industries in South Asia since the 1960s (Boris, 2019; Dicaprio, 2013; Seidman, 2007)
 - › Low *de facto* coverage of social security benefits in the 1990s Argentina (Ronconi, 2010)
 - › Implementation failure of non-contributory cash transfer (Seekings 2019; 2021, Lavers, 2021; 2022)

Discrepancy between laws and practices

- » Discrepancy from policy diffusion: advanced policies are adopted by LMICs without capacities or intentions to implement them for expressive benefits
- » LMICs adopt and extend maternity leave to comply with the ILO (Böger, Son, and Tonelli, 2022; Son 2022a; Son 2022b)

Discrepancy between laws and practices

- » Discrepancy \neq informal sector (i.e., establishments which are registered and unlicensed in laws *or* in practices)
 - › Taking account of legal coverage?
 - › Is the discrepancy problem limited to the informal sector?
 - : discrepancy in the formal sector
 - : violation of social security legislations

Determinants of the discrepancy

- » Too short history of welfare system?
- » Lack of state capacities?
- » Prevalence of corruption?
- » Institutional features of paid maternity leave?
 - › Too long contribution period?
 - › Too ambitious coverage?
 - › Financial burdens only on employers?

How to measure the discrepancy?

- » Discrepancy = *de jure* – *de facto* coverage of paid maternity leave in 2010 72 LMICs
- » Expected coverage = (legal coverage by employment sector, i.e., industrial, commercial, agricultural sectors and the self-employed)*(the proportion of women workers in each sector)
Ex. (ratio of female employment in industrial, commercial, agricultural sector)*(1-ratio of women workers who are self-employed)

How to measure the discrepancy?

- » Effective coverage = the number of working women who are potentially granted paid maternity leave in 2010, either through maternity insurance or employer (Addati et al., 2014)

Descriptive statistics

| Exp Eff | 0-9 | 10-32 | 33-65 | 66-89 | 90-100 |
|------------|---|---|--|-------------------------------------|---|
| 0-9 | Chad, Benin, Pakistan, Burkina Faso, DR Congo, Madagascar, Tanzania, Togo, Ethiopia, Nepal, Burundi, Congo | Côte d'Ivoire, Zambia, Cameroon, Laos, India, Myanmar, Rwanda, Senegal, Kenya, Zimbabwe | Indonesia, Iraq | | Cambodia, Ecuador |
| 10-32 | | Uganda, Bolivia, Thailand, Vietnam, China | Sri Lanka, Morocco, Honduras, Guatemala, Nicaragua, Paraguay, Namibia | Malaysia, Argentina | Azerbaijan, Dominican Republic, El Salvador, Mexico |
| 33-65 | | Egypt | Mongolia, Botswana | Mauritius, Lebanon, South Africa | Albania, Armenia, Brazil, Cape Verde, Colombia, Costa Rica, Panama, Peru, Tunisia, Turkey, Venezuela |
| 66-89 | | | | Uruguay | Bulgaria, Belarus, Chile, Cuba, Jordan, Lithuania, Philippines, Ukraine |
| 90-100 | | | | | Latvia, Serbia |

Dependent variable: Discrepancy between the expected and effective coverage

| | (1) | (2) | (3) | (4) | (5) |
|-------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Welfare experience | -0.078 (0.154) | -0.059 (0.142) | -0.004 (0.150) | -0.035 (0.153) | -0.059 (0.148) |
| Tax revenue | -0.714* (0.425) | | | | |
| Government efficiency | | -15.171*** (3.824) | | | |
| Regulation quality | | | -12.850*** (4.241) | | |
| Control over corruption | | | | -14.738*** (4.879) | |
| Corruption | | | | | 25.951** (11.134) |
| Contribution period | 5.668*** (1.277) | 5.221*** (1.201) | 4.829*** (1.245) | 4.305*** (1.272) | 4.916*** (1.249) |
| Social Insurance | -16.945** (6.406) | -19.680*** (6.051) | -19.049*** (6.360) | -16.720** (6.422) | -19.162*** (6.373) |
| Legal coverage | 10.008* (5.005) | 5.681 (4.696) | 6.673 (4.941) | 6.508 (5.090) | 5.545 (4.913) |
| Exclusion of the self-employed | -20.383*** (6.875) | -19.827*** (6.676) | -20.223*** (6.992) | -19.773*** (7.261) | -21.416*** (6.953) |
| <i>Control variables</i> | | | | | |
| Logged GDP per capita | 7.066** (3.439) | 12.780*** (3.367) | 10.494*** (3.376) | 8.787** (3.343) | 13.453*** (3.863) |
| Polity | 0.072 (0.420) | 0.338 (0.409) | 0.169 (0.422) | 0.146 (0.435) | 0.140 (0.421) |
| Ratification of the ILO conventions | -2.404 (3.286) | -5.391* (2.896) | -3.750 (3.070) | -3.459 (3.208) | -5.663* (3.033) |
| WINGO membership | -0.023 (0.112) | -0.036 (0.104) | -0.060 (0.109) | -0.057 (0.112) | 0.016 (0.113) |
| Constant | -25.310 (33.911) | -77.144** (35.152) | -61.578* (36.342) | -58.955 (38.810) | -81.587** (39.690) |
| Observations | 68 | 72 | 72 | 72 | 72 |
| R ² | 0.569 | 0.581 | 0.541 | 0.515 | 0.541 |

Note: Standards errors in parentheses *p<0.1; **p<0.05; ***p<0.01

Conclusion

- » Persistent discrepancy between laws and practices of paid maternity leave in LMICs hinders the access to maternity benefits.
- » Necessity to introduce maternity “insurance” system and decrease eligibility criteria
- » Necessity to invest administrative and bureaucratic capabilities

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