

# OPPORTUNITIES TO EXPAND MATERNITY ENTITLEMENTS IN NIGERIA

Based on a National Maternity Entitlement Survey



Alive & Thrive/Shawn Asala

## NIGERIA FACTS

### Population

191 million (M)

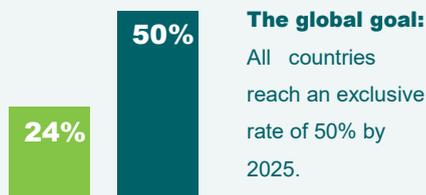


### Annual Gross Domestic Product (GDP)

\$376 billion (B)

### Exclusive Breastfeeding Rate

24%



## BY THE NUMBERS

- **2,111** working mothers interviewed
- **396** HR/Administrators interviewed
- **73** key informant interviews among group leaders and business owners
- **40** focus group discussions among employees and employers

Adequate nutrition in the first 1,000 days, from pregnancy to two years of age, is critical to enable all children to lead healthier and more productive lives. The positive impacts of adequate nutrition on maternal and child health cannot be overstated. A mother's well-being is key to ensuring healthy outcomes, and quality maternity leave is a fundamental piece of women's health. Ensuring a conducive and balanced work environment for parents to raise children is critical to achieving a productive labour force. Paid leave benefits mothers and helps children. When women take longer maternity leave, it increases the duration and likelihood of breastfeeding whereas returning to work quickly after childbirth increases the chance of early cessation. Breastfeeding also enhances the infant's immune system, stimulates significant neurological development for the baby, and strengthens the mother-infant bond. Paternity leave also helps support breastfeeding as it allows men to devote time to support mothers and newborns, too.

Despite globally accepted knowledge on the benefits of breastfeeding and the contribution of maternity entitlements to increasing rates of exclusive breastfeeding, there has been little research on how maternity or paternity leave is practiced in Nigeria, the labour force's level of compliance, or the government's level of enforcement in workplaces. In 2019, the Federal Ministry of Health, Alive & Thrive, and the United Nations Children Fund (UNICEF) sought to fill this gap by conducting a study of maternity and paternity leave entitlements and workplace lactation policies and practices; those offered and received in the public and private sectors, and the informal sector.

The study provides a new understanding of both the workplace policies—in the public and private sectors—that affect working parents and the potential implications of extending maternity leave to six months, the global recommendation. It analyses current policies and programs for protecting and supporting breastfeeding among working mothers in Nigeria and identifies critical knowledge gaps and the range of measures currently being taken for maternity entitlements, and how policies are being implemented. The study shows clearly that concerted action on the part of the public and private sectors

## WHAT ARE MATERNITY ENTITLEMENTS?

The 1999 Constitution of the Federal Republic of Nigeria, the 2008 Public Service Rules, and the 2004 Nigeria Labour Law all recognize and assent to the provision of maternity entitlements. Nigeria currently implements two maternity entitlement provisions. The first, which is recognized at all levels of public service and codified in the Nigerian Labour Act, provides up to 12 weeks of maternity leave with at least 50% of salary and, upon return to work, half an hour twice a day during working hours to breastfeed. The second, recently adopted by the Federal Public Service and yet to be ratified by the states and local government civil service, is a 16-week maternity leave provision with full pay, as well as two hours off each day to breastfeed up to six months after the employee resumes duty. Under both provisions, female staff entitled to maternity leave are unable to take their annual leave in that fiscal period.

Further still, different provisions apply depending on whether a woman is employed by the Federal, State, or Local government. For example, Lagos, Enugu, and Kaduna states offer 24 weeks of fully paid maternity leave to mothers while Lagos and Enugu states provide 10 working days and three weeks, respectively, of paternity leave to new fathers. In addition to these domestic policies, the Government of Nigeria has also signed on to the International Labour Organization Maternity Protection Convention, 2000 (No. 183) and its accompanying Recommendation (No. 191).

Despite laws, significant gaps exist in Nigeria's legislation. These gaps include a lack of clarity on whether organizations may face penalties if they deny women their maternity leave rights; what compensation women can claim when that right is denied; and the fact that large pockets of the population, such as those in the informal sector and men, are being overlooked under official law. In addition, Nigerian organizations—both public and private sectors—need more clarity and planning on how to comply with the full provisions of these global declarations.

could save thousands of lives and save trillions of naira—public officials, company managers, advocates and others have numerous opportunities, outlined in the recommendations of this study, to achieve significant gains for the entire population.

More than 2,500 respondents, including public and private sector stakeholders—working mothers in the formal and informal sectors, business owners, human resource personnel, department heads, policy administrators and union leaders/association heads—participated in interviews and focus groups across the six geopolitical zones of the country: Lagos State in the South-West, Anambra State in the South-East, Rivers State in the South-South, Bauchi State in the North-East, Kano and Kaduna states in the North-West and the Federal Capital Territory in the North-Central. The public and private sectors were further disaggregated into seven subsectors which encompassed the state-owned and local government-owned public institutions, and the manufacturing, education, hospitality, finance and health care institutions in the private sector.

## FINDINGS

Employers and employees in Nigeria's formal and informal sectors are generally aware of basic maternity entitlements, but their awareness of additional benefits, such as paternity entitlements, varies. The effective implementation of maternal entitlements is not consistent across the different subsectors. In the informal sector, in particular, women and men do not benefit from maternal entitlements granted them by law largely because there is no institutionalized policy or guiding principle for these types of benefits. There appears to be no enforcement or regulation protocol in place to ensure compliance with the national policies within the labour force. While several institutions had established strategies to address complaints, the management of the complaint process was often subjective. Findings below are presented according to awareness of policies (maternity and paternity leave, for example) and their implementation; the actual practice of breastfeeding and its support in workplaces; child adoption and child spacing; receptiveness to adopting six months' maternity leave; and, receptiveness to lactation toolkits and creche support.

## AWARENESS OF PARENTAL LEAVE AND ENTITLEMENTS IN THE WORKPLACE

Participants have various levels of knowledge regarding maternity leave and related workplace policies. Most workers in the private sector are aware of maternity leave rights, and received this information in their employment letters, handbooks, or from engagement with human resources personnel, while most workers in the public sector (both local and state) received information about their leave benefits from the staff rules or their colleagues. General maternity entitlements included: average of three months leave, reduced working time upon resumption for the next three months, paid maternity leave, access to a furnished private breastfeeding room/space, access to day-care/creche facility within the organization or neighbourhood, and formal supports and encouragements for breastfeeding in the immediate work environment.

The study also revealed that although most of the private and public sector institutions offer maternity leave, there were some private sector institutions that did not offer it at all. This was most often reported by female workers in private educational institutions and the manufacturing and hospitality industries. Despite this, female employees in the public and private sectors were aware of their workplaces' available benefits, such as paid maternity leave, leave of 12 weeks or more, and reduced work hours to promote breastfeeding practices.

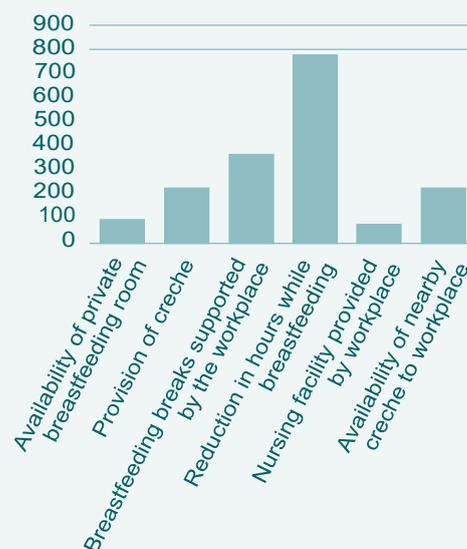
In the informal sector (mainly markets), work environments are less structured than those in the formal sector. Respondents displayed some knowledge gaps about the purpose of maternity leave, and their reported duration of maternity leave varied widely as there is no institutionalized policy or guiding principle for these types of benefits. Most respondents in the informal sector saw maternity leave as an opportunity to rest in the short-term, and resume work immediately once a mother felt strong enough to do so, often before three months had elapsed; very few considered this period an opportunity to practice exclusive breastfeeding. Their return to work before three months occurred largely due to financial constraints as their leave is unpaid.

Very few respondents were aware of paternity provisions or their benefits to an organization. Respondents in the public sector were more aware of the provision of paternity entitlements to eligible male workers in their organization than those in the private sector. Amongst private sector respondents, female employees in the manufacturing, hospitality, and private educational institutions were mostly unaware of the paternity provisions available within their organization; respondents in hospitality and healthcare institutions were the least aware. On the other hand, working mothers in the financial sector were the most knowledgeable about existing paternity leave policies in their respective institutions.

Paternity leave is not a statutory entitlement and therefore not commonly offered to new fathers in the formal workforce other than in Lagos and Enugu states, and some private institutions, like commercial banks, whose policies have advanced beyond the national policies. The duration of paid paternity leave varies among these institutions, ranging from 5–10 days.

Most female respondents said they did not support paternity leave for their male counterparts, believing the leave would not be used as intended; further, they said if it followed the same pay structure as maternity leave, it would have negative financial implications for the family. The few men that were involved in the study had positive reactions to the idea. However, a male policy administrator in Lagos State, where paternity leave is a state policy, said in his experience, men often do not take advantage of the available leave. The respondent said that men are hesitant to request paternity leave because it is not a societal norm, in addition to their fear of the negative financial implications.

### FACTORS THAT ENCOURAGED MOTHERS TO CONTINUE BREASTFEEDING AFTER RETURNING TO WORK



### BY THE NUMBERS



Only **9%** of organizations had a workplace breastfeeding policy



Only **1.5%** of public sector



and **23%** of private sector organizations provide creches or daycare



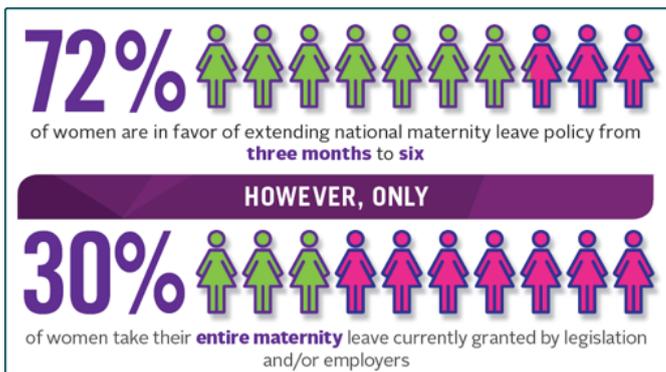
**100%** of organizations were supportive of implementing breastfeeding-friendly programs

## IMPLEMENTATION OF MATERNITY LEAVE POLICIES

The level of implementation of maternity leave policy is greater in the public sector compared to the private sector (where some institutions disclosed that they did not offer any maternity leave entitlements to working mothers in their establishments). Paternity leave is not common or enforced by law in Nigeria (it is only a statutory entitlement to fathers in Lagos and Enugu states where it has been approved as public policy).

Most respondents said the standard maternity leave period is three months. However, those three months are often converted to days and, in the private sector, weekends are frequently included in the count of days, making official time off less than three months in total while in some cases respondents reported that their maternity leave is far less than three months. Employment status, i.e. full-time vs part-time, has a direct implication on the length of leave workers are able to take. Some respondents who were not engaged as full-time or permanent employees were only able to take maternity leave for as little as 30 days.

Following national policy, public sector institutions—including those at the local government level—are more likely to pay full (100%) salary during maternity leave across the six states. Private institutions were generally less likely to pay full salary than public sector institutions. For instance, 74% of Anambra-based private institutions offered paid maternity leave for the entire duration of the leave, while 99% of public sector institutions in the same state offered paid maternity leave for the entire leave period.



Approval of maternity leave is not always consistent. In Kaduna State for instance, a woman must provide her marriage certificate and a medical report signed by a certified physician from a recognised health facility before she will be granted maternity leave, which is a statutory recommendation in the national policies. In other cases, women had to have been working with the organization

for a minimum of six months and be a full-time, permanent staff who had not taken her annual leave for that year. For women who had taken annual leave that year, the days taken were deducted from the maternity leave request. Very few organizations had approved women's requests to take both annual and maternity leave in the same calendar year.

Major challenges to implementing maternity leave cited by employers included the increased workload on other employees; the additional costs of hiring contract staff (including cost of advertising, interviews, and insurance) while continuing to pay the permanent staff on leave; and, the retention of staff through the increased workload.

## BREASTFEEDING PRACTICE AMONG MOTHERS AND ITS SUPPORT IN THE WORKPLACE

The Nigerian Constitution (1999), Nigerian Labour Law, and the Public Service Rules are quite clear about breastfeeding in the workplace, requiring employers to allow one to two hours per day for mothers to nurse their babies after they return to work. Healthcare and state government institutions were more likely to provide this form of support to nursing mothers compared to other organizations. In Lagos and Kano states, however, allowing mothers time to breastfeed was more common in the finance industry than other states.

Most respondents in the formal sector, mothers and administrators alike, welcomed the idea of care facilities within their workplaces. It is commonly believed that this would help mothers focus on work, given reassurance that their babies were under good care. In the informal sector, respondents had concerns over cost or reliability of such facilities.

## CHILD ADOPTION AND CHILD SPACING POLICIES

Respondents were not widely aware of child adoption and spacing policies. The few who were aware of the child adoption policy said it was provided to support employees who were having difficulties conceiving on their own. Such employees who benefited from this are entitled to at least three months' maternity leave similar to what other new mothers enjoy or paternity leave as provided for by the organization.

Responses on child spacing policy were speculative or uncertain. None of the organizations interviewed cited this as an official policy, and none of the employees had experienced it either directly or indirectly. It can be concluded, then, that this is not a common practice in the formal workplaces that participated in this study.

## RECEPTIVENESS TO ADOPTING A SIX-MONTH MATERNITY LEAVE POLICY

The majority of women in both sectors expressed support for a six-month maternity leave policy, as it would give their babies ample time to grow and afford mothers time to rest before they resume work. However, respondents among employers and policy administrators were reluctant to adopt such a policy, fearing it to be too ambitious and too long, in addition to worrying that the length of leave may put the woman's job security at risk, or may be detrimental to her performance. These hesitations were echoed in the education subsector, where respondents cited the strict school calendar and the difficulty in accommodating such a long leave period. Regardless, a few said that should this become a national policy, it would be accepted; however, they also said that the cost of implementing such policy might be a lot to bear on the organizations and, in turn, on the economy.

While women said they would welcome longer maternity leave, their work environments are not currently conducive to it. Across the board, women were supportive and recognized the potential benefits of extending maternity leave to six months, but when considering the policy in practical terms, they were concerned about their jobs and financial security. This is echoed in the concerns employers cited for an extended policy. If work environments were structured in a way that supported and enabled all new parents to take leave while feeling both professionally and financially secure, support for this change would probably increase.

Further, these findings also indicate a need for increased evidence on the benefits of longer maternity leave. Based on responses from participants, particularly from employers, there is a clear need for evidence that longer maternity leave is not detrimental to organizations or the national economy, and in fact could bring benefits.

## CONCLUSION

In 2017, Nigeria's rate of exclusive breastfeeding was 24 percent, well below the 50 percent target set by the World Health Assembly for 2025. When children are not breastfed, they are at higher risk of illness and death. Later in life, mothers who do not breastfeed are more prone to develop life-altering and life-threatening cancers and Type II diabetes. The costs of this low rate are astounding: every year, the lives of more than 100,000 children and more than 1,000 mothers are lost as a result. Economically, the Nigerian health system incurs more than US\$21 million in costs treating illnesses that could have been prevented by breastfeeding and Nigerians spend almost US\$4 billion on formula annually as a result of not breastfeeding. Concerted action by the public and private sectors to support and promote maternity entitlements, including extending maternity leave and encouraging paternity leave, providing lactation toolkits and creche support, and supporting breastfeeding practices in workplaces, would save thousands of lives and billions of naira for the national economy. Recommendations below provide a starting point for stakeholders.



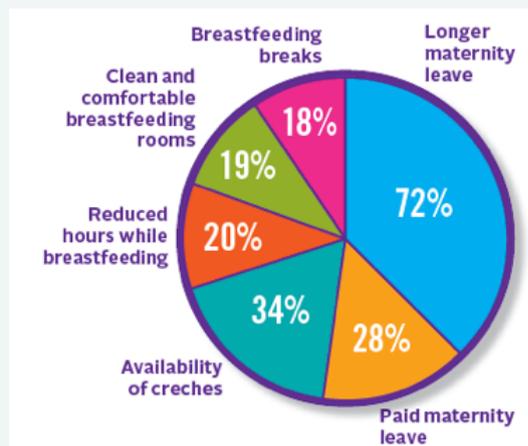
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## RECOMMENDATIONS

Respondents offered many suggestions for improving the knowledge, attitudes, perceptions, and practices regarding parental support within the Nigerian labour force. They focused on policy implementation, enforcement, and regulation of labour laws in the public and private sectors, and awareness among the general public of the benefits to families of parental leave and exclusive breastfeeding. Recommendations are presented below according to whom they are directed: Policymakers and Public Officials, influencers; Government; and, Employers.

### HOW CAN NIGERIA'S MATERNITY ENTITLEMENTS BE IMPROVED?

*Answers provided from a multiple response questionnaire for working mothers*



#### Policymakers and Public Officials Influencers

Policymakers and their representatives who are involved in governance systems and bureaucracy should:

- Continually advocate for parents, particularly mothers, so that they have the required time and support to nurture their babies
- Ensure that the system is well balanced for employers to support this drive so that they have the capacity to facilitate an enabling environment for working parents in their respective institutions
- Promote private sector partnerships that would lead to the establishment of crèche facilities in areas densely populated with workers such as government secretariats and large commercial hubs
- Work closely with government regulatory agencies such as the ministries of Labour and Women Affairs at the federal and state levels to ensure compliance with global standard operating procedures of such facilities
- Advocate for women to be able to access their maternity and annual leave in the same year
- Work with union administrators, group leaders, and working parents in the informal sector so that they understand the importance of parental leave and exclusive breastfeeding practice, facilitating a supportive environment in the non-formal workplace
- Enact a national policy mandating paid maternity leave, and extension of the current maternity leave period to six months



#### Government

The Federal Ministry of Labour, the Federal Ministry of Health, and the Federal Ministry of Women's Affairs and Social Development have significant roles to play to promote and support maternity entitlements.

The Federal Ministry of Labour should:

- Work to ensure all mothers are given their entitled three months' maternity leave (with a recent amendment of four months' maternity leave for public sector workers)
- Clarify the exact duration of leave duration across the subsectors, especially those in the private sector, as some were found to be offering much less than statutorily recommended
- Ensure strict compliance with the national laws that affect the labour force
- Work with policymakers at the federal and state governments to advocate for working mothers to be granted both maternity leave and annual leave in the same calendar year without any prejudice
- Advocate for some off-work days for fathers outside of their annual leave
- Discourage discrimination in the workplace due to marital status, pregnancy, or childbirth
- Empower mothers to speak up when faced with challenges at work
- Ensure organizations put in place mechanisms for receiving and addressing complaints from vulnerable workers like pregnant and nursing mothers
- Ensure employers and their representatives routinely inform and educate their employees about their entitlements and benefits in the workplace through public display of information on notice boards, offices, online pages, seminars and orientation workshops, circulars, and memos throughout the departments and unions

The Ministry of Health should:

- Collaborate with the Ministry of Labour to advocate at the Federal Executive Council and the National Assembly for the extension of maternity leave from the current four months for Federal Public Employees to six months
- Widely disseminate this survey and other supporting international evidence at the National Council on Health, comprising the Commissioners of Health from the states to build support and consensus for six months' maternity leave and provision of lactation rooms/crèches at the state level
- Collaborate with the Ministry of Women Affairs to improve the quality of care at existing lactation rooms/crèches and ensure that mothers have correct information and support to continue exclusively breastfeeding their babies when they return to work

The Federal Ministry of Women Affairs and Social Development should:

- Deploy regulatory activities, such as licensing and certification towards crèche and nursery facilities, throughout the nation by setting operational guidelines that would be routinely monitored
- Ensure a conducive environment in the workplace through joint efforts with employers and other stakeholders (MDAs and policymakers) so that working mothers have an easy transition into post-maternity work leave
- Continue reinforcing messages around good nutrition and health in the first 1,000 days of life in the media, public places and workplaces
- Partner with different actors—government and non-government organizations—that can help drive and own maternity entitlement initiatives

Each ministry should also:

- Develop and deploy behavioural change communication resources to the public on the benefits of exclusive breastfeeding practices, prepared strategically to address target groups, their level of literacy, age, cultural background, etc.
- Leverage messages on the available media and communication platforms such as radio, TV, and social media platforms to target the specific groups of employees and employers in the Nigerian labour force
- Work collaboratively with implementing partners to continue interventions that support women and their children to lead healthy lives
- Continue education on nutrition, hygiene, and medical care
- Strategically engage the informal sector, supporting it to create lactation-friendly environments for mothers and their babies while at work



## Employers

As the main and most direct point of contact for working mothers, employers should:

- Provide crèche/day-care facilities, clean and dedicated lactation rooms, and lactation breaks for working mothers.
- Implement flexible work schedules for nursing mothers, allowing them to start or end their days earlier
- Increase allotted paternity leave benefits so fathers can spend time supporting their new family structure
- Identify and eliminate all forms of discrimination towards working mothers
- Give pregnant women sufficient time off work to seek medical care, including for antenatal clinics and appointments
- Provide women with all forms of support essential to help them perform optimally, including quality education around optimal breastfeeding practices, a balanced work life, and conducive work environments to support their family
- Build an enabling environment in the workplace where women feel comfortable going on maternity leave, and that women are aware of its full benefits



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