

The International Corner

Work and Family in Work and Family in the Southern African Region

By Ria Smit



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To what extent do family-related policies in Southern African countries help working parents with young children reconcile responsibilities associated with work and family life? In an attempt to answer this question, the focus fell on the policy documents of the 15 member states of the Southern African Development Community (i.e., Angola, Botswana, the Democratic Republic of Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe). Even in light of the diversity among these countries, it may prove useful to compare the countries' policy documents.

Similar to the general trend in sub-Saharan Africa, the labour market participation of women in Southern Africa is quite high. The average female labour market participation rate in this region was 66% in 2008, with some countries seeing much higher rates; Tanzania and Mozambique, for example, had rates of 87.0% and 88.1%, respectively. Coupled with the relative high fertility rate in this region, averaged at 3.9 in 2008, many women may as a consequence have to deal with the challenges associated with reconciling work obligations and the responsibilities linked to a family with young children.

In scrutinising legislation and policy documents that impact the lives of working mothers, the attention falls on two specific policy indicators, namely, *maternity health protection* measures and *maternity leave*. The analysis revealed that the different Southern African countries can be grouped together in five clusters (see Table 1).

Cluster 1 Countries. The first cluster of countries includes South Africa, Madagascar, and the Seychelles. Women in these three countries are legally entitled to paid maternity leave, are protected against the termination of their employment on grounds of pregnancy, and have the right to return to the same job after their leave under the contract of employment. These countries also have clear maternity health protection policies to safeguard women against exposure to dangerous working environments. The normal duration of maternity leave in this cluster ranges from 14 weeks (Madagascar and the Seychelles) to 16 weeks (South Africa). Some income replacement during maternity leave is paid from central social security funds, either in cases where employers are not contractually obligated to provide income replacement or to supplement cash benefits paid by employers. Furthermore, employed women in these countries may take a few days leave per

year, known as general family responsibility leave. These leave days, which are available to all employees, allow parents to attend to family emergencies.

Cluster 2 Countries. As in the case of Cluster 1, employed women in countries grouped together in Cluster 2 have the statutory right to job-protected maternity leave with some income replacement funded by the state. However, these countries neither have maternity health protection policies nor meet the minimum standard of 14 weeks' maternity leave as specified by the International Labour Organisation's Maternity Protection Convention of 2000 (Article 2). The two countries that fall in this cluster, Namibia and Angola, make provision for only 12 and 13 weeks of maternity leave, respectively.

Cluster 3 Countries. The third cluster constitutes countries where women have the right to employment-protected paid maternity leave. However, income replacement during maternity leave is not covered by social security funds; instead, employers are responsible for providing cash benefits to women during maternity leave. The statutory stipulated duration of maternity leave in these countries is also less than 14 weeks. With the exception of one country, all other countries in this cluster do not make provision for any maternity health protection policies. The six countries that fall in this cluster are Botswana, Malawi, Mauritius, Mozambique, Zambia, and Zimbabwe.

Cluster 4 Countries. Similar to Cluster 3, countries in Cluster 4 stipulate that women are entitled to maternity leave with income replacement provided by the employer. Yet pregnant women in these countries do not enjoy protection against unfair dismissal, nor are they ensured of the right to return to the same or similar job after a pregnancy-associated period of absence. Two countries constitute this cluster: the DRC and Tanzania.

Cluster 5 Countries. Swaziland and Lesotho form the fifth cluster. Although employed women in these countries have the right to job-protected maternity leave, neither the state nor the employer are obligated to provide income replacement during this leave time. Many women therefore have no other choice than to take unpaid maternity leave. The normal duration of maternity leave stipulated by law is 12 weeks in both the above-mentioned countries.

Only four Southern African countries make provision for statutory short-term job-protected paid *paternity* leave. In Mozambique, fathers may take one day of paid leave immediately after the birth of a child. Three days of paid paternity leave are granted to employed men in the DRC and Tanzania, while men in Mauritius have the right to five days of paternity leave. Although men in South Africa, the Seychelles, and Madagascar are not legally entitled to paternity leave, men in these countries may use their general family responsibility leave to spend time with their newborn (or adopted) children. Furthermore, none of the 15 Southern African countries have policies pertaining to *parental leave* that extends beyond maternity (and paternity) leave.

Table 1

| Cluster | Country | Maternity protection against hazardous working conditions | Maternity leave | Secured employment for women | General family responsibility leave |
|---------|------------|---|---|------------------------------|--|
| 1 | Madagascar | Yes | 14 weeks; 100% (50% employer + 50% Social Insurance) | Yes | 10 days as part of family leave |
| | Seychelles | Yes | 14 weeks; a monthly flat rate for 12 weeks (Social Security Fund) | Yes | 4 days paid leave as part of compassionate leave |

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|---|--------------------------|---------|--|-----|--|
| | South Africa | Yes | 16 weeks; 60% (Unemployed Insurance Fund) | Yes | 3 days paid leave as part of family responsibility leave |
| 2 | Angola | No | 90 days (\pm 13 weeks); (Social Security Fund; if necessary, the employer adds up to the full wage) | Yes | None |
| | Namibia | No | 12 weeks; 100% (to a maximum of N\$6,000 Social Security Commission) | Yes | None |
| 3 | Botswana | No | 12 weeks; no less than 25% (employer) | Yes | None |
| | Malawi | No | 8 weeks; 100% (employer) | Yes | None |
| | Mauritius | Limited | 12 weeks; 100% (employer) | Yes | None |
| | Mozambique | No | 60 days (\pm 8.5 weeks); 100% (employer) | Yes | None |
| | Zambia | No | 12 weeks; 100% (employer) | Yes | None |
| | Zimbabwe | No | 96 days (\pm 13.7 weeks); 100% (employer) | Yes | None |
| 4 | Democratic Rep. of Congo | No | 14 weeks; 67% (employer) | No | None |
| | Tanzania | Yes | 12 weeks; 100% (employer) | No | None |
| 5 | Lesotho | No | 12 weeks unpaid leave | Yes | None |
| | Swaziland | No | 12 weeks unpaid leave (but limited paid leave for women in the mining and quarrying industry and domestic workers) | Yes | None |

Table 1 [Adapted from, Smit, R. (2011). Family-related policies in southern african countries: Are working parents reaping any benefits? *Journal of Comparative Family Studies*, 42(1): 15-36.]

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