

Bill Summary

The Maternity Benefit (Amendment) Bill, 2016

- The Maternity Benefit (Amendment) Bill, 2016 was introduced in Rajya Sabha on August 11, 2016 by the Minister for Labour and Employment, Mr. Bandaru Dattatreya.
- The Bill amends the Maternity Benefit Act, 1961. The Act regulates the employment of women during the period of child birth, and provides maternity benefits. The Act applies to factory, mines, plantations, shops and other establishments. The Bill amends provisions related to the duration and applicability of maternity leave, and other facilities.
- **Duration of maternity leave:** The Act states that every woman will be entitled to maternity benefit of 12 weeks. The Bill increases this to 26 weeks.
- Under the Act, this maternity benefit should not be availed before six weeks from the date of expected delivery. The Bill changes this to eight weeks.
- In case of a woman who has two or more children, the maternity benefit will continue to be 12 weeks, which cannot be availed before six weeks from the date of the expected delivery.
- **Maternity leave for adoptive and commissioning mothers:** The Bill introduces a provision to grant 12 weeks of maternity leave to: (i) a woman who legally adopts a child below three months of age; and (ii) a commissioning mother. A commissioning mother is defined as a biological mother who uses her egg to create an embryo implanted in another woman.
- The 12-week period of maternity benefit will be calculated from the date the child is handed over to the adoptive or commissioning mother.
- **Option to work from home:** The Bill introduces a provision that states that an employer may permit a woman to work from home. This would apply if the nature of work assigned to the woman permits her to work from home. This option can be availed of, after the period of maternity leave, for a duration that is mutually decided by the employer and the woman.
- **Crèche facilities:** The Bill introduces a provision which requires every establishment with 50 or more employees to provide crèche facilities within a prescribed distance. The woman will be allowed four visits to the crèche in a day. This will include her interval for rest.
- **Informing women employees of the right to maternity leave:** The Bill introduces a provision which requires every establishment to intimate a woman at the time of her appointment of the maternity benefits available to her. Such communication must be in writing and electronically.

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