

Salient features of the Maternity Benefit (Amendment) Act, 2017

The Act extends to whole of India to all mines, plantations, shops, establishments and factories either in organized or unorganized sector in which 10 or more persons are or were employed on any day of the preceding twelve months. Any woman who has worked in the establishment for more than 80 days is entitled to the maternity benefit.

1. **Who can avail** - All women who are employed in any capacity directly or through any agency i.e. either on contractual or as consultant .
2. **Duration of maternity leave** - Every woman will be entitled to maternity benefit of 26 weeks.
3. **Maternity benefit prior to expected delivery**- This maternity benefit should not be availed before 8 weeks from the date of expected delivery
4. **Maternity benefit for a woman having two or more children**- If a woman has two or more children, the maternity benefit will continue to be 12 weeks, which cannot be availed before 6 weeks from the date of the expected delivery.
5. **Maternity benefit to adopting mother and commissioning mother**- A woman who legally adopts a child below the age of three months or a commissioning mother (the woman who has donated her egg to another woman) shall be entitled to maternity benefit for a period of 12 weeks from the date the child is handed over to the adopting mother or the commissioning mother.
6. **Right to Payment of maternity benefit**- Every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence that is to say, the period immediately preceding the day of her delivery, the actual day of her delivery and any period immediately following that day.
7. **Provision for Crèche facility**- 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 the interval of rest allowed to her.
8. **Option to Work from Home**- 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.
9. **Informing women employees of the right to maternity leave**- Every establishment should intimate a woman at the time of her appointment of the maternity benefits available to her. Such communication must be in writing and electronically.
10. **Penalty for Contravention of the Act by employer**- If any employer fails to pay any amount of maternity benefit to a woman entitled under this Act or discharges or dismisses such woman during or on account of her absence from work or her pregnancy, shall be punishable with imprisonment which is not less than 3 months but which may extend to one year and with a fine of no less than Rs. 2000/- which may exceed to Rs. 6000/-. Women in instance like these may make a complaint to the Inspector as prescribed in the Act.

Note: Those women employee who had already availed 12 weeks of maternity leave before enforcement of the Maternity Benefit (Amendment) Act, 2017 i.e 1st April 2017, shall not be entitled to avail the extended benefit of the 26 weeks leave. But women who are already under maternity leave at the time of enforcement of this Amendment act can avail the enhanced provisions.