

# Enhancing gender-responsive social protection among informal and traditionally uncovered workers in sub-Saharan Africa: An assessment of access to maternity protection

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**Abstract** A wide and established body of research evidence has consistently shown how the effective provision of social protection benefits and the promotion of gender equality are among the key tools for addressing shocks, vulnerability and poverty. It is largely to this end that these ideals implicitly feature throughout the United Nations 2030 Sustainable Development Agenda and explicitly in two Sustainable Development Goals (SDGs). The first is SDG 1 on poverty reduction, target 1.3 of which calls for the implementation of nationally appropriate social protection systems, measures and floors for all. The second is SDG 5, which aims to achieve gender equality and empowerment for all women

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and girls. Despite this, women across the world continue to receive contributory social security benefits that are notably lower than those of men. There is, therefore, a need for a critical and deeper understanding of policy, legislative and programmatic factors that underlie gender gaps in social protection provision. To contribute to knowledge in this regard, and while not aiming to address the intractable challenge of labour market formalization, this article draws on qualitative data from case studies conducted in 2022 among informal economy and other traditionally unprotected workers in three countries in sub-Saharan Africa (Mozambique, United Republic of Tanzania, and Togo), the region with the highest proportion of informal workers. The aim was to explore the extent to which these workers, who are predominantly women, have access to the various elements of maternity protection. The results showed the extent to which explicit legislative and policy frameworks as well as knowledge and service context often limit women's access to maternity protection. The article draws on the key findings to provide strategic recommendations for designing and effectively implementing more gender-responsive social protection benefits in developing economy contexts.

**Keywords** gender, maternity, social security, social protection, informal economy, Mozambique, United Republic of Tanzania, Togo, sub-Saharan Africa

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## Introduction

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Notwithstanding the development and implementation of various international, regional and national instruments aimed at promoting gender equality and the economic empowerment of women, the gender gap in employment has remained persistently wide, with the International Labour Organization (ILO) recently commenting that “the world remains far from achieving the goal of decent work and social justice for all ... [as] gender imbalances in access to employment and working conditions are greater than previously thought, particularly in the developing world (ILO, 2023, p. 1). It has been, shown, for example, that over the past two decades, the global labour force participation

rate for women increased marginally by 1.1 percentage points to reach 64.5 per cent in 2023, while the rate for men – even after a drop of 1.1 percentage points – was 92 per cent in the same year, thus placing the global gender gap in labour force participation at 27.5 percentage points in 2023 (Carrillo, 2024, p. 1). This imbalance can also be gleaned from data on the job gap – an indicator that captures all persons who would like to work but do not have a job (ILO, 2023, p. 1). The ILO reports that in 2022 the global job gap rate was 12.3 per cent, with the rate in developing economies notably higher than the global average at 24.9 per cent in low-income countries and 17.4 per cent in lower-middle-income countries (ILO, 2023, p. 2).

In much of the developing world, this “substantial and unrelenting” (Carrillo, 2024, p. 1) gender gap in labour force participation can be partly explained by disproportionate housework, childcare, and other family responsibilities that women face because of traditional and gendered caregiving roles (Mokomane, 2017; Mussida and Patimo, 2021; Orozco et al., 2022). It is also noteworthy that even when women secure employment, such work is often in the informal economy,<sup>1</sup> defined as “the diversified set of economic activities, enterprises, jobs, and workers that are not regulated or protected by the state”, (WIEGO, 2023, p. 1). Recent evidence shows that globally about 740 million women are working in the informal economy with the proportion being relatively higher in developing economies: sub-Saharan Africa (89 per cent), Asia and the Pacific (67 per cent), Latin America and the Caribbean (55 per cent) (Bonnet, Vanek and Chen, 2019).

While it has the potential to drive production and employment (World Economic Forum, 2023), the informal economy, by definition, provides its employees with little or no protection in terms of labour laws and social protection benefits. Thus, in addition to substandard working conditions such as long working hours, low productivity, and low wages, workers in the informal economy often have limited or no access to benefits such as pensions, health insurance, paid leave, and maternity protection. Nested within wider systems of social protection (Pereira-Kotze et al., 2022), maternity protection ensures income and job security for pregnant women and mothers of newborn children and their families through the provision of social protection in six key areas: i) maternity leave, ii) cash and medical benefits during maternity leave, iii) health protection at work, iv) employment protection and non-discrimination (job and income security), v) breastfeeding arrangements and, in some cases, vi) childcare support after return to work (Richardson et al., 2020; Pereira-Kotze et al., 2022). In essence, maternity protection not only ensures that expectant and nursing mothers will not lose their jobs simply because of pregnancy or maternity leave,

1. In this article, we use the terms informal sector and informal economy interchangeably.

but it also ensures the continuation of often vital income that is necessary for the well-being of women's families.<sup>2</sup>

In addition to the foregoing, maternity protection is a fundamental human right enshrined in Article 22 and Article 25 of the Universal Declaration of Human Rights (UN, 1948), which entitles motherhood and childhood to special care and assistance. The recognition of its importance as a pathway to enabling women to successfully combine their reproductive and productive roles as well as to prevent unequal treatment in employment due to reproductive roles (ILO, 2004, p. 1) is also reflected in the evolution of relevant ILO Conventions from as early as 1919<sup>3</sup> with the first Maternity Protection Convention, 1919 (No. 3), followed by its revision in 1952, the Maternity Protection Convention (Revised), 1952 (No. 103), to the most recent and current standard, the Maternity Protection Convention, 2000 (No. 183), which is accompanied by the Maternity Protection Recommendation, 2000 (No. 191). In addition to promoting equality of women in the workforce and the health and safety of working mothers and their newborn children, maternity protection has also been identified as an essential element in the prevention and reduction of poverty and vulnerability; the promotion of the health, nutrition, and well-being of young children and their mothers; the achievement of gender equality; and the advancement of decent work (COSATU, 2012; Richardson et al., 2020; Nandi et al., 2016; Chai, et al., 2018; Chai, et al., 2020). Thus, as evidence from 193 low-, middle-, and high-income countries has shown (e.g. Heymann et al., 2017; Bose et al., 2020) it also has the potential to contribute to the achievement of several Sustainable Development Goals (SDGs), including SDG 1 (poverty reduction), SDG 3 (health and well-being), SDG 5 (gender equality), SDG 8 (decent work) and SDG 10 (inequality).

While maternity protection is important for all women in wage employment, much of the extant research and literature on this is focused on the benefits for women working in the formal economy. As a result, information on the accessibility of maternity benefits for workers in the informal economy remains limited (Mokomane, 2021; Pereira-Kotze et al., 2022). This is an important research and policy gap, particularly in developing economies where a relatively high proportion of women work informally. To contribute to closing this gap, this article draws on a comprehensive global analysis of the extent to which paid leave policies in countries around the world cover the informal economy. Carried out by the WORLD Policy Analysis Center (WORLD), the analysis was

2. See [FAO Terminology Portal: maternity protection](#).

3. As the ILO informs, "it was during the first International Labour Conference (ILC) in November 1919 that the Maternity Protection Convention, 1919 (No. 3), the first gender equality international labour standard, was adopted". See [100 years of maternity protection](#).

complemented with qualitative data from case studies conducted in 2022 among informal workers and key informants in three sub-Saharan countries (Mozambique, the United Republic of Tanzania, and Togo). In each country, interview regions were specifically chosen to represent urban, peri-urban and rural localities. For the purpose of these studies, informal economy and traditionally uncovered workers (hereafter “informal-sector workers”) comprised: *agricultural workers* (waged employees on farms and plantations who do not own or rent the land on which they work but are employed by farmers, companies, or agricultural contractors); *domestic workers* (those who perform work in or for a household or households within an employment relationship); *part-time workers* (those whose normal hours of work are less than those of comparable full-time workers); and the *self-employed*.

### *Maternity protection in sub-Saharan Africa: The context*

Only three countries in sub-Saharan Africa (Benin, Burundi and Mali) have ratified ILO Maternity Protection Convention, 2000 (No. 183). Despite this, many countries in the region have adopted and attained many of the standards of maternity protection provisions stated in the Convention. Table 1 shows this in relation to five of the key elements of maternity protection (health protection at work was not explored due to data unavailability) and illuminates the following patterns, as of January 2022:

- **Maternity leave.** All countries make provisions for paid maternity leave with the majority of the countries providing at least 14 weeks of leave as per the prescription of the Maternity Protection Convention, 2000 (No. 183) standards. At the same time, in a notable number of countries (e.g. 21 of the 48 countries in Table 1) paid maternity leave is awarded for less than 14 weeks, with evidence from elsewhere (Heymann et al., 2023) showing that many provide 12 weeks, while some countries provide four weeks (Namibia) or 60 days (Uganda). The most generous leave provision in the subregion is in the Gambia, where women are entitled to 26 weeks of paid maternity leave.

- **Cash and medical benefits.** These ensure that women have resources to support themselves, their children and wider families and access to health care during prenatal, childbirth, and postnatal periods (ILO, 2004, p. 2). All countries except one provide either one or both these benefits.

- **Breastfeeding.** Concerning breastfeeding, the World Health Organization (WHO) recommends exclusive breastfeeding until the age of six months and the ILO recommends guaranteeing breastfeeding breaks until the child reaches the age of one year. In 37 countries, women are either guaranteed at least six months’ paid maternal leave or paid breastfeeding breaks for at least

Table 1. Presence of selected maternity protection elements, sub-Saharan Africa, January 2022

Country	Maternity leave		Cash and medical benefits*	Health protection		Breastfeeding		Anti discrimination	
	Less than 14 weeks	14-25.9 weeks		26-51.9 weeks	Cash and/or medical care	Explicit legislation prohibiting discriminatory dismissal during maternity leave	Guaranteed breastfeeding breaks at work	Guaranteed paid options to facilitate exclusive breastfeeding for at least 6 months	Explicit legislation prohibiting workplace discrimination on the basis of pregnancy
Angola	X	-	-	X	X	X	X	X	-
Benin	-	X	-	X	X	X	X	X	X
Botswana	X	-	-	X	X	X	X	X	-
Burkina Faso	-	X	-	X	X	X	X	X	X
Burundi	X	-	-	X	X	X	X	X	-
Cameroon	-	X	-	X	X	X	X	X	-
Cabo Verde	X	-	-	X	X	X	X	X	X
Central African Republic	-	X	-	X	X	X	X	X	-
Chad	-	X	-	X	X	X	X	X	X
Comoros	-	X	-	X	X	X	X	X	X
Congo	-	X	-	X	-	X	X	X	-
Cote d'Ivoire	-	X	-	X	X	X	X	X	X
	-	X	-	X	X	X	X	X	X

(Continued)

**Table 1.** Presence of selected maternity protection elements, sub-Saharan Africa, January 2022 – Continued

	Maternity leave		Cash and medical benefits*	Health protection		Breastfeeding		Anti discrimination	
	Less than 14 weeks	14-25.9 weeks		26-51.9 weeks	Cash and/or medical care	Explicit legislation prohibiting discriminatory dismissal during maternity leave	Guaranteed breastfeeding breaks at work	Guaranteed paid options to facilitate exclusive breastfeeding for at least 6 months	Explicit legislation prohibiting workplace discrimination on the basis of pregnancy
Democratic Republic of the Congo	X	-	X	X	X	X	X	X	X
Equatorial Guinea	X	-	X	X	X	-	-	X	X
Eritrea	-	X	X	X	X	-	-	X	X
Ethiopia	-	X	X	X	X	-	-	X	X
Eswatini	X	-	X	X	X	X	X	X	X
Gabon	-	X	X	X	X	X	X	X	X
Gambia	--	-	X	X	X	-	X	X	X
Ghana	X	-	X	X	X	X	X	X	X
Guinea	-	X	X	X	X	X	X	X	X
Guinea-Bissau	X	-	X	-	-	X	X	X	X
Kenya	X	-	X	X	X	-	-	X	X

(Continued)

Table 1. Presence of selected maternity protection elements, sub-Saharan Africa, January 2022 – Continued

Country	Maternity leave		Cash and medical benefits*	Health protection		Breastfeeding		Anti discrimination	
	Less than 14 weeks	14-25.9 weeks		Cash and/or medical care	Explicit legislation prohibiting discriminatory dismissal during maternity leave	Guaranteed breastfeeding breaks at work	Guaranteed paid options to facilitate exclusive breastfeeding for at least 6 months	Explicit legislation prohibiting workplace discrimination on the basis of pregnancy	
Lesotho	X	-	X	X	X	X	X	X	X
Liberia	-	X	X	X	X	X	X	X	X
Madagascar	-	X	X	X	X	X	X	X	X
Malawi	X	-	X	X	X	X	X	X	X
Mali	-	X	X	-	X	X	X	-	-
Mauritania	-	X	X	X	X	X	X	-	-
Mauritius	-	X	X	X	X	X	X	X	X
Mozambique	X	-	X	X	X	X	X	X	X
Namibia	X	-	X	X	-	-	-	X	X
Niger	-	X	X	X	X	X	X	X	X
Nigeria	X	-	X	X	X	X	X	-	-
Rwanda	X	-	X	X	X	X	X	-	-
Sao Tome and Principe	-	X	X	-	X	X	X	-	-
Senegal	-	X	X	X	X	X	X	X	X

(Continued)

Table 1. Presence of selected maternity protection elements, sub-Saharan Africa, January 2022 – Continued

	Maternity leave		Cash and medical benefits*	Health protection		Breastfeeding		Anti discrimination	
	Less than 14 weeks	14-25.9 weeks		26-51.9 weeks	Cash and/or medical care	Explicit legislation prohibiting discriminatory dismissal during maternity leave	Guaranteed breastfeeding breaks at work	Guaranteed paid options to facilitate exclusive breastfeeding for at least 6 months	Explicit legislation prohibiting workplace discrimination on the basis of pregnancy
Seychelles	-	X	-	X	X	-	-	-	X
Sierra Leone	X	-	-	X	-	-	-	-	-
Somalia	-	X	-	X	X	X	X	X	-
South Africa	-	X	-	X	X	-	-	-	X
South Sudan	X	-	-	X	X	X	X	X	X
Sudan	X	-	-	X	X	X	X	X	-
Tanzania, United Rep.	X	-	-	X	X	X	X	X	X
Togo	-	X	-	X	X	X	X	X	X
Uganda	X	-	-	X	X	-	-	-	X
Zambia	-	X	-	X	X	X	X	X	X
Zimbabwe	-	X	-	X	X	X	X	X	X

Sources: Elaborated from data available at World Policy Center (2022), except \* which is derived from the ISSA Country profiles – Africa (ISSA, 2024).

six months. In eight of the 46 countries in Table 1, women have no guaranteed entitlement to either at least six months' paid maternal leave or paid breastfeeding breaks at work. Although, in some cases, they may be entitled to shorter periods of paid maternal leave or paid breastfeeding breaks, these are often too short to support the WHO recommendation of at least 6 months of exclusive breastfeeding.

- **Job protection.** In Table 1, this is shown in terms of the presence of explicit legislative prohibitions of discriminatory dismissal during paid maternity leave, which essentially guarantee the same or equal position upon return from leave. Such legislation can also prohibit dismissals for parents of young children (younger than age 3) due to childcare responsibilities. Table 1 shows that only five sub-Saharan African countries do not have such explicit legislative prohibitions.

- **Non-discrimination.** Given their already disadvantaged position in the labour market, it is important to ensure that women are protected from all forms of discrimination, including those that may result in them directly bearing the costs of maternity (ILO, 2004). One pathway towards achieving this protection is the development and active implementation of anti-discrimination legislation that can counter various stereotypes, including assumptions that mothers are less valuable as employees (Bose et al., 2020). To this end, the widespread enactment of explicit legislation prohibiting workplace discrimination on the basis of pregnancy is particularly notable.

Given the importance of maternity protection for the health and well-being of women, children and their families, as well as for the broader 2030 Agenda for Sustainable Development, the patterns of coverage entitlements presented in Table 1 are laudable. It is noteworthy, however, that 89 per cent of sub-Saharan African women in non-agricultural employment work informally. Unless these cover the informal economy, maternity protection coverage in the subregion can essentially be described as low because just over 10 per cent of working women (those in the formal economy) would have access to these benefits. It is noteworthy that a low number of countries in the region have ratified ILO Maternity Protection Convention, 2000 (No. 183). Unlike the earlier ILO standards, Convention No. 183 extends coverage to all employed women, including those in atypical and traditionally uncovered forms of work. Despite this low level of ratification, there are some countries in the sub-regions of sub-Saharan Africa that have drawn on relevant ILO instruments to develop their own maternity protection legislative and policy frameworks that also provide support to informal workers (see Table 2). Of the 48 countries shown in Table 2, 13 provide explicit paid maternity leave provisions to self-employed workers, 25 to domestic workers, 14 to agricultural workers and 13 to part-time workers.

**Table 2.** Provision of paid maternity leave for various categories of informal-sector workers, sub-Saharan Africa, January 2022

Country	Self-Employed	Domestic workers	Agricultural workers	Part-time workers (Less than 25% of full-time)
Angola	X		X	X
Benin		X		
Botswana				
Burkina Faso		X		X
Burundi	X	X	X	
Cameroon		X	X	
Cabo Verde	X	X		X
Central African Republic				X
Chad				
Comoros				
Congo, Democratic Republic		X		
Congo, Republic		X		
Cote d'Ivoire	X			X
Equatorial Guinea	X	X		
Eritrea				
Eswatini		X	X	
Ethiopia			X	
Gabon	X			
The Gambia				
Ghana		X		X
Guinea		X	X	
Guinea-Bissau			X	
Kenya		X		
Lesotho				
Liberia				
Madagascar		X	X	
Malawi				
Mali		X		X
Mauritania		X		
Mauritius		X		X

(Continued)

**Table 2.** Provision of paid maternity leave for various categories of informal-sector workers, sub-Saharan Africa, January 2022 – Continued

Country	Self-Employed	Domestic workers	Agricultural workers	Part-time workers (Less than 25% of full-time)
Mozambique	X	X		X
Namibia	X	X		
Niger			X	
Nigeria			X	
Rwanda				
Sao Tome and Principe	X	X		
Senegal		X		X
Seychelles	X	X		X
Sierra Leone			X	
Somalia				
South Africa		X	X	X
South Sudan				
Sudan				
Tanzania	X	X	X	
Togo	X	X	X	X
Uganda				
Zambia	X			
Zimbabwe		X		

Source: Computed from data available at [WORLD Policy Analysis Center](#).

For those countries that do provide some form of maternity protection for informal workers, it is necessary to evaluate how effective these provisions are in ensuring that the targeted beneficiaries receive their entitlements and benefits.

### Access to maternity protection benefits: Key influences

Data from the three case studies, Mozambique, Tanzania and Togo, strongly suggest that access to and receipt of entitlements and benefits was driven predominantly by i) the presence of explicit legislative and policy frameworks for maternity protection (legislative and policy context); ii) the level of awareness of, and knowledge about, maternity protection and its benefits (the knowledge context); and iii) the ease of access to, and the quality of, services (the service context).

*Legislative and policy context: The frameworks for maternity protection*

Social protection systems are increasingly a central element in the socioeconomic plans, visions and priorities of many developing economies. Therefore, it is critical to support their implementation, institutionalization and expansion. This support should be in the form of enabling legislative and policy frameworks that can formalize the systems' rights base, enable rights-holders to enforce their entitlements and benefits, harmonize and catalyse bottom-up and top-down interests in benefits and entitlements, and overall ensure the permanence, predictability and transparency of benefits and entitlements (Kaltenborn et al., 2017). Furthermore, as Pino and Confalonieri (2014, p. 132) assert, such frameworks can contribute to the development of coherent packages and avoid haphazard approaches to social protection.

It is in recognition of this important role of policy and legalisation that the case studies assessed had explicit legislative instruments and policies that supported the provision of maternity benefits to informal workers.

In Mozambique, Law 8/85 of 1985 (the first law to deal systemically with social protection in the country), Law 8/98 of 1998 (the second labour law which authorized private entities to operate as providers of social security services), Decree 40/2006 (providing legal principles that guide labour relations for domestic workers) as well as Law 4/2007 of 7 February 2007, (which lays the foundations for the organization of the social protection system in the country) together guarantee, to *domestic workers, part-time workers* (without a minimum hour requirement), and the *self-employed*, Maternity leave of 60 days (8.6 weeks) paid at 100 per cent of the wage replacement rate (WRR) through social insurance. Another entitlement, which is somewhat related to medical benefits, is child health leave, which is an unspecified length of paid leave for parents to accompany children who have been hospitalized, paid at 70 per cent WRR through social insurance. This leave is guaranteed to domestic workers, part-time workers (without a minimum hour requirement), and self-employed workers. The implementation of these benefits is supported at the policy level by the National Strategy for Basic Social Security (2016–2024) and at the institutional level by the National Institute of Social Security (*Instituto Nacional de Segurança Social* – NISS). The latter was established in 1988 with the mandate to manage all forms of social security across the country, including assisting workers, their surviving relatives, and dependents in case of sickness, *maternity*, disability, old age, and death.

Togo's commitment to maternity protection for informal-sector workers can be traced back to article 148 of its Labour Code of 2006, which entitles women to 14 weeks' maternity leave, including six weeks' post-natal leave. The Code

further specifies that maternity leave may be extended by an additional three weeks in the case of complications and illnesses resulting from pregnancy, childbirth, or multiple pregnancies, or for reasons related to the health of the child, duly certified by a physician. For this purpose, the period of suspension of the work contract is granted with full pay, entitling the woman to an indemnity equal to 100 per cent of the average daily wage during the last three months and paid up to eight weeks before and six weeks after the expected date of delivery. Currently, informal-sector workers in the country have access to maternity leave for 14 weeks paid at 100 per cent WRR (50 per cent financed by the employer and 50 per cent through social insurance), which is guaranteed to domestic workers, self-employed workers and, since the adoption of the 2021 Labour Code, part-time workers without a minimum hour requirement. The validation process of Togo's draft National Social Protection Policy is ongoing. However, what is important to note for the purpose of this article is that Strategic Objective 1 of the draft policy seeks to, among other things, "extend contributory social security mechanisms to the informal sector, agricultural cooperatives, and independent workers to reach a more vulnerable population with social insurance mechanisms" (van Domelen, 2012, p. xi).

In Tanzania, the National Social Security Fund Act of 1998 enables informal workers access to social insurance by allowing self-enrolment in the National Social Security Fund (NSSF), the government agency responsible for managing the social security funds of all employees in all sectors of the economy that are not covered by governmental pension schemes. In terms of maternity protection, the legislative provisions of the Act ensure that informal-sector workers in Tanzania (domestic workers, agricultural workers, and self-employed workers), along with their formal counterparts, are guaranteed 12 weeks' maternity leave paid at 100 per cent WRR. In terms of policy, Tanzania's National Social Protection Framework (NSPF), which adopts a life-cycle approach to protect the poor and vulnerable with conditional and unconditional cash and in-kind transfers, is still in draft form. While the NSPF awaits finalization, the National Social Security Policy, which was enacted in 2003 to expand social security coverage to the informal sector, harmonize the existing funds, reduce fragmentation as well as rationalize contribution rates and benefit structures, provides the policy framework for maternity protection in the country.

### *The knowledge context: Awareness of maternity protection rights and benefits*

There is a background of strong evidence, such as that of Dartanto et al. (2016) and Spasova et al. (2023), which shows the extent to which an insufficient, or indeed absence of, awareness about rights and entitlements as well as procedures often

act to hamper individual registration for, or access to, entitled social protection benefits. To respond, the ILO (ILO, 2021a, p. 2) constantly underscores the need for countries to provide full and simplified information on social protection schemes, including about access rules and administrative requirements. Otherwise, the ILO argues, with limited access to information as well as low levels of awareness about the available schemes, how to access such schemes, and individual rights and responsibilities, “social protection policies and programmes have little chance of succeeding” (ILO, 2021a, p. 1) and their extension may be significantly hindered.

Against this background, it is positive to note that the three countries have mechanisms to ensure and facilitate the understanding of maternity protection amongst informal workers, as well as the general population. It emerged during interviews with workers and key informants that these mechanisms entail a combination of various avenues and channels that are adopted by different stakeholders and in different contexts. These include regular stakeholder meetings, regular publication and dissemination of information on labour statistics and the laws relevant to various categories of workers, and visits by labour inspectors to workplaces (Mozambique); social media, door-to-door visits, public gatherings, monthly meetings with workers, and “under the umbrella” forums (Tanzania); and public sensitization and the training of implementing agencies’ staff on the overall availability of the benefits in Togo. Common across the three countries was the wide use of mainstream media (television, radio, and newspapers) to produce and disseminate communications and information on various aspects and components of maternity protection.

Despite this, the case studies revealed that the majority of informal-sector workers have no or limited knowledge about the available maternity protection provisions in their own countries. Those who had some knowledge often understood these vaguely and/or interpreted them incorrectly. A major misconception in this regard is that leave benefits are only given to people who work in the formal or public sectors. For example:

In my opinion, leave is for those who work in offices [formal sector] and I know they have maternity leave ... I am not really sure, but what I do know is that when the person is close to giving birth, they are given a few months to rest and, after the birth, the person takes a while before coming back. With us traders, I don’t know what we have (Self-employed woman, Togo).

For maternity leave here, there is no maternity leave because here it’s private, it’s not like the public service. If you give birth that’s it, your salary stops. You only get your salary if you are actively working. So here there’s no maternity leave (Self-employed woman, Togo).

With their understanding being that no one else is responsible for paying for their leave, it emerged that the informal-sector workers often rely on capital assets, such as their (presumably meagre) savings or social networks, when they take maternity leave. For example,

If you get pregnant and it's time to give birth, you look for one of your friends to replace you at work during your maternity leave. If you feel ready, you can go back to work. When I got pregnant, my boss even said that she would look for someone else to continue the work even after the birth. Other times you arrange that you would pay back the days you were away [by, for example, working overtime] (Domestic worker, Togo).

On further discussion with this domestic worker, it emerged that one of her greatest fears was that, if she did not ask a friend to temporarily take up her position, there was a risk that her employer would replace her permanently with someone else. In a different vein, a self-employed woman in Tanzania explained how, in anticipation of unpaid maternity leave, she prepared herself financially:

I really tried to save money because I was aware that once I gave birth, I would not be able to do anything [work], but to look after my child. Even though his father supports him as well, I also still had to contribute too. It was not just saving; I had to do a lot of preparation and getting ready for everything even before I got pregnant, after getting pregnant, and during maternity leave. For example, I paid rent in advance as I knew that I was going to incur a three-month loss in the future. Therefore, I just struggled but had to save because I knew that for three months I would just be consuming (Self-employed woman, Tanzania).

Others stated that without any wage replacement, they had no option but to continue working even when on leave. For example:

They [formal workers] have at least 60 to 90 days; if I am not mistaken, they do not return to work until the child is about three months old. In our case, we have to continue working anyway. We must get up daily and look for bread [provide] for our children (Self-employed woman, Mozambique).

The interviews also revealed that some employers used the employees' limited knowledge as an opportunity to withhold or deny them their entitlements and to exploit them. For example, recalling a time when she was still employed, a self-employed worker in Togo explained:

When I was pregnant, I was working until a month before I gave birth. They wanted to release me [to go on maternity leave] but as I felt well, I said that I would stay a

little and they agreed. When I eventually went on maternity leave, I did not receive any payment although they gave me gifts when I gave birth, However, in terms of payment I didn't receive any (Self-employed woman, Togo).

The excerpts below demonstrate how, in some instances, leave is granted on the employers' terms and not necessarily in line with the workers' legal entitlements. When asked: “Does your current employee or previous employees enjoy maternity leave or any other leave?”, a domestic employer in Tanzania said:

They are entitled to leave but not maternity leave. ... Once she becomes pregnant that is her ticket off, because I will not be able to handle her. She is at my home to help me take care of my child, now when you are in such a situation, things become difficult and challenging, hence I am not ready to stay with her when she is in such a situation [pregnancy] (Domestic employer, Tanzania).

In the same vein, as experienced by an employee:

[I have] maternity leave in “quotation marks”. Why do I say in quotation marks? Because they only gave me leave for breastfeeding for just a month and they paid me neither during breastfeeding nor after giving birth. They said they could not pay me because they had to pay the person who would replace me when I was not able to work there [when on maternity leave]. So, I spent those two to three months without pay. As I still did not know the benefits that social security offered, including maternity leave benefits, I did not claim the benefits. Maybe in the next pregnancy, I will demand them (laughs) (Agricultural worker, Mozambique).

### *The service context: Access to and quality of services*

Limited in-depth knowledge of maternity protection and its benefits as well as of individual entitlements and rights contributes to low levels of access and the acceptance of substandard service. Substandard service levels can also be aggravated by complex and burdensome procedures that may discourage both employees and employers from registering with social protection schemes or for workers claiming the benefits that they qualify for (ILO, 2021b, p. 13). In Mozambique, for example, a commonly cited barrier to access to maternity benefits was the perceived poor service delivery by the NISS. It was stated that NISS staff often do not provide workers with complete information about the process of accessing benefits. This led, in most cases, to individual claims taking months to be awarded by officials at the NISS offices, with some workers never receiving their benefits. Similarly, many informal workers also felt that the overall

process was time-consuming and bureaucratic, in some cases taking more than three months for an applicant to receive their benefits.

Workers in Togo similarly described the process of applying for maternity protection benefits as arduous. Indeed, it was sometimes “close to impossible” to access benefits, such as paid maternity leave, due to the burden placed on the applicant to prove that they needed the entitlements. It emerged, for example, that in the case-by-case assessments of applications, workers are sometimes asked to provide evidence that, in the absence of paid leave, they will not survive financially during the maternity leave period. As one domestic worker saw it, “if a worker makes a request for leave, complications arise either because of the reason for the leave or the temperament of the employer”. It also emerged that some workers find it difficult to benefit from their maternity protection entitlements because their employers fail to follow the legislative requirement and register them with the National Social Security Fund (*Caisse nationale de sécurité sociale* – CNSS).

Interviews with employers, for their part, suggest that the majority are discouraged by the high administrative and other costs associated with employee declaration and registration. Others stated that, as informal-sector operators, it is often beyond their means to contribute sufficiently or regularly on behalf of their workers. As an agricultural employer in Tanzania explained:

As I told you before, agriculture is not very profitable, especially for us small farmers, the profit is very small because agricultural equipment is expensive, seeds and medicine are also expensive, everything is expensive, but you still have to invest in the farm. You have to hire the workers and they depend on these benefits from you. So, there are times when you really feel that you are in trouble financially and then you have to use your personal resources from somewhere else [to contribute to the Fund]. There are times when there are just no funds to contribute and, in such cases, you feel like stopping investing in the farm, but it is difficult because you have already invested your money thereby drilling holes, and setting up an irrigation system, you have installed solar and other things which you cannot just stop. Sometimes you want to reduce the number of workers in the field, but if you look at them, there is still a lot of work on the farm. So, it is a very big challenge (Agricultural employer, Tanzania).

All in all, the following extended statement by the ILO concerning the barriers to social protection for informal workers describes well the service context:

... micro and small enterprises with limited administrative capacities often struggle to comply with the requirements. ... Own-account workers do not benefit from the intermediary role played by employers and often struggle with time-consuming and complex administrative procedures. Particularly in rural areas, people may face

difficulties in accessing social protection schemes owing to the low density of administrative structures and services. Long distances to the next office and poor means of transport can inhibit access to the administrative structures to register or pay contributions or access to benefits or services, while opportunity costs in terms of the costs of transport and time spent may be prohibitively high. ... Such exclusion may result even when universal schemes are in place (ILO, 2021b, p. 13).

## Conclusion

It is widely documented that the labour market in sub-Saharan Africa is highly informal, with women (who continue to carry the responsibility for social reproduction) comprising the greatest proportion of employees in the sector. This brings to the fore the need for urgent attention to the development and effective implementation of maternity protection in the sub-Saharan African informal sector, to ensure that women's and children's health and survival are not compromised during and after pregnancy. One way of doing so is to seek an understanding of the key factors that influence women's access to maternity protection. In addition to the potential of highlighting successes in extending coverage as well as identifying remaining gaps in access, the results from such a process can facilitate the development of strategic recommendations for designing and effectively implementing more gender-responsive social protection benefits in sub-Saharan Africa, as well as in other similar contexts. To achieve this, the article has drawn from the key findings of qualitative case studies conducted in the three sub-Saharan African countries of Mozambique, Tanzania and Togo. The findings reveal that the factors that facilitate access to maternity protection can be placed into three broad thematic categories: i) legislative and policy frameworks for maternity protection; ii) the knowledge context (level of awareness of, and knowledge about, maternity protection and its benefits); and iii) the service context (ease of access to, and quality of service).

Research evidence has demonstrated the effective role of maternity protection legislation and policies in enabling women to have better opportunities to participate in the workplace and in improving labour market outcomes for women (COSATU, 2012; Bose et al., 2020). Thus, the existence of explicit legislative and policy frameworks consistent with relevant ILO instruments is also commendable, as it demonstrates sub-Saharan African governments' recognition of the rights of informal-sector workers and the political will to provide them with requisite labour protection. The almost universal presence of explicit legislation prohibiting workplace discrimination on the basis of pregnancy is particularly notable. Similarly impressive is the almost universal presence of paid maternity leave across the subregions. However, in some countries the duration

of paid maternity leave is below the established international standards of at least 14 weeks. For example, in Mozambique the duration is only 8.6 weeks while in Tanzania it is 12 weeks. To this end, the expansion of maternity leave remains critical. This is necessary to ensure that established standards are adhered to and also because a wide body of research evidence has shown that extended paid maternity leave has wide-ranging benefits for women's employment, economic outcomes, earnings as well as psychosocial health and well-being. Additional social benefits of extended paid maternity leave include, among others, improved children's health and development, stable family functioning, and economic growth (Bose et al., 2020; Heymann et al., 2017; Heymann, Sprague and Raub, 2023).

In terms of cash maternity benefits, maternity leave should provide women on leave with a sufficient wage or wage replacement that can maintain her and her children when on leave. To this end, the ILO Maternity Protection Convention, 2000 (No. 183), provides that the cash benefit during maternity should not be less than two-thirds of the woman's previous or insured earnings. A positive aspect of maternity protection in Africa is the high wage replacement rate. In Mozambique, Togo, and Tanzania, the wage replacement rate is 100 per cent of the worker's wage. This is the case for the majority of countries in Africa, with only seven countries guaranteeing a wage replacement rate lower than 100 per cent.

The three countries reported in this article need multiple and varying channels of communication to promote the existence of maternity protection benefits; greater efforts are needed to improve awareness about, as well as knowledge concerning, maternity protection laws, their key tenets, and benefits. For instance, a major misconception among the majority of informal-sector workers is that maternity protection benefits are only for formal-sector workers. To the extent that accurate and accessible information is a catalyst for the effective implementation of the extension of social protection to the informal economy (ILO, 2021a), it is critical to ensure workers, employers, service providers, and the general public are provided with all necessary information in relation to the key tenets, benefits, and administrative procedures of maternity protection. In doing so, it should also be underscored that social security coverage is a fundamental human right that benefits not only workers but also employers and society at large (ILO, 2021a).

In terms of the service context, procedures that have to be followed to claim entitlements and benefits are largely seen by both informal-sector workers and employers as complicated and cumbersome. This is further aggravated by the apparent resentment or opposition by some service providers who are meant to assist those who seek access to services and benefits. There is a need to simplify application processes and procedures. This includes ensuring that all service providers understand and appreciate the relevance of the right to maternity

protection and the need to support informal-sector workers to access their benefits.

One way to simplify processes, improve communication and reach more women would be to link maternity benefits directly to interactions that already take place around pregnancy and birth. Instead of requiring additional steps for registration separately, registering for maternity benefits could be done simultaneously when women are assisted in delivery, visit prenatal or neonatal clinics or when registering births when children are born in hospitals.

In closing, maternity benefits contribute substantially to the health and well-being of women, children and their families. They are a key element in closing the gender gap in the labour force and ensuring the economic stability of women and their families. In developing economies, where women are significantly more likely to work informally, explicitly extending maternity benefits and protections to this workforce is crucial to achieving Sustainable Development Goals around poverty reduction (SDG 1), health and well-being (SDG 3), gender equality (SDG 5), decent work (SDG 8) and inequality (SDG 10). It is likewise essential that these policies be accompanied by efforts to raise awareness and improve the service context to allow as many women as possible to access the full benefit of these protections.

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