



**REPUBLIC OF ZAMBIA**

**SPEECH BY**

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**NATIONAL TRIPARTITE DIALOGUE ON MATERNITY  
PROTECTION**

**27<sup>TH</sup> MARCH 2013**

**NEW GOVERNMENT COMPLEX, LUSAKA**

IT IS MY GREAT HONOUR AND PRIVILEGE TO BE HERE TODAY TO OFFICIATE AT THIS VERY IMPORTANT MEETING, THE NATIONAL TRIPARTITE DIALOGUE ON MATERNITY PROTECTION IN ZAMBIA WHOSE THEME IS "TOWARD RATIFICATION OF THE ILO CONVENTION NUMBER 183 OF 2000 ON MATERNITY PROTECTION, IN ZAMBIA".

I WISH TO CORDIALLY WELCOME YOU ALL, ESPECIALLY OUR INTERNATIONAL GUESTS AND VISITORS, TO THIS EVENT. IT IS MY HOPE THAT YOU WILL ENJOY YOUR STAY IN ZAMBIA. ZAMBIA IS ENDOWED WITH A VERY FRIENDLY CITIZENRY, FANTASTIC WEATHER AND MANY TOURIST ATTRACTIONS THAT INCLUDE INTRIGUING CULTURAL CEREMONIES, THE MOST MAGNIFICENT WILDLIFE, AND APART FROM HOSTING ONE OF THE SEVEN WONDERS OF THE WORLD, THE MIGHTY VICTORIA FALLS IN THE TOURIST CAPITAL OF LIVINGSTONE, ZAMBIA HAS WATERFALLS ALMOST IN EVERY PROVINCE.

I HOPE YOU WILL FIND TIME TO SAMPLE SOME OF THESE ATTRACTIONS AS WELL AS OUR HOSPITALITY.

IF THERE IS NO TIME DURING THIS VISIT WE HOPE TO SEE YOU BACK IN AUGUST FOR THE UNWTO MEETING WHICH IS BEING CO-HOSTED BY ZAMBIA AND ZIMBABWE. BE SURE TO TAKE ADVANTAGE OF THE WONDERFUL PACKAGES THAT MAY BE ON OFFER.

#### **LADIES AND GENTLEMEN,**

A FEW WEEKS AGO, ZAMBIA JOINED THE REST OF THE WORLD IN COMMEMORATING THE INTERNATIONAL WOMEN'S DAY ON 8<sup>TH</sup> MARCH UNDER THE THEME "GENDER AGENDA: GAINING MOMENTUM". IT IS GRATIFYING TO NOTE THAT OUR MEETING TODAY IS NOT ONLY PUSHING BOUNDARIES THROUGH SOCIAL DIALOGUE BUT IS PUSHING THE MOMENTUM ON THE GENDER AGENDA FORWARD. IT IS GRATIFYING TO KNOW THAT EVERY DAY ZAMBIA IS MAKING STRIDES TO INVEST IN GENDER EQUALITY, WOMEN EMPOWERMENT AND DECENT WORK FOR WOMEN WHICH IS CARDINAL FOR ACHIEVING ECONOMIC AND SOCIAL JUSTICE!

SINCE OCTOBER 2011, I HAVE LOOKED FORWARD TO THIS DAY WHEN STAKEHOLDERS WOULD COME TOGETHER TO ENGAGE, DEBATE AND DISCUSS THE SUBJECT OF RATIFYING MATERNITY PROTECTION IN ZAMBIA TO JOIN BENIN, MALI AND MOROCCO WHO ARE THE ONLY THREE COUNTRIES IN AFRICA TO HAVE RATIFIED CONVENTION 183. IN 2011, I STOOD ON THE PREMISE THAT **MATERNITY PROTECTION IS AT THE CORE OF THE DECENT WORK AGENDA AND SHOULD BE USED AS A TOOL TO EMPOWER WOMEN SOCIALLY AND ECONOMICALLY.**

I STILL SUBSCRIBE TO THAT PRINCIPLE AND THAT'S WHY I AM HONOURED TO HAVE BEEN GIVEN A CHANCE TO SHARE MY THOUGHTS WITH YOU. I HAVE BEEN A PRIVILEGED WOMAN WHO HAS EXPERIENCED CHILDBIRTH AND SOME FORM OF MATERNITY PROTECTION. UNFORTUNATELY A LOT OF WOMEN ESPECIALLY IN THE INFORMAL SECTOR DO NOT HAVE A VOICE TO SPEAK AGAINST INJUSTICES DIRECTED AT THEM ESPECIALLY DISCRIMINATION ON THE BASIS OF REPRODUCTIVE HEALTH GOALS. WE HAVE TO SPEAK FOR THEM!

- IT IS UNACCEPTABLE THAT FAMILY RESPONSIBILITIES SHOULD DICTATE THE AMOUNT AND TYPE OF PAID WORK THAT WOMEN CAN UNDERTAKE
- IT IS UNACCEPTABLE THAT WOMEN SHOULD BE PRESSURED TOWARDS INSECURE, CASUAL AND LOW PAID WORK THAT 'FIT-IN' WITH CARING FOR CHILDREN.
- IT IS UNACCEPTABLE THAT WOMEN SHOULD BE COERCED INDIRECTLY IN MAKING FAMILY PLANNING CHOICES FOR FEAR OF LOSING JOBS

I AM GLAD THAT AS A COUNTRY, WE HAVE EMBARKED ON THIS DIALOGUE WITH A VIEW OF ENSURING DECENT WORK; DECENT LIFE FOR WOMEN!

**LADIES AND GENTLEMEN,**

MATERNITY PROTECTION IS AN EMERGING TOPICAL ISSUE CURRENTLY DOMINATING DEBATE AT VARIOUS FORA. THE CHANGING NATURE OF THE GLOBAL ECONOMY AND THE EMERGENCE OF NEW SOURCES OF RISK AND INSECURITY HAVE PLAYED IMPORTANT ROLES IN BRINGING SOCIAL PROTECTION TO THE FOREGROUND.

WHILE MOST ATTENTION TO MATERNAL HEALTH AND MORTALITY HAS JUSTIFIABLY FOCUSED ON HEALTH SERVICES AND FAMILY PLANNING, IT SHOULD BE REMEMBERED THAT MOTHERS ARE ALSO WORKERS WITH PARTICULAR NEED OF SUPPORT TO PROTECT THEIR HEALTH WHILE WORKING AND TO ENSURE THEIR ECONOMIC SECURITY DURING PREGNANCY AND AFTER CHILDBIRTH.

MATERNITY PROTECTION IS CRUCIAL SOCIAL PROTECTION FOR WOMEN.

RAISING A FAMILY IS A CHERISHED GOAL FOR MANY WORKING PEOPLE. PREGNANCY WHICH SHOULD BE A POSITIVE EXPERIENCE, FOR SOME IT EXPOSES THEM TO THE RISK OF DISCRIMINATION AND POVERTY.

MATERNITY PROTECTION IS NOT A NEW IDEOLOGY. AS FAR BACK AS 1919, MEMBER STATES OF ILO ADOPTED CONVENTION 3 AND IN 1948, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN ARTICLE 25(2) RECOGNISED THAT THE MATERNITY PERIOD IS AN IMPORTANT PHASE WHICH NOT ONLY IS A HUMAN RIGHT'S ISSUE BUT ALSO NEEDS TO BE PROTECTED. VARIOUS INTERNATIONAL INSTRUMENTS INCLUDING THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR), THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION (CEDAW), THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC) AND THE ILO CONVENTIONS 103 OF 1952, HAVE BROADENED THE LANGUAGE ON MATERNITY PROTECTION CALLING FOR SPECIAL PROTECTION OF EXPECTANT AND NURSING MOTHERS TO PREVENT HARM TO THEIR OWN HEALTH AS WELL AS THAT OF THEIR INFANTS.

THE ILO CONVENTION 183 CALLS FOR PROTECTION OF WOMEN AGAINST JOB LOSSES ON ACCOUNT OF PREGNANCY OR MATERNITY LEAVE. SUCH PROTECTION NOT ONLY ENSURES A WOMAN'S EQUAL ACCESS TO EMPLOYMENT, IT ALSO ENSURES THE CONTINUATION OF OFTEN VITAL INCOME WHICH IS NECESSARY FOR THE WELL-BEING OF HER ENTIRE FAMILY.

MOTHERS RETURNING TO WORK TOO EARLY ARE LIKELY TO BECOME ILL THEMSELVES AND THEIR CHILDREN ALSO RUN A HIGHER RISK OF BECOMING ILL. ADEQUATE MATERNITY LEAVE IS THUS IMPORTANT TO ENSURE THAT WOMEN HAVE SUFFICIENT TIME TO REST AND LET THE BODY RECOVER TO ADAPT EMOTIONALLY AND PHYSICALLY TO THE CHANGES RESULTING FROM CHILDBIRTH AND THE ENSUING RESPONSIBILITY OF CARING FOR THE NEWBORN.

MATERNITY PROTECTION ALLOWS IDEAL BREAST FEEDING PRACTICES WHICH ARE IMPORTANT FOR THE GROWTH OF THE CHILD AND DEVELOPMENT OF AN ADEQUATE IMMUNE SYSTEM. BREASTFEEDING MOTHERS AT WORK NEED TO BE ABLE TO CHOOSE FROM A RANGE OF AVAILABLE OPTIONS AND TO ADJUST THEIR STRATEGIES AS THE BABIES GROW. THESE STRATEGIES MAY INCLUDE MATERNITY LEAVE, MODIFIED CONDITIONS OF WORK, WORKING AT HOME, PART-TIME WORK, JOB SHARING, SHORTENING OF THE WORKDAY BY AN HOUR, BRINGING THE BABY TO WORK, CHILDCARE AT OR NEAR THE WORK PLACE, BREASTFEEDING BREAKS AND MILK EXPRESSION AT WORK. HAVING MORE CHOICES OPEN WILL ENABLE MORE WOMEN TO COMBINE BREASTFEEDING WITH THEIR WORK. THIS IN TURN ALLOWS CHILDREN TO GROW UP HEALTHY AND ASSURES CRITICAL HUMAN RESOURCE.

MATERNITY PROTECTION IS NOT ONLY BENEFICIAL TO THE WOMAN AND HER BABY! PROTECTION THAT WILL ALLOW WOMEN TO CARRY OUT THEIR BIOLOGICAL ROLE OF BEARING AND NURSING CHILDREN WHILE MAINTAINING THEIR PRODUCTIVE ROLES AS WORKERS BENEFITS EVERYONE! THUS PREGNANCY AND MATERNITY RIGHTS ARE NOT ONLY 'WOMEN'S RIGHTS BUT RIGHTS THAT PROTECT FAMILIES AND COMMUNITIES AND WILL REDUCE SHOCKING LEVELS OF MATERNAL AND INFANT MORTALITY.

IT HAS SIGNIFICANT IMPACT ON A COUNTRY'S DEVELOPMENT AND OF COURSE ALSO BENEFITS THE EMPLOYERS. IN ADDITION TO IMPROVING WORKER MORALE, TRANSITIONS BACK TO WORK AFTER LEAVE ARE EASED AND ABSENTEEISM AND HEALTHCARE COSTS ARE DIMINISHED DUE TO IMPROVED INFANT'S HEALTH. IT GOES WITHOUT SAYING THAT A SATISFIED AND HEALTHY EMPLOYEE IS FAR MORE PRODUCTIVE THAN ONE WHO STAYS AWAY FROM WORK BECAUSE OF ILL HEALTH.

SAFEGUARDING THE HEALTH OF EXPECTANT AND NURSING MOTHERS AND PROTECTING THEM FROM JOB DISCRIMINATION IS A PRECONDITION FOR ACHIEVING GENUINE EQUALITY OF OPPORTUNITY AND TREATMENT FOR MEN AND WOMEN AT WORK AND ENABLING WORKERS TO RAISE FAMILIES IN CONDITIONS OF SECURITY.

**LADIES AND GENTLEMEN,**

IT IS INTERESTING TO NOTE THAT ZAMBIA HAS TWO MAJOR PIECES OF LEGISLATION THAT GIVES A LEGAL FRAMEWORK ON MATERNITY PROTECTION, THE EMPLOYMENT ACT, CHAPTER 268 AND ESPECIALLY THE MINIMUM WAGES AND CONDITIONS OF EMPLOYMENT ACT, CHAPTER 276 OF THE LAWS OF ZAMBIA HAS ADEQUATELY LAID THE FOUNDATION FOR US TO PROCEED TO RATIFY ILO CONVENTION 183.

I WOULD LIKE TO NOTE, THAT THE TWO PROGRESSIVE ACTS MAKE PROVISION FOR FEMALE EMPLOYEES WHO HAVE WORKED AT LEAST TWO YEARS OF CONTINUOUS SERVICE FROM THE DATE OF THEIR APPOINTMENT OR AFTER COMPLETION OF TWO YEARS SINCE THE LAST MATERNITY LEAVE WAS TAKEN TO BE ENTITLED TO MATERNITY LEAVE WITH FULL PAY.

HOWEVER IT IS SAD TO NOTE THAT IN ITS CURRENT FORM, THE LEGAL FRAMEWORK ON MATERNITY PROTECTION IN ZAMBIA, PRESENTS A NUMBER OF CHALLENGES THAT REQUIRES THE ATTENTION OF THIS AUGUST HOUSE.

- THE TWO YEARS QUALIFICATION PERIOD DISCRIMINATES AGAINST EMPLOYEES THAT ARE ON TEMPORARY OR SHORT-TERM CONTRACTS AS IT APPLIES ONLY TO EMPLOYEES WHO ARE ON PERMANENT OR LONG TERM CONTRACTS.  
THIS PROVISION IS IN CONFLICT WITH THE SPIRIT OF THE ILO CONVENTION 183 ON MATERNITY PROTECTION.
- THE PROVISION IN THE MINIMUM WAGES AND CONDITIONS OF EMPLOYMENT ACT THAT ENTITLES THE EMPLOYER TO GRANT MATERNITY LEAVES TO A DOMESTIC WORKER UPON PRODUCTION OF A MEDICAL CERTIFICATE SIGNED BY A QUALIFIED MEDICAL DOCTOR- THIS COULD BE A CHALLENGE IN RURAL AREAS WHERE DOCTORS ARE A SCARCE COMMODITY.
- THE STATUTORY SOCIAL SECURITY SCHEMES DO NOT PROVIDE FOR MATERNITY BENEFITS. HOWEVER, THE EMPLOYMENT ACT AND THE GENERAL ORDERS THAT GOVERN THE CONDITIONS OF SERVICE FOR PUBLIC SERVICE WORKERS REQUIRE THAT EMPLOYERS PAY AN EMPLOYEE A FULL SALARY. THERE IS NEED TO HARMONIZE THE POLICY AND LEGAL FRAMEWORK.
- WHILE THE ACTS HAVE IN SOME WAY INCLUDED THE INFORMAL SECTOR, THERE IS NEED AS WELL TO LOOK AT FINANCING OPTIONS WHICH WILL ADEQUATELY COVER THOSE IN THE INFORMAL SECTOR AND I AM SURE DURING THE COURSE OF THIS MEETING, WE ARE GOING TO HEAR OF BEST PRACTICES FROM OTHER COUNTRIES.

IN THE DEVELOPING WORLD INCLUDING ZAMBIA, THE MAJORITY OF INFORMAL WORKERS ARE WOMEN. THESE WOMEN EARN LESS INCOME, HAVE UNSTABLE INCOME AND DO NOT HAVE ACCESS TO BASIC PROTECTION AND SERVICES. THIS INFORMAL SECTOR IS GROWING BY THE DAY DUE TO DIVERSE REASONS INCLUDING THE DIFFICULTIES FACED BY WOMEN IN GAINING FORMAL EMPLOYMENT.

**DISTINGUISHED LADIES AND GENTLEMEN,**

IT IS EASY TO SEE THAT THE PROBLEMS ASSOCIATED WITH MATERNITY AND CHILDBIRTH ARE CLOSELY LINKED TO POVERTY, INADEQUATE WORKING CONDITIONS AND GENDER INEQUALITY.

THEREFORE IF WE HAVE TO CONQUER EXTREME POVERTY, REDUCE MATERNAL AND CHILD MORTALITY AND MORBIDITY INCLUDING MALNUTRITION; PROMOTE GENDER EQUALITY AND EMPOWERMENT OF WOMEN AND COMBAT HIV; WE HAVE TO RATIFY THE ILO CONVENTION 183

THE RATIFICATION OF THE CONVENTION WILL BE A GOOD OPPORTUNITY FOR GOVERNMENT TO PROVIDE MOTHERS, BOTH IN FORMAL AND INFORMAL SECTOR, AN ENABLING ENVIRONMENT THAT WILL PLACE EMPHASIS ON THE FACT THAT EVERY WOMAN COUNTS AND NO PREGNANT WOMAN OR BREAST FEEDING MOTHER TO INDULGE IN WORK THAT IS EITHER PREJUDICIAL TO HER OR THE CHILD'S HEALTH OR WHICH POSES A SIGNIFICANT RISK TO THEIR HEALTH;

WOMEN NEED TO BE GUARANTEED MATERNITY LEAVE; ASSURED OF CASH MATERNITY BENEFITS; HAVE ACCESS TO QUALITY PREGNANCY CARE & HEALTH PROTECTION AT THE WORKPLACE, BE FREE OF FEAR OF DISCRIMINATION ON ACCOUNT OF BEING PREGNANT OR ON ACCOUNT OF TAKING CARE OF AN ILL CHILD; AND MAKE ADEQUATE BREASTFEEDING ARRANGEMENTS AT WORK.

AS ILO STIPULATES, THE SUCCESS OF GOVERNMENTS STRATEGIES TO PROMOTE WOMEN'S EQUAL OPPORTUNITIES AND TREATMENT IN LABOUR MARKETS AND TO ACHIEVE GENDER EQUALITY IS DEPENDENT ON ADEQUATE AND ACCESSIBLE MATERNITY PROTECTION AND FAMILY FRIENDLY INFRASTRUCTURE AND SERVICES.

**LADIES AND GENTLEMEN,**

ALLOW ME TO CONCLUDE BY SINCERELY THANKING THE GOVERNMENT, THE ILO, EMPLOYERS, EMPLOYEES AND OTHER STAKEHOLDERS FOR MAKING THIS NATIONAL DIALOGUE MEETING ON MATERNITY AND PROTECTION POSSIBLE. MY PRAYER IS THAT THE ROADMAP TO BE DEVELOPED WILL NOT ONLY END AT RATIFICATION BUT DOMESTICATION AS WELL.

YOUR POSITIVE DELIBERATIONS WILL MAKE A DIFFERENCE IN THE LIVES OF WOMEN IN YOUR LIFE AND IN ZAMBIA.

WITH THESE REMARKS, I WOULD LIKE TO DECLARE THIS DIALOGUE MEETING OFFICIALLY OPEN AND WISH YOU ALL FRUITFUL DELIBERATIONS.

THANK YOU AND MAY GOD BLESS YOU.