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Maternal and Paternal Leave Policies in Bangladesh: Scope for Improvement

Rumana Liza Anam

School of Business, University of Liberal Arts Bangladesh, Dhaka, Bangladesh
Email: rumana.anam@ulab.edu.bd

Abstract

In a highly populated, developing country like Bangladesh, more women are entering the workplace each year. However, they are often disadvantaged due to lack of adequate maternity leave provisions that leaves them having to shoulder most of the child rearing responsibilities, especially as the fathers don't stay home and also because of lack of paid paternity or parental leaves. Social norms and expectations in a patriarchal society leads women to shoulder the main responsibilities of parenting, at least in terms of time given to the child. This review paper, based on secondary research and literature review of academic writings, aims to discover the prospects of improvement (if any) on this subject. It finds that though length of maternity leave has increased by a month to a total of four months since 2008 (and for up to 6 months for female government servants), it only applies to certain categories of female employees and does not others (e.g. female private sector managerial employees). It also finds that there is no paternal or parental leave and looks into its implications while suggesting areas for future research.

1 Introduction

Bangladesh is now on its way to becoming officially recognised as a developing country by the UN. Much of this development has been spurred on by women in the workforce. According to the Bangladesh Labour Force Survey 2010, labour force participation for women is 36 percent, compared to 82.5 percent for men. (Bangladesh Bureau of Statistics, 2010). Bangladesh is ahead of India, where women account for 27% of the total labour force, and Pakistan, where the female labour participation rate is 25% (Byron & Rahman, 2015).

Though women are making their way into the workforce in growing numbers, their career advancement in organizations is often held back when they become mothers as they are not given adequate time off from work. If new mothers don't have enough time off, they often don't have any choice but to leave their workplaces, in order to be able to look after the newborn. Those who stay on are often prevented from giving the same amount of time to work as a man (Correll, Benard, & Paik, 2007). This can be inferred to mean that it affects their career advancement. For those who resign, not only is there a break in their careers; it is also extremely difficult for them to get back to the workforce as most employers worldwide are not keen about hiring mothers (Correll, Benard, & Paik, 2007).

1.1 Research Questions

This paper will aim to find answers to the following questions:

- What kind of improvements have there been (if any) in the status of the women of Bangladesh with regard to maternity leave and benefits over the last decade or so (2008-2019)? How adequate are they?
- What kind of provisions are there for paternity leave and parental leave of both men and women, and is there any benefit to new mothers and their careers by providing paternity leave?
- What are further areas for improvement with regard to all types of leave – maternity, paternity and parental – that is suggested by research to date?

1.2 Methodology

This is a review paper written on the basis of secondary information from academic journals, published government laws, research papers, periodicals and the Internet.

2 Literature Review

Before beginning the literature review, some definitions are offered to have a clear understanding of the concepts that will be introduced in the paper:

- Maternity leave is a term that is applicable for biological mothers only. It may be taken while pregnant and after the baby is born.

- Paternity leave is a term that is applicable for biological fathers only. It is taken after the baby is born.
- Parental leave can apply to both parents, whether they are biological or adoptive. This time off is granted for settling the new child into the family. Both parents can take parental leave, at the same time or at different times, even if they have the same employer, often after the maternity/paternity leave.)

While doing the literature review, it was noted that there has been limited research in this area in Bangladesh, especially when it comes to paternity or parental leave. Thus, the scenario in advanced countries like the USA, where much research has already been conducted on such types of leave and their impact, has also been looked into. By looking at this research it will be possible to understand what further changes are possible in this area in Bangladesh.

A report by HSBC Global Research has suggested that Bangladesh will become the 26th largest economy in the world by 2030 (HSBC Global Research, 2018). According to these researchers, Bangladesh will grow to a \$700 billion economy by 2030. The report based its projections on six economic indicators such as human capital which consists of education and healthcare.

In the Global Human Development Index (HDI) Bangladesh moved three notches up to the 136th place among 189 countries in 2017, according to the Human Development Report (HDR) of the United Nations Development Programme (UNDP, 2018). Bangladesh had also moved up three spots since 2015 due to the remarkable progress it has made in many socio-economic areas, including life expectancy and per capita income (UNDP, 2018).

Women have had a crucial role to play in the development of Bangladesh and will continue to do so in future as they are one of the main reasons that per capita income has increased. Sadly, when it comes to individual women, they are often held back in their progress up the organisational ladder when comparing them to similarly qualified men. As soon as they have children, things go against them, arguably due to policy inadequacy.

A comparative study of maternity leave policies in Bangladesh against other countries of the world was done where it was noted that as of 2008, maternity leave amounted to only 12 weeks (3 months) of paid leave for factory workers but as for management level workers, no maternity leave laws existed (Anam, 2008).

The laws that did exist at the time (mainly applicable for private sector workers), were covered in the

Bangladesh Labour Act of 2006. Here it is specifically mentioned that the law on maternity benefit does not cover workers of a “managerial” nature. Chapter 1 section 65 of the Labour Code 2006 defines the term “worker” as “any person including an apprentice employed in any establishment or industry, either directly or through a contractor, [by whatever name he is called,] to do any skilled, unskilled, manual, technical, trade promotional or clerical work for hire or reward, whether the terms of employment are expressed or implied, but *does not include a person employed mainly in a managerial, administrative or supervisory capacity.*”

Separate “Rules” govern government employees. In 2011, the Government made changes to the Bangladesh Service Rules (Part 1), through a gazette notification applicable to female employees which would enable them to enjoy leave of up to six months.

In 2013, The Bangladesh Labour Act 2006 was amended (Bangladesh Labour Act, 2006, Amendment, Chapter IV, 2013). The amendment included a change in the number of months of leave which was increased by a month to a total of 16 weeks, or 4 months, (8 weeks prior and 8 weeks post-delivery). So, there has been an improvement in duration of leave by a month for some categories of private sector female employees (as the Act is not applicable for all: certain categories of workers are not within the purview of this Act); unfortunately this amendment also does not apply to managerial level female workers. The definition of “worker” also does not include (among others) those working in charitable organisations, like hospitals, educational institutions, shops, small farms, etc. (Bangladesh Labour Act, 2006, Amendment, Chapter IV, 2013).

Currently many women do receive maternity leave and benefits when engaged in the private sector; however, this is entirely at the discretion of the policies of the organisation to which they belong. Those employees that are covered under the Bangladesh Labour Act should benefit from this improvement. As research has shown, new parents need to have access to paid leave otherwise the poorest of female employees simply won’t take adequate time off from work (Joesch, 1997). If they don’t take adequate time off from work, it is likely to negatively affect their children, not to mention their own physical and mental well-being.

A look at sector-wise employment of women in Bangladesh may be helpful here.

Table 1 indicates that when compared to other sectors such as agricultural or craft (which includes garments), a relatively small proportion of women are engaged in more “higher end” managerial or professional employment or even in service or sales

jobs. Majority of the women are engaged in agricultural work which is among the lowest paid activities in a country's economy. Generally, with development, the trend is to move towards manufacturing and then service oriented work.

Raihan and Bidisha (2018), discuss the stagnation of female employment in Bangladesh in a research report. They point out that Bangladeshi women are found mostly in low-paid and low-productivity activities, and "over time there has not been much progress in their relative position on the occupational ladder". They opine that traditional gender norms and values can and continue to restrict women's upward mobility and lead to constraining their activities in the labour market, resulting in much lower participation and concentration in low-paid activities for women compared to their male counterparts. Table 2 reflects this situation.

A study conducted in 2011 looked into paternity leave of men in Bangladesh. It noted that no paternity or parental leave is guaranteed by law for Bangladeshi fathers. According to Jesmin and Seward (2011), most men take only one or two days leave upon becoming fathers. Some take only a few hours of leave. In most cases when men take leave after becoming fathers, they use their "casual leave" or "sick leave". They do not take longer leaves as they do not want to exhaust all leave from these categories in one go. Of those taking these leaves in lieu of paternal or parental leave, a much higher portion of fathers were from dual earner households (24%) compared to single earner households (4%). Also, 23% of fathers from both types of households did not take any leave and Jesmin and Seward opined that this is because of the absence of support for the concept of paternity leave in Bangladesh and the fact that this type of leave is not paid.

Table 1: Occupation wise distribution (%) of employed men and women in 2016/17

Occupation	Male	Female
Managers	2.11	0.57
Professionals	4.50	5.55
Technicians and associate professionals	2.30	0.92
Clerical support workers	1.80	0.82
Service and sales workers	21.55	4.92
Skilled agriculture, forestry and fisheries	23.79	51.73
Craft and related trades	16.88	17.45
Plant and machine operators, and assemblers	8.89	2.22
Elementary occupations	17.88	15.82
Other occupations	0.30	0.00
Total	100.00	100.00

Source: BBS, 2017

Table 2: Distribution of employment in broad economic sectors (%)

	1999/00	2005/06	2010	2013	2015/16	2016/17
Agriculture	51.3	48.0	47.5	45.1	42.7	40.6
Male	52.2	41.8	40.1	41.7	34.0	32.2
Female	47.6	68.1	64.8	53.5	63.1	59.7
Industry	13.1	14.5	17.7	20.8	20.5	20.4
Male	11.3	15.1	19.6	19.6	22.3	22.0
Female	20.0	12.5	13.3	23.7	16.1	16.8
Manufacturing	9.5	11.0	12.4	16.4	14.4	14.4
Male	7.4	10.8	12.7	13.9	14.2	14.0
Female	17.9	11.5	11.7	22.5	14.9	15.4
Service	35.6	37.4	35.3	34.1	36.9	39.0
Male	36.4	43	41.1	38.7	43.7	45.8
Female	32.2	19.3	21.8	22.8	20.8	23.5

Source: BBS, 2017 as cited in Raihan & Bidisha, 2018

It can be argued that lack of provisions for fathers in conjunction with childbirth supports the view that in Bangladesh (as is the case in many other countries of the world) child care is considered women's responsibility, definitely from the social viewpoint and even from the perspective of law, as no laws are there allowing men to be present to physically take care of their children.

It may be argued that women are better off if men support their efforts by also taking leave so that there is gender balance in the responsibilities of parents towards their children (which helps women return to work after their pregnancies). Most industrial nations have scope for this type of leave. In fact, India is also considering a "Paternity Benefit Bill" which will allow up to 3 months of paid paternity leave (India Today, 2018). An article in Forbes entitled "Men should Take Parental Leave - Here's Why" (Zalis, 2018) referred to past research that have shown that fathers who take at least two weeks of paternity leave or more are likely to continue being involved in child caring activities, such as feeding and diapering. Thus, it can be inferred that if the role of child care gets more equally shared from the moment the child is born there is a higher chance of this continuing on to the future, thus creating a greater likelihood of women returning to work.

In Bangladesh men take only some time from their casual leave (up to 15 days) after the birth of their child (if at all) (Seward & Jesmin, 2011). This is basically because there are no provisions of paternity or parental leave available at all in existing laws and the concept is entirely alien to most organisations at present.

However, interestingly, even where paternity leave is available, a similar scenario plays out there too. A research study in the USA found that while half of fathers think men should take paternity leave, only 36% actually take all their permitted leave (Petts, 2018). Why they don't take all the leave permitted to them needs further research.

Seward & Jesmin (2011), also opined that the prevalence of extended families in Bangladesh influence men's perception regarding the need for taking leave from employment. In an extended family, a mother figure (mother in law, or the woman's mother) or other adult relatives, who may be supported by the parental couple, are often available to provide infant and child care. Even fathers with higher egalitarian attitude might not see the need to be present during childbirth or get involved in child care as more experienced relatives are available to help. All the families surveyed had servants or hired help, which helps explain why fathers' behaviour did not always reflect their attitudes. However, with increasing modernization, it needs to be seen whether the extended family is still as prevalent as it was before and whether reliable child care, through

nannies, etc., are available as easily as before, as usually these services decline with increases in economic welfare of a nation. This can be the subject of future research.

However, since extended families and household help are not available in countries like the US, it could be other factors that are influencing the lack of full use of paternity leave facilities, as pointed out by Petts (2018).

What is of significance though, is that when fathers do take leave, women can return to work sooner — this has been found time and again through studies throughout the world. When women return to work sooner, their pay and chances for promotion are not likely to suffer.

There is also research that shows that companies with longer maternity leaves have lower rates of new mothers who don't return to work — the rates drop by as much as 50%, and these new mothers work longer hours, on average, one to three years later. This helps to keep women in the "leadership pipeline" (Rau & Williams, 2017).

Numerous studies have been conducted on the "motherhood penalty" (the lower perceptions and rewards of mothers by employers compared to those who are not mothers). A study conducted in the US found that mothers were 6 times less likely than childless women and 3.35 times less likely than childless men to be recommended for hire and that childless women received double the amount of call backs as mothers (Correll, Benard, & Paik, 2007). Thus, it can be inferred that it is imperative to remove the perceptions that it is only the mothers' job to look after the children to stop the "motherhood penalty" which occurs because of employers' negative judgement of mothers (who have to shoulder two jobs, their professional ones and the second job back at home of being the main person responsible for their children).

3 Scope for Further Research

Maternity leave has improved by law with respect to certain types of female employees in Bangladesh (such as non-managerial employees and government servants), but what of the applications of these leave rules? More needs to be researched in this area, especially as Bangladesh is placed under international pressure from buyers in the west who are routinely informed through news media of conditions in Bangladeshi factories in RMG sector selling their apparel abroad. In general, Bangladeshi factories are reportedly more compliant than earlier. However, there is scope for solid academic

research into this area to see how conditions have changed since these improved laws.

No research has been conducted on parental leave in Bangladesh to date. There is scope for looking into whether it is at all practised and social and organisational acceptability of it. Also, there is scope of research with regard to paternity leave in Bangladesh. Both parental leave and paternity leave are almost unheard of in Bangladesh, a traditional, patriarchal society, where awareness building is also needed. Thus, what proportion of fathers would take paternity leave if it was paid, is a question that needs to be explored further.

The relationship between mothers' employment and fathers' involvement with children (which would be possible through paternal and parental leave) has received little attention till now and has much scope of being carefully studied. Historically, as women have borne the role of child care provider, these leaves are not provided by law, and the primary research that should be done is to check for existence of these in private firms (if at all) and both male and female employees' reactions to the concept if offered.

As was already mentioned, with globalisation and modern attitudes it needs to be researched whether the extended family is still as prevalent as it was before (especially in cities, with expensive housing) and whether reliable child care, through nannies staying at home with the child, are available as easily as before, as usually these go down with increases in economic welfare of a nation.

Foreign NGOs and other multinational organisations operating in Bangladesh where these types of leaves (paternity/ parental) may already be offered (by following international policies) can also be studied to see how Bangladeshis in general act when it is offered by such organisations. Are the Bangladeshi men working in such organisations offering paternity leave taking all the leave permitted to them? If not, the reasons need to be studied through further research.

With increasing dual income-earning families in Bangladesh, more research is needed in this area and awareness created; otherwise, more women risk being stunted in their professional growth and this will also affect others in the society and the economy.

4 Conclusion

This study found that there has been improvement in maternity leave provisions to various types of women workers since 2008. The duration of maternity leave is now one month longer in Bangladesh (4 months) than it used to be a decade ago in 2008 and has also increased

to six months for female government employees. However, as to adequacy, it is unfortunate that at present there are still no laws on maternity leave guaranteed to Bangladeshi women working in a host of different areas such as private sector managerial jobs, in charitable organisations like hospitals, educational institutions, shops, etc.

At present there are no laws on paternity leave for biological fathers or for parental leave (applicable to both parents, biological or adoptive). It was found that guaranteeing these provisions would help begin the process of improving the work-life balance and career prospects for women in the labour force.

All three forms of leave offer advantages: extended maternity leave increases the chances of enabling women to arrange for alternative child care before returning to work; paternity leave and parental leave (applicable to both) allow for men to take on some of the responsibilities and don't leave women alone to wear the mantle of a child's primary care giver.

Thus, there is scope for improvement in:

1. Making sure that the maternity leave that is currently available to female factory workers in Bangladesh and government sector employees, is more widely applicable, especially to those women working in "managerial administrative or supervisory" capacity who are currently outside the purview of such laws.
2. Making policy provisions for paternity leave upon the birth of a child and for parental leave when the need arises.

Allowing for all of the above is likely to improve work-life balance for women, help them stay on in their careers and have less chances of suffering the "motherhood penalty", as well as allow women to further contribute towards the development of Bangladesh.

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