

No. 2907

INTERNATIONAL LABOUR ORGANISATION

**Convention (No. 103) concerning maternity protection
(revised 1952). Adopted by the General Conference of
the International Labour Organisation at its thirty-fifth
session, Geneva, 28 June 1952**

Official texts: English and French.

Registered by the International Labour Organisation on 12 September 1955.

**ORGANISATION INTERNATIONALE
DU TRAVAIL**

**Convention (n° 103) concernant la protection de la maternité
(révisée en 1952). Adoptée par la Conférence générale
de l'Organisation internationale du Travail à sa trente-
cinquième session, Genève, 28 juin 1952**

Textes officiels anglais et français.

Enregistrée par l'Organisation internationale du Travail le 12 septembre 1955.

No. 2907. CONVENTION (No. 103)¹ CONCERNING MATERNITY PROTECTION (REVISED 1952). ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOUR ORGANISATION AT ITS THIRTY-FIFTH SESSION, GENEVA, 28 JUNE 1952

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fifth Session on 4 June 1952, and

Having decided upon the adoption of certain proposals with regard to maternity protection, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-two the following Convention, which may be cited as the Maternity Protection Convention (Revised), 1952.

Article 1

1. This Convention applies to women employed in industrial undertakings and in non-industrial and agricultural occupations, including women wage earners working at home.

2. For the purpose of this Convention, the term "industrial undertaking" comprises public and private undertakings and any branch thereof and includes particularly—

- (a) mines, quarries, and other works for the extraction of minerals from the earth ;
- (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding, or in the generation, transformation or transmission of electricity or motive power of any kind ;

¹ In accordance with article 9, the Convention came into force on 7 September 1955, twelve months after the date on which ratifications of two Members of the International Labour Organisation were registered with the Director-General of the International Labour Office. Thereafter the Convention comes into force for any Member twelve months after the date on which its ratification has been so registered.

The ratifications of the following Members have been registered with the Director-General on the dates indicated :

Uruguay	18 March 1954
Cuba	7 September 1954
Yugoslavia	7 April 1955

- (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work ;
- (d) undertakings engaged in the transport of passengers or goods by road, rail, sea, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports.

3. For the purpose of this Convention, the term "non-industrial occupations" includes all occupations which are carried on in or in connection with the following undertakings or services, whether public or private :

- (a) commercial establishments ;
- (b) postal and telecommunication services ;
- (c) establishments and administrative services in which the persons employed are mainly engaged in clerical work ;
- (d) newspaper undertakings ;
- (e) hotels, boarding houses, restaurants, clubs, cafés and other refreshment houses ;
- (f) establishments for the treatment and care of the sick, infirm or destitute and of orphans ;
- (g) theatres and places of public entertainment ;
- (h) domestic work for wages in private households ;

and any other non-industrial occupations to which the competent authority may decide to apply the provisions of the Convention.

4. For the purpose of this Convention, the term "agricultural occupations" includes all occupations carried on in agricultural undertakings, including plantations and large-scale industrialised agricultural undertakings.

5. In any case in which it is doubtful whether this Convention applies to an undertaking, branch of an undertaking or occupation, the question shall be determined by the competent authority after consultation with the representative organisations of employers and workers concerned where such exist.

6. National laws or regulations may exempt from the application of this Convention undertakings in which only members of the employer's family, as defined by national laws or regulations, are employed.

Article 2

For the purpose of this Convention, the term "woman" means any female person, irrespective of age, nationality, race or creed, whether married or unmarried, and the term "child" means any child whether born of marriage or not.

Article 3

1. A woman to whom this Convention applies shall, on the production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave.

2. The period of maternity leave shall be at least twelve weeks, and shall include a period of compulsory leave after confinement.

3. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks ; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.

4. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement and the period of compulsory leave to be taken after confinement shall not be reduced on that account.

5. In case of illness medically certified arising out of pregnancy, national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.

6. In case of illness medically certified arising out of confinement, the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.

Article 4

1. While absent from work on maternity leave in accordance with the provisions of Article 3, the woman shall be entitled to receive cash and medical benefits.

2. The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.

3. Medical benefits shall include pre-natal, confinement and post-natal care by qualified midwives or medical practitioners as well as hospitalisation care where necessary ; freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected.

4. The cash and medical benefits shall be provided either by means of compulsory social insurance or by means of public funds ; in either case they shall be provided as a matter of right to all women who comply with the prescribed conditions.