

[AS INTRODUCED IN THE SENATE]

A

BILL

to provide for the facility of maternity and paternity leave to the employees of public and private establishments

WHEREAS it is expedient to provide for the facility of maternity and paternity leave to the employees of public and private establishments and for the matters connected therewith and ancillary thereto;

In addition to and not in derogation of any other law for the time being in force, it is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Maternity and Paternity Leave Act, 2018.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "Employee" means any person who is employed in any of the public or private establishment;

(b) "Establishment" means any public, private organization, corporation, autonomous, semi-autonomous, body corporate or enterprise; and

(c) "leave account" means the account of the earned leave of every employee.

3. Provision of maternity and paternity leave.- (1) The employees of every establishment shall be provided six months paid maternity and three months paternity leave as and when applied by employees, separately from their leave account, commencing from the date as applied by the applicant in the application and supported by a medical certificate.

(2) The employees shall also be provided with an additional three months optional unpaid maternity and one month paternity leave, separately from their leave account, if required by employee.

4. Further extension not allowed.- There shall be no further extension granted to any of the leaves aforementioned in section 3 of this Act.

5. Commencement of leave.- The leave may commence from the day following the day on which an employee hands over the charge of his post and may end on the day preceding that on which (s) he resumes duty.

6. Termination on seeking leave not allowed.- The employer shall not be allowed to terminate the services of an employee merely on seeking leave under the provisions of this Act. In case the employee violates the discipline and commits misconduct including extension of the leave without prior permission of the competent authority, the employer take disciplinary action as may be prescribed.

STATEMENT OF OBJECTS AND REASONS

Working women are a growing reality in Pakistan. In order to facilitate women to fulfil the obligations of motherhood without having to compromise on their professional growth, Article 37 (e) of the Constitution of Pakistan provides the maternity benefits to women and entitles them to leave. This Bill aims to provide expectant mothers maximum required leave in order to facilitate them. On the other hand, the law does not mandate the provision of paternity leave for male employees, where the need for the institutionalization of such support structure is no different. Research suggests that enabling fathers to look after their new born children has positive knock-on effects. The early close relationship between father and child has long-term implications. This Bill seeks to provide fathers the opportunity to be there at a crucial time without the added responsibility of the workplace.

SENATOR QURATULAIN MARRI
Member-in-Charge