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THE SINDH MATERNITY BENEFITS ACT, 2018

SINDH ACT NO. XXXIX OF 2018

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THE SINDH MATERNITY BENEFITS ACT, 2018
SINDH ACT NO. XXXIX OF 2018

[29th May, 2018]

AN ACT to provide safeguards to working women's maternity benefits, proper child nursing and job security in public and private organisations.

WHEREAS it is expedient to provide safeguards to working women's maternity benefits, proper nursing of new born to maintain job security and matters ancillary thereto;

Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Maternity Benefits Act, 2018. **Short title, commencement and extent.**

(2) It shall come into force at once.

(3) It shall extend to the whole of the Province of Sindh.

2. (a) "Day Care facility" means a place designated for supervised day time of pre-school children's care within the premises where a woman works providing care and recreation facilities to the child; **Definitions.**

(b) "Delivery" means the birth of a child;

(c) "Employer" means a person or business that employs one or more people for wages or salaries and includes:

- (a) The Government Organisation;
- (b) Private Organisation;
- (c) Semi-Government Organisation;

(d) "Government" means the Government of Sindh;

(e) "Maternity" means state relating to, or for the period in which a woman is pregnant or has just given birth to a child;

(f) "Maternity benefits" means the payment, mandatory leave and other benefits prescribed in this Act;

(g) "Maternity Leave" means leave of absence for an expectant or new mother for the birth and care of the baby;

(h) "Neonate" means a new-born baby;

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(i) “Wages” means all remunerations paid or payable in cash to a woman, as per the contract of employment, written or verbal;

3. An employer must grant a mandatory maternity leave to a working women during pregnancy in the following order: **Mandatory maternal leave.**

(1) Four weeks before the expected date of delivery.

(2) Twelve-weeks after the delivery.

4. (1) Miscarriage: In case of miscarriage, there shall be a 1-week of paid leave. **Additional maternity leave.**

(2) Still-born: In case of still-born, there shall be paid leave of 4-weeks.

(3) Premature delivery: There shall be a paid leave of 16-weeks in case of a premature delivery, leave shall commence since the day of the birth of premature neonate.

***Explanation:** 4-weeks of pre-natal and 12-weeks of post-natal leave shall be combined and a mother shall be granted a combined 16-weeks of paid leave after the occurrence of a premature delivery.*

(4) Any other medical complication: In case of any other medical complication, in which case the life of a mother or her unborn may be at risk, shall be paid leave for 4-weeks.

Such a request for additional maternity leave shall be supported by medical documents and the organisation may countercheck, if needed.

5. The benefits are available to all the female employees who have worked for a continuous period of one year preceding the date of her expected delivery. **Eligibility for maternal benefits.**

6. A woman shall inform the employer through a written application 12-weeks before the expected date of delivery. **Notice of maternal benefits.**

7. Employer has to pay a woman the same amount of salary during the period of maternity leave. **Right to payment of maternal benefit.**

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| 8. | If a woman entitled to maternity benefits under this act dies during or before child labour, the employer shall pay 10% of her monthly salary for the number of years she has worked for the organisation to the legal heirs of the employee along with all the other benefits for which she was entitled to receive from the respective organisation at the time of commencement of her employment. | Payment of maternal benefit in case of a death of a woman. |
| 9. | Women employee shall be permitted to visit the day care facility 4 times during the day to nurse, wean and feed the child. | Nursing breaks. |
| 10. | It is mandatory for every organisation employing 10% or more employees to establish a day care facility within the premises and the installation of CCTV for monitoring the child's wellbeing. | Day Care Facility. |
| 11. | If any employer fails to pay any amount of maternity benefit to a woman entitled under this Act, or discharges or dismisses such a woman during or on account of her absence from work in accordance with the provisions of this Act. | Penalties. |
| 12. | Any aggrieved woman may file a complaint regarding the commission of an offence under this Act in the court of competent jurisdiction. | Cognizance of offences. |
| 13. | The rules shall be made for carrying out the purpose of this Act once it becomes law. | Power to make rules. |
| 14. | The provisions of this Act shall be in addition to and not in derogation of any other law. In case of contradiction, this law prevails. | Overriding effect. |