



International
Labour
Organization

A global review

WORKING CONDITIONS LAWS REPORT 2012

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INTRODUCTION

Labour legislation on working conditions is meant to address the essential elements of the employment relationship. Its definition can be summed up as legislation that shapes workers experience of the workplace. From its foundation in Part XIII of the Treaty of Versailles in 1919, the ILO has placed a great emphasis on the importance of working conditions. Some of the key international labour standards of the ILO since have focused on these issues. Two of the ILO's first international labour standards dealt with the regulation of working time [Hours of Work (Industry) Convention, 1919 (No. 1)] and maternity protection [Maternity Protection Convention, 1919 (No. 3)]. The first ILO Convention addressing minimum wages followed in 1928. Subsequently, ILO standards addressing working time, maternity protection, and minimum wages have been modified to take into account evolving concerns in and around the workplace, and international standards to address more specific working conditions issues have been adopted by the ILO and its constituents. These ILO Conventions (and Recommendations) form the corpus of international labour standards on work and employment and have underpinned the ILO Decent Work Agenda (all members states must pursue policies based on strategic objectives – *employment, social protection, social dialogue, and rights at work*), which is embodied in the ILO's Declaration on Social Justice for a Fair Globalisation of 2008.¹

Labour legislation to address working conditions can cover an array of subjects that affect the employment relationship and workers' well-being in the workplace. This report will focus on legislation regarding three important elements: working time (Chapter 1), maternity protection (Chapter 2), and minimum wages (Chapter 3). The material used in this study will be drawn predominantly from the ILO Working Conditions Laws Database, which was most recently updated in 2011-2012 (see Box 1 below). Given that the information in the database covers a vast amount of legal information from over 150 countries, this report will focus on selected essential provisions. The framework for presenting the national legislative information in this publication is based on the

structure of the relevant ILO Conventions and Recommendations for each subject, which is meant to help provide a simple method for presentation and comparison.

This report builds upon previous editions produced in 2010 and 2008. The reports of 2008 and 2010, which used a similar framework to present the material, were based mainly on regions of the world. However, while the 2008 and 2010 reports disaggregated industrialised countries and CIS and Eastern European countries in Europe, for the 2012 edition a framework is adopted that better reflects the data contained in the Working Conditions Law Database and the working conditions legislation that exists in different regions of the world. Thus, while in the information in all other regions is ordered the same manner, the industrialised countries have been placed in the appropriate regions and the Eastern European countries have been classified with Europe and CIS countries.

As with previous editions, it should be noted that this report cannot and is not intended to offer an assessment of the quality of the regulations or their forms in different countries. It is also not meant to evaluate the relationship between labour law and how it functions in practice. Rather, what the report highlights is that working conditions legislation can take a variety of forms and provide the economic and social justice that are at the core of the ILO's international labour standards.

In this context it is worth emphasising that the ILO Working Conditions Laws Database, while meant to inform ILO constituents, policy makers, researchers, and others interested in national working conditions legislation, has specifically been developed to suggest that labour market regulation can be used to advance social and economic goals that benefit enterprises and society at large. Labour legislation establishes the rights and responsibilities of employers and workers, provides the basis for employment relationships, and is meant to help achieve better socio-economic outcomes for all people in a society.

¹ This Declaration is only the third ILO declaration in its over 90 year history and expresses the contemporary vision of the ILO's mandate in the era of globalisation.

Box 1: The ILO Database of Conditions of Work and Employment Laws

Most national labour legislation is not new and in some cases began its development in the 20th century. However, until recently there has been no individual source capable of addressing specific dimensions of national working conditions laws around the world. The biggest gap in information has traditionally been among developing countries and this has to some extent restricted research and policy analysis.

Bearing this mind, in 2004 the International Labour Office's Conditions of Work and Employment Branch began its efforts to set up an online database that compiled summaries of translated national legislation. The objective was not only to organise this information in one location, but to make it available to ILO constituents so that they would be able to make more informed decisions regarding their national legal and policy choices. In the ensuing years the Branch has developed the presentation of the information and gathered national legislative data from additional ILO member states.

The current iteration of the database is the most comprehensive source of information on the national regulatory environment for minimum wages, working time, and maternity protection available at the global level. It covers national legislation from more than 150 countries and permits customised research on a particular subject by country, multiple countries, or regions and allows for textual searches. Attempts have also been made to include PDF versions of the national labour legislation used in the database (when possible in the original language) to provide further detail for those interested in the full legal provisions. On selected topics, historical comparison is possible. The database is updated every two years and its most recent update was completed in the middle of 2012.

The database also has a functional dimension for researchers permitting further research into the role and content of domestic and international labour standards and the importance these standards have for social actors. The information contained in the database facilitates comparative analyses that can help countries that are looking to develop their own laws or policies.

Note: This report uses a different clustering of countries than the two preceding reports. The new clustering is based on the structure of the information in the Working Conditions Laws Database and allows policymakers to more easily access the database and to gain a better regional understanding of the laws while not losing the global perspective.

Working hours and annual leave

From the end of the 19th century the reduction of working hours has been a consistent demand of workers and society. During the industrial revolution it was not uncommon for workers to put in a 14-16 hour work day, though this progressively fell to 10 hour days in the pre-First World War era. After the war there was increased pressure by the labour movement to implement the 8 hour day or the 48 hour week.

The ILO was created in the Preamble to Part XIII (“Labour”) of the Treaty of Versailles in 1919 and the treaties under which it was established specifically cited “the regulation of the hours of work, including the establishment of a maximum working day and week” among measures to improve working conditions for workers.³

Box 2: Working time concepts

- **Normal weekly working hours:** For the purpose of this report, normal (or regular) weekly hours of work are understood as the hours of work fixed as such by laws and regulations. They are taken as indicating the number of hours per week in excess of which any time worked is remunerated at overtime rates. If the law allows normal hours of work to be averaged over a specified period, and therefore for an increase of weekly working time for individual weeks, the mandated average is reported.
- **Overtime:** Overtime limits for the purpose of this report are understood as hours provided worked in excess of normal weekly working hours, which normally extend the right to overtime compensation. Overtime limits may be set by day, week, year and/or any other reference period.
- **Maximum weekly hours limits:** Maximum weekly hours limits are those limits either directly stipulated as such by law or indirectly by stipulating an overtime limit. If the law mandates overtime limits for different periods (e.g. per week and year), the longer period has been chosen and the overtime hours averaged and rounded to a week.

³The Treaty of Peace between the Allied and Associated Powers and Germany, and other Treaty Engagements, signed at Versailles, 28 June 1919 (London, HMSO, 1920), p. 185.

The instrument adopted as a result was the first international standard of any kind by the ILO, the ILO Hours of Work (Industry) Convention of 1919, (No. 1). ILO Convention No. 1 limited the hours of work to 8 hours a day and 48 hours per week in industrial undertakings.⁴ It provides for hours averaging over a period of time and temporary and permanent exemptions to the standard.⁵ The Convention also provides for regulations to be established after consultation between the employer and workers' organisations determining the maximum number of additional hours and stipulates that the rate of pay for overtime cannot be less than 25 per cent of the regular wage rate.⁶ Finally, it was also meant to protect workers against undue fatigue, ensure reasonable leisure, and opportunities for recreation and social life.⁷ The main concept underlying ILO Convention No. 1 was that the principles established in the convention should be incorporated in national legislation and enforced by the national government.

It is important to highlight that ILO efforts on international working time standards did not end with Convention No. 1. As it only covered industrial workers, in 1930 the ILO adopted the Hours of Work (Commerce and Offices) Convention (No. 30), which extended the daily and weekly working hour limits found in Convention No. 1 to workers in commerce and offices. In fact, the ILO, between 1919 and 2004, has adopted 16 Conventions and 11 Recommendations dealing with working hours or its opposite, rest time for workers. The issues addressed include weekly rest, the organisation of working time, night work, and, importantly for this report, holidays with pay.⁸

Through the years the ILO has considered the body of international working time and rest standards taking into account national legislative experience. The ILO Committee of Experts has noted that “to reflect the human rights perspective in the international regulation of hours of work continues to be valid today” and that “every worker in the global economy should be entitled to a certain maximum duration of her or his work as well as minimum duration of rest and should be entitled to this protection regardless of where she or he happens to be born”.⁹

The regulation of working hours remains a vital issue to the ILO and its constituents as it lies at the core of the employment relationship. In addition, the regulation of working time impacts on the protection of the physical and mental health of workers; the reconciliation of work and personal life, which is of growing importance and has a direct impact on employment opportunities for men and women; and wages, including overtime.

With this in mind, this chapter will provide an overview of working time legislation in over 150 countries around the world. It will mainly focus on normal hours of work, the maximum weekly working time, overtime remuneration, and annual leave.¹⁰ A majority of countries legislate on these issues to varying degrees, though a few have almost no applicable provisions. For further details regarding national labour legislation on working time (including weekly rest and night work to name a few), please consult the ILO Database on Working Conditions Laws.

⁴ Article 2 of Convention No. 1.

⁵ Article 2, paragraph (c) and Article 6, paragraph 1, of Convention No. 1.

⁶ Article 6, paragraph 2 of Convention No. 1.

⁷ Report on a draft Convention relating to the eight-hours day and forty-eight hours week, Report I, p.5 (London, Harrison, & Sons, 1919).

⁸ Due to the scale and complexity of the issues covered by these standards, this report (like its predecessors) examines the major national working time legislation themes. However, it should be noted that these standards have provided the framework for the collection and presentation of the national working time legislation in the ILO Working Conditions Laws Database that forms the basis for this report.

⁹ Paragraphs 317 and 321 from Hours of work: From fixed to flexible? *Report of the Committee of Experts on the Application of Conventions and Recommendations* (Articles 19, 22, and 35 of the ILO Constitution), Report 93 III (Part 1B) (Geneva).

¹⁰ For details on how this will be done, see Box 2 and the methodology described at the end of this chapter.

1. Weekly normal hours limits

As noted previously, in the era prior to the labour movement's demands of the early 20th century, it was not uncommon for daily working hours in industrialised countries to amount to 14-16 hours per day. In the post WWI era, progress was made to lower this limit to 8 hours per day and 48 hours per week. ILO Conventions No. 1 and No. 30, though varying slightly in scope and application, were implemented to reduce the negative effects of excessive hours on workers' lives. The restrictions on excessive weekly hours were enhanced through the ILO Forty Hour Week Convention, 1935 (No. 47), which established the possibility of the 40 hour week in such a manner that the standard of living was not reduced as a consequence.¹¹

These ILO standards, either through member country ratification or through their use as models for structuring national labour law, have had a profound influence on national legislation and policies regarding working time. While industrialised countries were early beneficiaries of working hour limits, legal provisions limiting excessively long daily or weekly working hours have become somewhat of a norm in national labour law in countries around the world. In the section below, the extent of this development will be examined in more detail.

GLOBAL

Generally labour legislation among the countries surveyed in this report sets weekly hours limits for work. The largest proportion of countries around the world has set legal weekly hour limits of 40 hours per week (36%). However, a much larger proportion of countries have legislation which exceeds 40 hours per week (52%), with the largest group within this cluster setting the limit at a 48 hour work week (31%). Very few countries set their limit beneath the 40 hour limit (3%) and fewer still set a higher limit than 49 hours (1%).

Variations between countries in their approach to this issue are inevitable. In countries such as Kenya and the Seychelles, for example, the legal weekly hour limits extend beyond 49 hours, whereas in countries such as Belgium, France, and Chad the regular working week is set at less than 40 hours. It should also be noted that though some countries are categorised as not having a universal limit on working hours, there may be regulation by sector or industry, as is the case in countries such as India and Pakistan.

¹¹ Article 1 of Convention No. 47. The Convention also approved the types of measures that could be implemented to ensure that these working time and compensation aims are secured.

REGIONAL

In **Africa** a large number of countries' legislation sets the weekly working hours at a 40 hour limit (35%). Just under a third of countries have set working hours between 42-45 hours per week (27%) and a slightly higher proportion have set the weekly hour limit at 48 hours (29%). As noted above, only Kenya and the Seychelles exceed 49 hours. It should also be noted that a few countries in this region do not have a universal limit (Nigeria and Zimbabwe) and it is unclear as to whether other regulations are used to limit working hours.

In the **Asia and the Pacific** region the 48 hour weekly limit is found in only about a third of countries' national legislation (32%). The majority of countries in this region have set weekly working hours limits in the 40-45 hour range (46%). What is notable is that no countries surveyed in this region have legal weekly hours limits above 48 hours, though in some countries with no universal working hours limits (such as India, Pakistan, and Sri Lanka) daily and weekly hours limits are set at the national sectoral/industry level.

Among countries in **Europe** and the former **CIS** an overwhelming number of countries (69%) have established

a 40 hour weekly limit. Less than a quarter (16%) of countries in this region have legislation which exceeds the 40 hour weekly limit though none have more than a 48 hour weekly working limit. While there are a few countries in this region (such as Germany) that do not have a universal working hours limit, national level collective bargaining by sector/industry establishes legal limits on working time. These collective agreements (and collective bargaining institutions) are protected by the law and establish firm boundaries for the social partners to negotiate daily and weekly working hours.

The 48 hour weekly working limit is used in more than a third of the countries in the **Americas and Caribbean** (38%). However, overall a larger proportion of countries have legislation setting the weekly working hours between 40-45 hours (56%). No country among those surveyed had legislation setting limits above a 48 hour work week.

Among countries in the **Middle East (Arab States)** there is the most uniformity in limits on weekly working hours in national legislation. The 48 hour weekly limit is almost universal in this region (90%). The only country in this region that retains a weekly working hours limit of 40 hours in its national legislation is Syria.

Graph 1: Normal weekly working hours limits by country and region, 2012

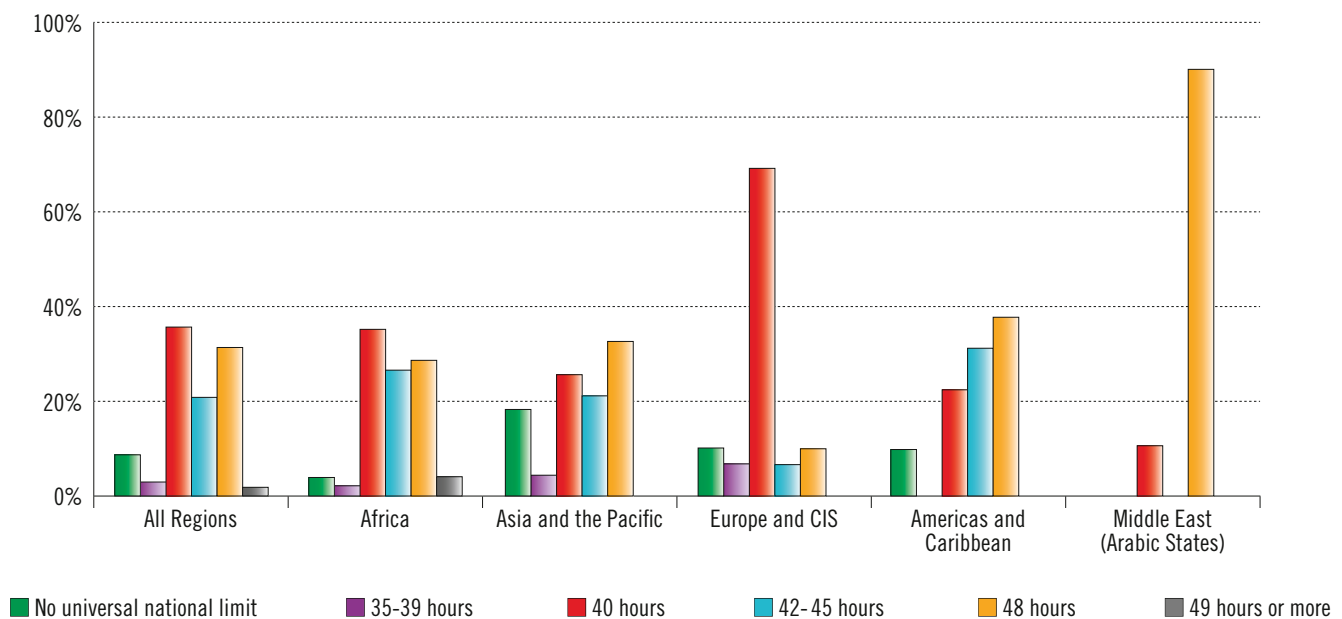
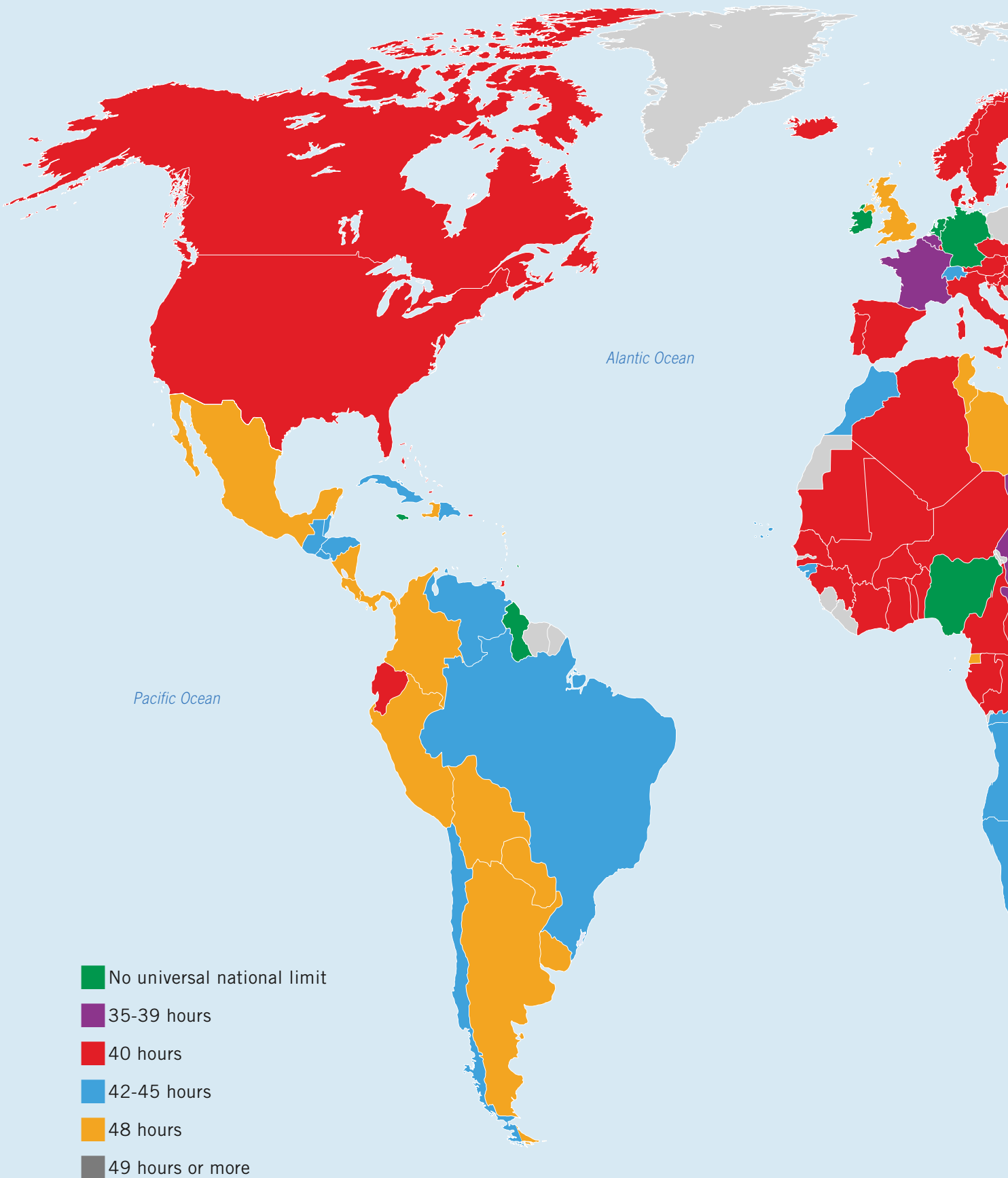
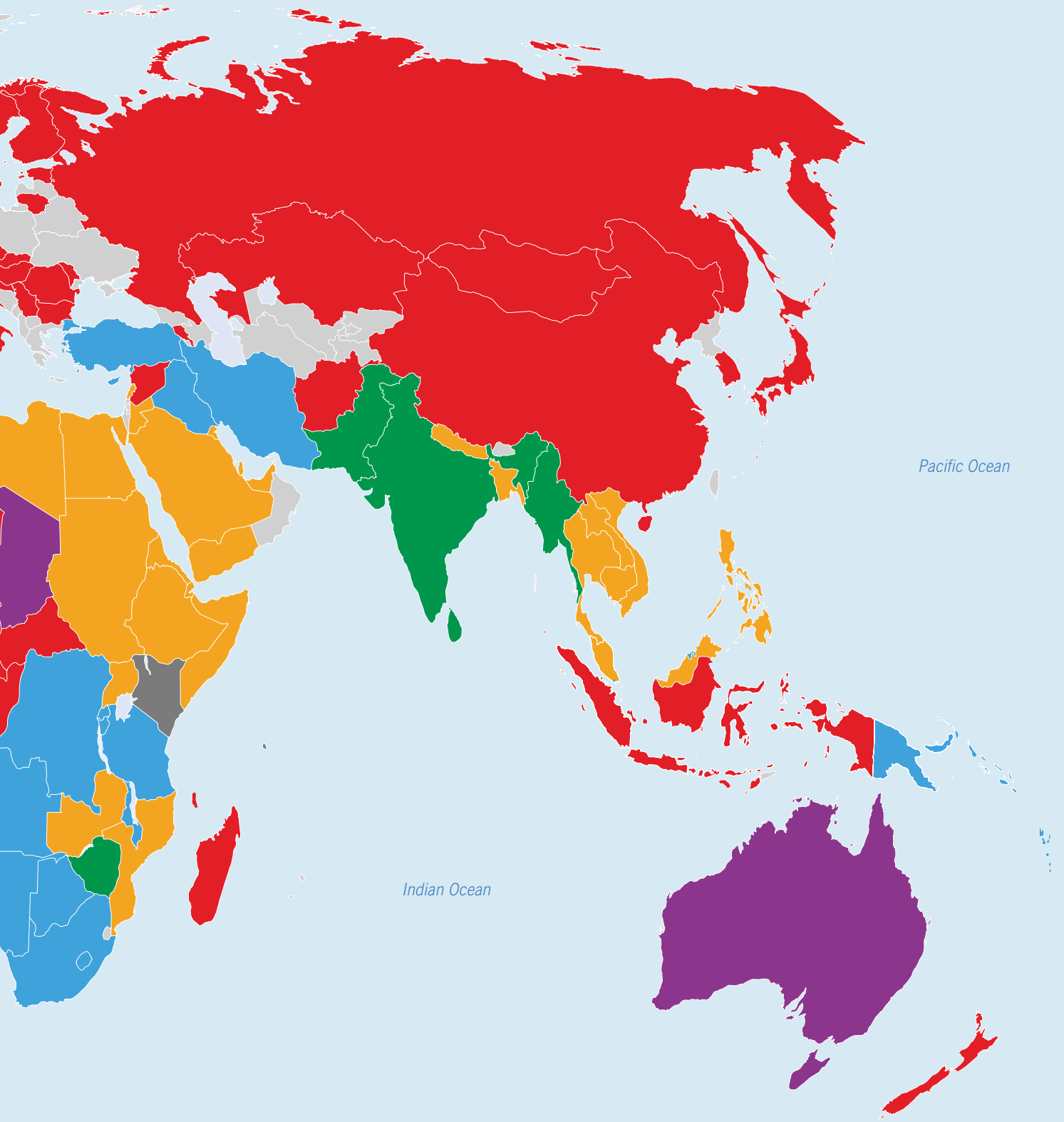


Table 1: Normal Weekly Working Hours Limits by Country and Region, 2012

Region	No universal national limit	35-39 hours	40 hours	42-45 hours	48 hours	49 hours or more
Africa	Nigeria, Zimbabwe	Chad	Algeria, Benin, Burkina Faso, Cameroon, Central African Republic, Comoros, Congo, Gabon, Ghana, Guinea, Ivory Coast, Madagascar, Mali, Mauritania, Niger, Senegal, Togo	Angola, Botswana, Burundi, Cape Verde, Democratic Republic of Congo, Guinea-Bissau, Lesotho, Morocco, Namibia, Rwanda, Sao Tome and Principe, South Africa, Tanzania	Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Libya, Malawi, Mozambique, Somalia, Sudan, Tunisia, Uganda, Zambia	Kenya, Seychelles
Asia and the Pacific	India, Kiribati, Myanmar, Pakistan, Sri Lanka	Australia	Afghanistan, China, Indonesia, Japan, Republic of Korea, Mongolia, New Zealand	Brunei-Darussalam, Iran, Papua-New Guinea, Singapore, Solomon Islands, Vanuatu	Bangladesh, Cambodia, Fiji, Lao People's Democratic Republic, Malaysia, Nepal, Philippines, Thailand, Vietnam	
Europe and CIS	Ireland, Germany, Netherlands	Belgium, France	Armenia, Austria, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Hungary, Iceland, Italy, Lithuania, Luxembourg, Moldova, Norway, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden	Switzerland, Turkey	Malta, San Marino, United Kingdom	
Americas and Caribbean	Barbados, Jamaica, Guyana		Bahamas, Canada, Dominica, Ecuador, St. Kitts and Nevis, Trinidad and Tobago, United States	Belize, Brazil, Chile, Cuba, Dominican Republic, El Salvador, Grenada, Guatemala, Honduras, Venezuela	Antigua and Barbuda, Argentina, Bolivia, Colombia, Costa Rica, Haiti, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay	
Middle East (Arab States)			Syria		Bahrain, Iraq, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia, United Arab Emirates, Yemen	

World map: Normal weekly hours limits, 2012





Pacific Ocean

Indian Ocean

2. Overtime limits

The regulation of normal working hours will have little effect on the actual working hours unless overtime is restricted to reasonable limits. Overtime can be important for enterprises by providing them with the flexibility to deal with fluctuations in demand, seasonal work, or other unpredictable circumstances. It can also be beneficial for workers (if properly regulated) where overtime work is compensated with premium pay or days in lieu of time worked. Nevertheless, it is important that limits are available to prevent abuse of this measure. Recurrent, consistent, or excessive use of overtime not only can circumvent working hour legislation on normal weekly hours, but can have profoundly negative consequences for the physical and mental health of workers as well as safety in the workplace. Unscheduled overtime or overtime without advance warning can also have consequences for workers' personal or family lives, which may place additional stress on workers in the workplace and may not be compensated well enough to cover expenditures outside (e.g. extra child care, etc.).

The manner in which overtime is defined and regulated may vary and sometimes leads to confusion. An important concept in working time legislation, it is crucial to ensure that it can be used, but not abused. Limiting overtime is a way to avoid excessively long working hours, supplementing daily and weekly thresholds on working time. Overtime limits can be formulated as maximum weekly working hours including overtime, or stipulated separately as maximum overtime hours permitted per day, week, month, etc. Overtime refers to all hours worked in excess of normal hours, unless they are taken into account in fixing remuneration in accordance with custom, as defined in the ILO Reduction of Hours of Work Recommendation, 1962 (No. 116). For more information on the concepts of overtime and maximum weekly working hours limits applied in this report, please refer to Box 2 in the previous section.

GLOBAL

Globally there are a limited proportion of countries in which there is no universal statutory maximum weekly working hours limit set in national legislation (16%). However, the vast majority of countries have legislation that imposes some type of maximum limit on weekly working hours (75%). Two principle clusters can be identified. The first comprises countries (42%) that have legislation permitting 49 hours or more per week and the second comprises those that have legislation setting a 48 hour maximum per week (33%). In the former group the largest proportion of countries is that with legislation permitting 49-59 hours per week (22%). A still sizeable proportion of countries in this cluster permits more than 60 hours per week (21%).

REGIONAL

In **Africa** a large proportion of countries (55%) has legislation which sets weekly working hours limits below 59 hours per week, and within this cluster the majority of countries has set a maximum weekly working hour limit of 48 hours (30%). However, a fifth (20%) of countries in this region sets the maximum limit at 60 hours or more and just under a tenth (8%) has no universal national limit on maximum working hours.

In **Asia and the Pacific** the maximum weekly working hours limits would appear to generally be on the high side. Less than a tenth (4%) of countries in this region sets a legal maximum of 48 hours or less. The greatest concentration of countries with legal limits would appear to be those with legislation setting the maximum weekly working hours at 60 hours or more (29%). But the largest proportion of countries in this region has no universal national limit on maximum weekly working hours (32%). As has been noted, some countries in this last group do establish limits through other means (e.g. sector/industry legislation, collective agreements, award system, etc.), while others would appear to leave this open (e.g. Papua-New Guinea). Nevertheless, if considered in strictly statistical terms, this region has the highest proportion of countries observing no universal national limit.

What is notable about the countries examined in **Europe and the CIS** in this report is that all of the countries in this region have maximum weekly working hours of less than 59 hours. Over two-thirds (70%) of the countries in this group have set the maximum weekly working hours at 48 hours per week. The second largest cluster (21%) comprises countries that have legislation establishing maximum weekly working hours of 49-59 hours or less. The smallest grouping (9%) has maximum weekly working hours of 49-59 hours.

Maximum weekly working hours legislation in countries in the **Americas and Caribbean** would appear to be set on the higher side among the countries examined. Just over a tenth of countries (12%) have set maximum weekly working hours of 48 hours or less. Almost a third of countries in this region have set their maximum weekly working hours at 49-59 hours per week (31%). However, the largest proportion of countries in this region has no universal weekly hours limit (34%). This last percentage is the second highest of any region with no universal weekly hours limits examined for this report, after the Asia and the Pacific region.

Among countries in the **Middle East (Arab States)**, the majority (80%) permit weekly working hours in excess of 60 hours per week. One tenth of countries in this region set their maximum between 49-59 hours per week (10%).

Graph 2: Maximum Weekly Working Hours by Region and Country, 2012

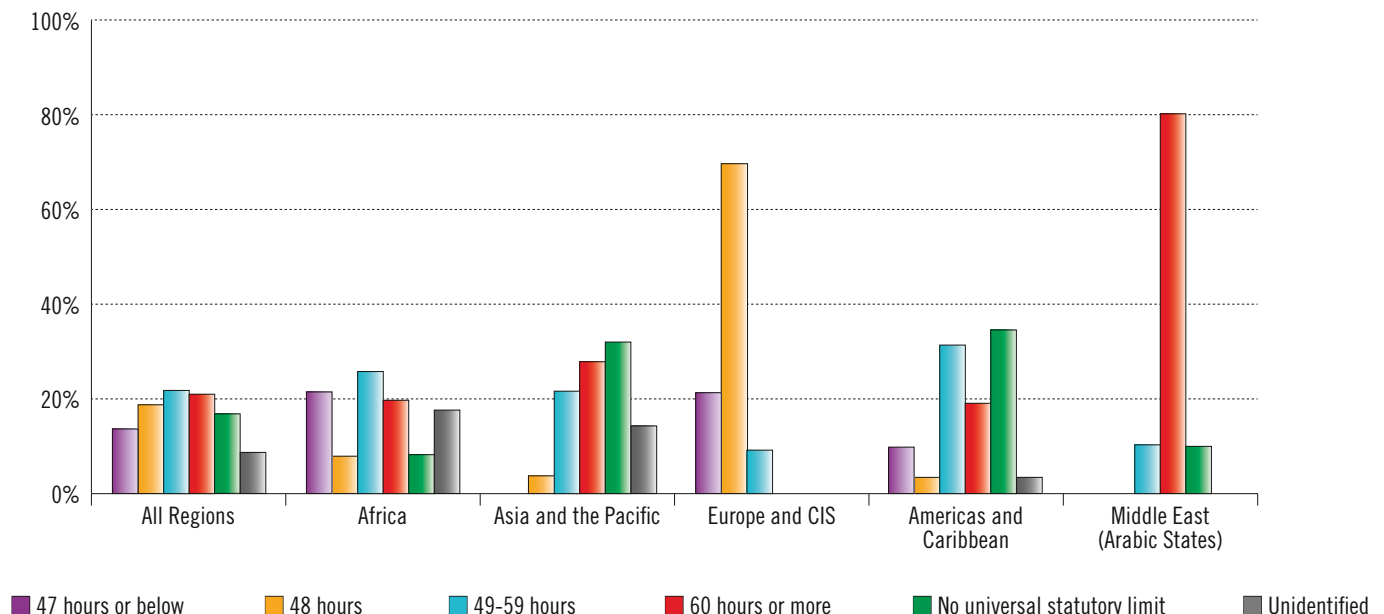


Table 2: Maximum weekly hours by region and country, 2012

Region	47 hours or below	48 hours	49-59 hours	60 hours or more	No universal national limit	Unidentified
Africa	Benin, Cape Verde, Central African Republic, Chad, Democratic Republic of Congo, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Morocco, Senegal	Algeria, Ethiopia, Libya,	Angola, Botswana, Burkina Faso ¹² , Burundi, Djibouti, Equatorial Guinea, Kenya, Lesotho, Mozambique, Namibia, Sao Tome and Principe, South Africa, Tanzania	Cameroon, Comoros, Egypt, Eritrea, Gabon, Mali, Seychelles, Somalia, Sudan, Tunisia	Congo, Mauritius ¹³ , Nigeria, Zimbabwe	Malawi, Madagascar, Mauritania, Niger ¹⁴ , Swaziland, Togo, Rwanda, Uganda, Zambia
Asia and the Pacific		China	Indonesia, Republic of Korea, Lao People's Democratic Republic, Solomon Islands, Vanuatu, Vietnam	Bangladesh, Brunei-Darussalam, Cambodia, Iran, Malaysia, Nepal, Singapore, Thailand	Australia, India, Japan, Mongolia, Myanmar ¹⁵ , New Zealand, Pakistan, Philippines, Sri Lanka ¹⁶	Afghanistan, Fiji, Kiribati ¹⁷ , Papua-New Guinea ¹⁸
Europe and CIS	Bulgaria, Czech Republic, Finland, France, Hungary, Moldova, Russian Federation, Spain, Sweden	Armenia, Austria, Croatia, Denmark, Estonia, Germany, Iceland, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Norway, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Switzerland ¹⁹ , United Kingdom	Belgium, Turkey			
Americas and Caribbean	Brazil, Cuba, Venezuela	Canada ²⁰	Argentina, Chile, Dominican Republic, Ecuador, Haiti, Mexico, Nicaragua, Panama, Paraguay, Uruguay	Bahamas, Bolivia, Colombia, Costa Rica, Guatemala, Honduras	Barbados, Belize, Dominica ²¹ , El Salvador, Grenada, Guyana ²² , Jamaica ²³ , Peru ²⁴ , St. Kitts and Nevis ²⁵ , Trinidad and Tobago ²⁶ , United States ²⁷	Antigua & Barbuda
Middle East (Arab States)			Kuwait	Bahrain, Iraq, Jordan, Lebanon, Qatar, Saudi Arabia, Syria, United Arab Emirates	Yemen ²⁸	

¹² Limit is generally 40 hours, but some professions are specifically allowed to work longer work weeks.

¹³ Daily limit of 8 hours (calculated for a 6 day week, this would be 48 hours), but there appears to be no uniform and universal overtime limit in the legislation.

¹⁴ Weekly limit of 40 hours, but there is no explicit legal limit on overtime.

¹⁵ Legal 48 hour work week for retail workers, but no legal uniform limit on overtime for all workers nationally.

¹⁶ The amount above is addresses shop and office workers. Limits in other trades are determined by the Minister.

¹⁷ The maximum is determined between Commissioner, Workers and Employer organisations in industries and occupations.

¹⁸ The law allows for a "reasonable amount" of overtime, but term itself is undefined in the law.

¹⁹ For workers in offices, industrial enterprises, technical posts, or sales staff working hours can go up to 48 hours per week. For all other workers the limit is 53 hours per week.

²⁰ This is the federal hour limit, but provincial laws may permit longer hours.

²¹ 40 hour normal limit, but no limit found in the law for overtime.

²² Minister determines hours by occupation, but there is no explicit legal limit for overtime.

²³ 44 hour normal limit, but no limit found in the law for overtime.

²⁴ 48 hour normal limit, but no limit found in the law on overtime.

²⁵ 40 hour normal limit, but no limit found in the law for overtime.

²⁶ 40 hour normal limit, but no limit found in the law for overtime.

²⁷ 40 hour normal limit, but no limit found in the law for overtime.

²⁸ Weekly limit is 48 hours, but no legal limit is indicated regarding overtime.

3. Overtime remuneration

Provisions on overtime remuneration have a two-fold purpose. The first is to compensate for hours worked beyond the normal working week. In this context overtime remuneration not only accounts for overtime performed by a worker during a normal working week, but further provides the basis for higher rates that might be paid for night work, work on rest days, or holidays, or what might be viewed as asocial working hours.

The second purpose of higher overtime remuneration is to reinforce weekly working hours limits. By requiring employers to pay a premium for each overtime hour worked, the unit cost of the worker is raised. Overtime may be necessary for short term organisational reasons (e.g. seasonal work). However, due to its costs, it may not be a long term solution for enterprises.²⁹ The amount of overtime remuneration in this context can be an important determinant in an employers' choice to have workers work overtime.

The ILO standards addressing weekly working hours (Convention No. 1 and No. 30) have provisions which address overtime remuneration. According to Article 6(2) of ILO Convention No. 1 and Article 7(4) of ILO Convention No. 30, the rate of pay for the additional hours of work permitted under paragraph 2(b), (c), and (d) shall not be less than one and one-quarter times the regular rate. This consideration is important to ensure workers are properly compensated for overtime work and to limit the dependency on its usage by enterprises.

In the following section, although overtime premiums found in national legislation often progressively rise with the number of extra hours worked (or if the hours are worked on rest days or holidays), only the overtime remuneration that is due for any first overtime hour is taken into account.³⁰

GLOBAL

It is clear that a vast majority of countries not only address remuneration for overtime hours in national legislation, but provide for at least a 25% increase (72%). Overall, the largest percentage of countries (42%) provides for at least a 50% increase in overtime remuneration, with a lesser but significant proportion providing at least a 25% - 40% increase (25%). A smaller percentage requires up to 20% extra remuneration (16%), though an almost similar percentage provides for no universal increase in overtime remuneration (12%). It should be clearly understood that among those countries with no universal increase a number have sector/industry based legislation that may increase overtime remuneration (e.g. India), whereas others have national collective bargaining which sets these levels (e.g. Denmark).

²⁹ In addition, the physical fatigue of workers performing excessive overtime should not be underestimated.

³⁰ This is done to establish a baseline for comparison of the legislative these provisions in different countries.

REGIONAL

In **Africa** the majority of countries offer some form of overtime remuneration of up to 50% (92%). Most national legislation in this region (35%) stipulates overtime payments of up to 20%, though a similar proportion (31%) requires payments of 50% or higher. Few countries in the region (8%) have no universal stipulation for overtime payments.

In **Asia and the Pacific**, the extremes regarding overtime remuneration seem to be dominant. Overall a vast number of countries provide for at least 25% extra remuneration for overtime hours (72%). However, while half of the countries in this region (50%) require overtime payments of 50% or more, a quarter of countries (25%) offer no universal mandatory increase in payment for overtime. A very small minority (4%) provide overtime payments of over 75%.

Among countries in **Europe and the CIS** most require overtime payments of between 25% - 50% (64%). Almost a third of countries in this region (32%) require additional payments of 50% or more, and the same proportion (32%) provides an increase of 25% - 40%. While a fairly large proportion of countries in this region do not provide for a universal mandatory increase in overtime remuneration (21%), this does not mean that

no overtime payments are made. In fact many countries in this region have institutional structures that determine the rate of overtime payments through national collective bargaining systems that are industry or sector specific, particularly in Northern Europe. The result is that while the amount of overtime payments is not universal, overtime payments of varying levels can be found in most countries in this region.

In **Americas and the Caribbean**, all of the countries (100%) examined require overtime payments to be made. All countries in this region require overtime payments ranging from 1% to over 75%. The vast majority of countries (63%) require overtime payments of 50%, while countries requiring from 25% - 40% (16%) and 75% - 100% (16%) are equally split. This region is one of the few in the world where every country provides at least a minimum of universal overtime remuneration.

Among countries in the **Middle East (Arab States)**, all countries observed offer a 25% - 50% increase in overtime remuneration. Most countries offer 25% - 40% (60%), while the remainder (40%) offer a 50% increase in overtime remuneration. As with Latin America and the Caribbean, every country examined has set a universal minimum for overtime remuneration.

Graph 3: Minimum overtime remuneration by region and country, 2012

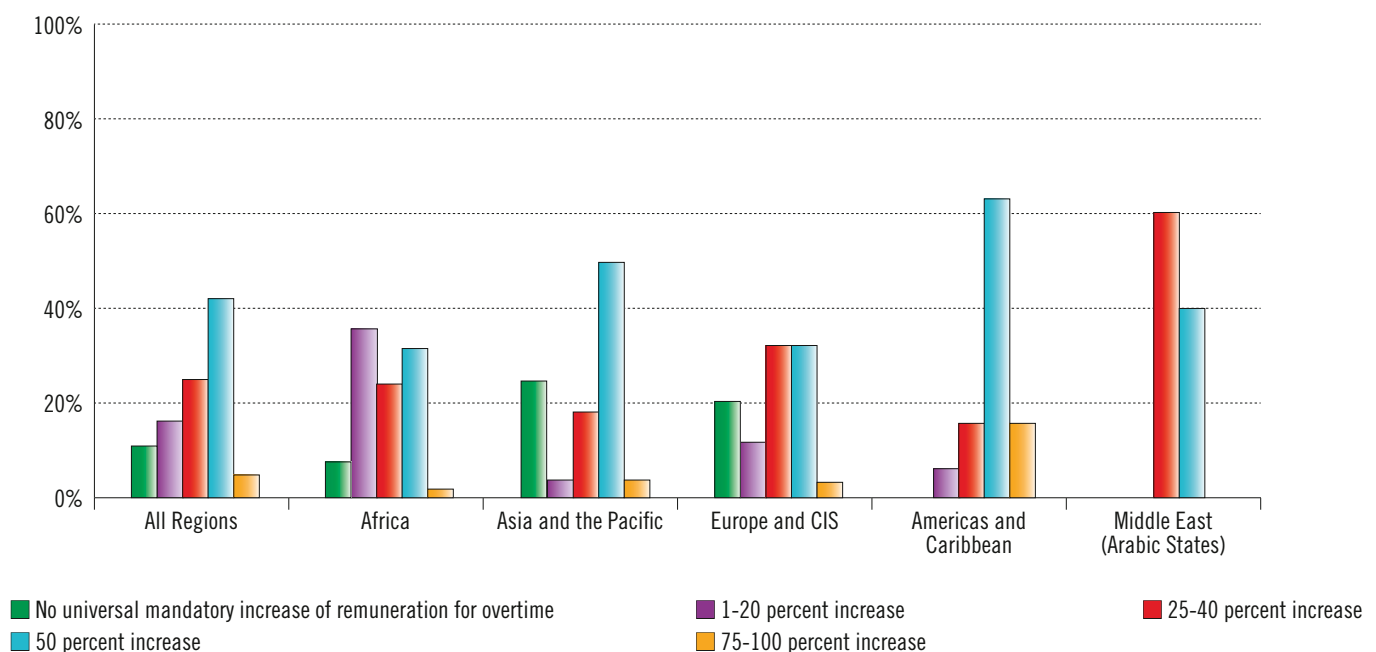


Table 3: Minimum overtime remuneration by country and region, 2012

Region	No universal mandatory increase of remuneration for overtime	1-20 per cent increase	25-40 per cent increase	50 per cent increase	75-100 per cent increase
Africa	Djibouti, Nigeria, Swaziland, Zimbabwe	Benin**, Botswana**, Burkina Faso**, Cameroon**, Central African Republic**, Chad**, Comoros**, Congo**, Ivory Coast**, Gabon**, Ghana**, Mali**, Mauritania**, Niger**, Senegal**, Togo**	Burundi**, Democratic Republic of Congo**, Egypt**, Guinea**, Eritrea**, Ethiopia**, Guinea**, Lesotho, Madagascar**, Morocco**, Sao Tome and Principe**, Somalia**	Algeria, Angola**, Cape Verde, Guinea-Bissau**, Kenya**, Libya, Malawi**, Mauritius**, Mozambique**, Namibia**, Rwanda**, Seychelles**, South Africa**, Sudan**, United Republic of Tanzania, Uganda**, Zambia	Tunisia
Asia and the Pacific	Australia, India, Kiribati, Myanmar, New Zealand, Pakistan, Sri Lanka	Brunei-Darussalam	Afghanistan**, Iran, Japan**, Philippines*/**, Vanuatu**	Cambodia**, China, Fiji**, Indonesia**, Republic of Korea*, Lao People's Democratic Republic**, Malaysia, Mongolia*, Nepal, Papua-New Guinea**, Singapore, Solomon Islands, Thailand**, Vietnam*/**	Bangladesh
Europe and CIS	Denmark, Germany, Ireland, Netherlands, Spain, Sweden, United Kingdom	Croatia**, Italy*, Portugal*/**, Slovenia**	Czech Republic*, France**, Iceland**, Luxembourg*/**, Norway*/**, Portugal, San Marino, Serbia**, Slovakia*/**, Switzerland*/**, Turkey*/**	Armenia, Austria*, Belgium*/** Bulgaria**, Estonia*, Finland*/**, Hungary*/**, Lithuania, Malta, Moldova**, Russian Federation*/**	Romania*
Americas and Caribbean		Cuba */**, Guyana	Colombia**, Dominican Republic**, Honduras**, Panama**, Peru*/**	Antigua and Barbuda, Argentina**, Bahamas**, Barbados, Belize**, Brazil, Canada**, Chile, Costa Rica, Dominica, Ecuador**, Grenada, Guatemala, Haiti, Jamaica**, Paraguay**, St. Kitts and Nevis**, Trinidad and Tobago**, United States*, Venezuela	Bolivia, El Salvador*, Mexico**, Nicaragua, Uruguay
Middle East (Arab States)			Bahrain**, Jordan, Kuwait, Qatar, Syria**, United Arab Emirates**	Iraq, Lebanon*, Saudi Arabia, Yemen */**	

*Time off in lieu is possible. For further information see the annex at the end of the chapter.

** These countries provide for an additional increase in the rate of overtime payment for increments of overtime hours performed.

***These countries provide for an increased pay rate for overtime, but without further specification. They have therefore been classified as providing at least an increase of the lower category (1-19 per cent).

Some countries are not listed due to a lack of information on provisions regulating overtime remuneration:

- 1) Legislation in Cuba provides that overtime can be remunerated by cash payment or compensatory rest, but does not detail these provisions. It was therefore not categorised in the table.
- 2) The Minister in Guyana determines the overtime rates.
- 3) In Australia the industry level awards system is where the law allows overtime remuneration to be set.
- 4) In Brunei Darussalam the overtime formula is based on normal weekly hours, number of weeks in a year, and the hourly basic wage.
- 5) In India an overtime payment of twice the ordinary wage rate is available to factory workers, but determination in other cases is through industry legislation.
- 6) In New Zealand the law assumes regulation through collective or individual agreements.
- 7) In Pakistan, an overtime payment of twice the ordinary wage rate is available to factory workers, but determination in other cases is through by industry legislation.
- 8) In Sri Lanka, an overtime payment of twice the ordinary wage rate is available to factory workers, but determination in other cases is through industry legislation.
- 9) Working conditions in Denmark, Germany, Ireland, Slovenia, and Spain including overtime remuneration, are determined by collective bargaining agreements at a national level.

4. Annual leave

Paid annual leave for workers is generally a recent workplace innovation, with most workers not gaining access to this type of leave until after World War II. Since then it has become accepted by policy makers as an essential condition of employment. The main reason universal annual leave measures are important in legislation is that they are aimed at preserving workers' health and well-being by allowing them time away from the stresses and strains of the workplace. Ultimately these measures are meant to help workers remain productive and motivated when they are at work.

The ILO standard on this issue is the Holidays with Pay (Revised), 1970 (No. 132) Convention. This international standard establishes the right of every person to whom it applies to an annual paid leave of at least 3 working weeks for every one year of service.³¹ The time at which the holiday is taken is determined by the employer after consultation with the employed person concerned. Workers must receive (in advance of this leave) at least their normal or average remuneration for the corresponding period.

While the importance of annual leave for workers' well-being cannot be understated, its availability and the degree of availability (measured in paid leave days) varies around the world.

GLOBAL

Globally an overwhelming majority of countries reviewed have established a right to a minimum period of annual leave in legislation (96%). In many countries, this legislation provides for a longer period of paid annual leave than the three weeks established in the Holidays with Pay Convention (Revised), 1970 (No. 132).³² A sizable number of countries (43%) have legislation providing 20 working days of leave or more, while very few (4%) of the countries surveyed do not have a universal statutory minimum amount of annual leave.

³¹ Article 3(3) of ILO Convention No. 132.

³² For the purposes of this report, which uses a five day workweek as the standard for comparative purposes, this would add up to a minimum of 15 working days of annual leave. For further information, see the section on methodology at the end of this chapter.

REGIONAL

Examining the countries in **Africa** it becomes clear that two-thirds legislate for between 15 and 23 days of annual leave a year (68%). Countries with less than 14 days of annual leave are the next largest proportion (22%), followed by the countries that offer more than 24 days of annual leave (8%). An exceptionally small proportion of countries in this region does not mandate some form of annual leave (2%).

In **Asia and the Pacific** the majority of countries (54%) offer less than 14 days of annual leave. A little over a tenth of countries (11%) legislate for 20-23 days of leave, though a greater proportion has not established a minimum limit on annual leave (14%). None of the countries examined in this region provide for more than 23 days of annual leave.

If countries in Asia and the Pacific are at the minimal end of the spectrum in terms of annual leave, **Europe and the CIS** are at the maximum. A vast majority of the countries examined in this region (94%) offer more

than 20 days of annual leave. The largest single cluster of countries offers 20-23 days of annual leave (71%). A few countries offer 10-14 days of annual leave (6%), but none of the countries in this region provide less than 10 days of leave.

In the **Americas and Caribbean** the majority of countries (88%) legislate for between 10-23 days of annual leave. Within that group most countries (66%) provide between 10-14 days of annual leave, while a small proportion of countries provides less than 10 days (6%). However, it should be noted that none of the countries examined in this region provide for more than 23 days of annual leave.

In the **Middle East (Arab States)** the distribution of annual leave provided by the countries' legislation is more evenly spread. Most countries in this region either provide 20-25 days of annual leave (40%) or 10 - 19 days of annual leave per year (40%). A small proportion provides more than 26 days leave (20%). However, none of the countries examined in this region provide less than 10 days of annual leave.

Graph 4: Minimum annual leave by country and region, 2012

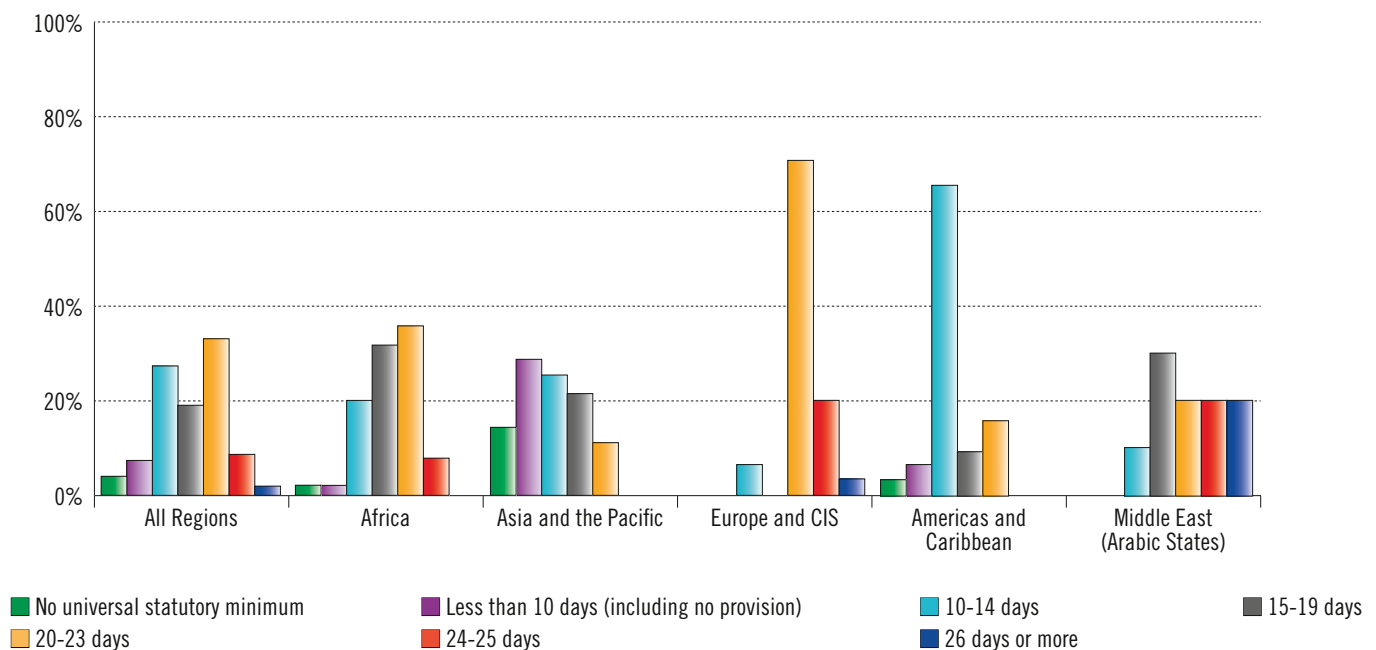


Table 4: Minimum annual leave by country and region, 2012

Region	No universal statutory minimum	Less than 10 days	10-14 days	15-19 days	20-23 days	24-25 days	26 days or more
Africa	Gambia	Nigeria	Botswana, Democratic Republic of Congo, Eritrea, Ethiopia, Ghana, Lesotho, Mozambique, Somalia, Swaziland, Tunisia	Angola, Burundi, Cameroon, Cape Verde, Egypt, Kenya, Malawi, Mauritania, Mauritius, Morocco, Rwanda, Seychelles, South Africa, Sudan, Uganda, Zambia	Algeria, Benin, Burkina Faso, Central African Republic, Chad, Congo, Equatorial Guinea, Gabon, Guinea, , Guinea-Bissau, Ivory Coast, Mali, Namibia, Niger, Sao Tome and Principe, Senegal, United Republic of Tanzania, Togo, Zimbabwe	Comoros, Djibouti, Libya, Madagascar	
Asia and the Pacific	India, Kiribati, Pakistan, Sri Lanka	Brunei-Darussalam, China, Japan, Malaysia, Myanmar, Philippines, Singapore, Thailand	Bangladesh, Fiji, Indonesia, Lao People's Democratic Republic, Nepal, Papua-New Guinea, Vietnam	Afghanistan, Cambodia, Republic of Korea, Mongolia, Solomon Islands, Vanuatu	Australia, Iran, New Zealand		
Europe and CIS			Turkey, San Marino		Armenia, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Moldova, Netherlands, Norway, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Switzerland	Austria, Denmark, France, Iceland, Luxembourg, Malta, Sweden	United Kingdom
Americas and Caribbean	United States	Honduras, Mexico	Antigua & Barbuda, Argentina, Bahamas, Belize, Canada, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Jamaica, Nicaragua, Paraguay, St. Kitts and Nevis, Trinidad and Tobago, Venezuela	Barbados, Bolivia, Chile	Brazil, Cuba, Panama, Peru, Uruguay		
Middle East (Arab States)			Jordan	Iraq, Lebanon, Qatar	Bahrain, Saudi Arabia	Kuwait, Syria	United Arab Emirates, Yemen

METHODOLOGY: Working hours and annual leave

General

This chapter summarizes the main legal provisions of weekly working time, overtime and annual leave. It is confined to legislation at the national level. Laws have been included that apply in principle to all workers, and no mention is made of the many exceptions these laws usually contain for specific categories of workers, sectors or circumstances.

For information on the concepts used for normal and maximum weekly hours limits and overtime, see Box 2 on p.3 (in this version).

Overtime

In many instances, national laws specify the conditions under which overtime or maximum hours may be worked. These conditions usually relate to urgent needs, such as ensuring services to the public, guaranteeing timely delivery of products, and unforeseen events as a result of which goods or property would perish or be damaged if additional hours were not worked. Often, either prior permission must be obtained or notice afterwards must be given to the relevant authorities, or overtime work has to be approved by a collective agreement or by agreement of the individual worker. In cases of force majeure (e.g. natural disasters), legal limits may be waived or higher limits set. These conditions could not be elaborated on in this report.

Overtime remuneration

The figures on minimum overtime remuneration, as provided in Chapter 1, express the percentage by which the regular hourly wage is increased in case of overtime. This increase applies to overtime work during the daytime on a regular working day, for the first overtime hours worked. In numerous countries this percentage varies for overtime performed during different periods, e.g. at night, or for different economic sectors or categories of workers. While this has not been taken into consideration here, it has been specified whether the law provides for the possibility to substitute overtime payment by compensatory time off.

Annual leave

The data on annual leave are derived from the minimum annual leave period that is mandated in the respective country for a worker in the first year of service. In many countries, increasing seniority results in an increasing number of days that a worker is entitled to, which has not been taken into consideration in this report. For comparative purposes, the duration of leave provided by legislation has been converted into rounded working days for a 5-day workweek:

- Where the law provides for a specified amount of “consecutive days” or “calendar days”, the leave period has been converted into the equivalent number of working days, that is, for the assumed 5-day workweek 5/7 of the period provided by law is included in the tables.
- Where the law provides for annual leave in “working days” it is assumed that these periods are provided for a 6-day workweek, unless the law specifies otherwise or provides for a maximum 5-day workweek. Therefore, 30 working days leave as provided by law in Austria with its one-day minimum weekly rest period amounts up to 25 working days of leave for a 5-day workweek.
- Where the law provides for annual leave in “days” without further specification, it is assumed that this period applies to a 5-day workweek. Therefore, 20 “days” equals 20 days of leave for a 5-day workweek.

ANNEX TO CHAPTER ONE: WORKING HOURS AND ANNUAL LEAVE LAWS, 2012

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
AFRICA					
Algeria	40	12 hours total per day including overtime, but not more than 20% in excess of normal hours	48 hours	50% increase; no universal national entitlement to compensatory time off	21 days
Angola	44 hours	2 hours per day, 40 hours per month and 200 hours per year	48 hours	50% increase (first 30 hours per month); 75% increase (31st and subsequent hours); no universal national entitlement to compensatory rest	18 days
Benin	40 hours	240 hours per calendar year	45 hours	12% increase (first 2 overtime hours); 35% increase (subsequent hours); no universal national entitlement to compensatory time off	20 days
Botswana	45 hours	14 hours in one week	48 hours	Monthly rate of pay the following divisors shall be applied- 22 in respect of a 5 day working week; 24 in respect of a 5 1/2 day working week; 26 in respect of a 6 day working week	13 days
Burkina Faso	40 hours	Acts determine overtime in case of urgent exceptional work or seasonal work	40 hours (more hours depends on statutory acts for each industry)	Hours worked beyond weekly limit: 15% of compensation for each of the first 8 hours worked after the 40th hour, or equivalent time; - 35% of compensation for each hour worked after the 48th hour, or equivalent time	21 days
Burundi	45 hours	15 hours per week and 150 hours per year	48 hours	35% increase (first 2 overtime hours), 60% increase (subsequent hours); no universal national entitlement to compensatory time off	17 days
Cameroon	40 hours	20 hours per week	60 hours	20% increase (first 8 hours), 30% increase (subsequent 8 hours), 40% increase (subsequent 4 hours); no universal national entitlement to compensatory time off	15 days
Cape Verde	44 hours	2 hours per day and 160 hours per year	47 hours	50% increase; no universal national entitlement to compensatory time off	18 days
Central African Republic	40	Unspecified	40 hours	The hours of work performed beyond the legal weekly duration	20 days

¹⁵ For the concept of normal weekly working hours, overtime and maximum weekly hours limits as used in this report, see Box 2.

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Chad	39 hours	94 hours per year	41 hours	Increased pay (unspecified); no universal national entitlement to compensatory time off	20 days
Comoros	40 hours	20 hours	60 hours	First 8 hours after the regular duration of 40 hours: minimum of 15% of the salary; for the 8 following hours: minimum of 30% of the salary; for the following hours until the 60th hour included 40% of salary	25 days
Congo	40 hours	No universal national limit	No universal national limit	Increased rate (unspecified); no universal national entitlement to compensatory time off	22 days
Democratic Republic of Congo	45 hours	12 hours per week and 144 hours per year	48 hours	30% increase (first 6 hours), 60% increase (subsequent hours); no universal national entitlement to compensatory time off	12 days
Djibouti	48 hours	5 hours per week	53 hours	Increased rate (to be specified by collective agreement); no universal national entitlement to compensatory time off	25 days
Egypt	48 hours	2 hours per day (10 hours per day total including overtime)	60 hours	35% increase; no universal national entitlement to compensatory time off	18 days
Equatorial Guinea	48 hours	2 hours per day respecting a maximum of 200 hours per year	52 hours	An increase of 25% over the regular amount due for an hour of work	21 days
Eritrea	48 hours	2 hours per day	60 hours	Rate of one and a quarter (1.25) multiplied by the regular hourly rate.	12 days
Ethiopia	48 hours	2 hours in a day or 20 hours in a month or 100 hours in a year	50 hours	At the rate of one and one quarter (1.25) multiplied by the ordinary hourly rate	12 days
Gabon	40 hours	20 hours per week	60 hours	Increased rate determined by collective agreements or government regulations; no universal national entitlement to compensatory time off	20 days
Ghana	48 hours	Unspecified	More than 48 hours (but unspecified)	Unspecified (overtime mainly for accident threatening human life or undertaking)	13 days
Guinea	40 hours	Up to 100 hours per year	42 hours	Increase shall be of 30% for the first 4 hours, and of 60% after it	21 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Guinea-Bissau	45 hours	2 hours per day and 120 hours per year	47 hours	50% increase (first hour) 75% increase (subsequent hours); no universal national entitlement to compensatory time off	21 days
Kenya	52 hours	Maximum limit of 116 hours (including overtime) per 2 week period	58 hours	50% increase; no universal national entitlement to compensatory time off	18 days
Lesotho	45 hours	An employer may require an employee to perform up to 11 overtime hours during any one week	56 hours	A rate not less than one and one quarter times (1.25) his or her normal wage rate	10 days
Libya	48 hours	3 hours per day	60 hours	Sum not less than 50% of his ordinary wage	25 days
Madagascar	40 hours	Unidentified	Unidentified	30% increase (first 8 hours), 50% (subsequent hours); no universal national entitlement to compensatory time off	25 days
Malawi	48 hours	Unidentified	48 hours	Hourly rate of not less than one and one-half his wage for one hour	15 days
Mali	40 hours	75 hours per year (extraordinary workloads), 18 hours per week (to maintain and increase production)	No universal national limit	10 % increase (41st-48th hour); 25% increase (subsequent hours); no universal entitlement to compensatory time off identified	21 days
Mauritania	40 hours	Unidentified	Unidentified	Increased rate (determined by collective agreements or by decree); no universal national entitlement to compensatory time off	15 days
Mauritius	40 hours	Up to 90 hours in a two week period (fortnight)	45 hours	One and a half times the rate per hour	17 days
Morocco	44 hours	80 hours per year	46 hours	25% increase; no universal national entitlement to compensatory time off	18 days
Mozambique	48 hours	8 hours per week, 96 hours per quarter and 200 hours per year	52 hours	50% increase; no universal national entitlement to compensatory time off	12 days
Namibia	45 hours	3 hours per day and 10 hours per week	55 hours	50% increase; no universal national entitlement to compensatory time off	20 days
Niger	40 hours	Unidentified	Unidentified	10% for overtime done between the 41st and the 48th hour. 35% for overtime done beyond the 48th hour. no universal national entitlement to compensatory time off	21 days
Nigeria	No universal national limit	No universal national limit	No universal national limit	No universal statutory entitlement.	5 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Rwanda	45 hours	Unidentified	Unidentified.	50% of increase for hours worked between the 46th and 55th hours; 70% of increase for hours worked beyond the 55th hour.	18 days
Sao Tome and Principe	45 hours	10% of the maximum number of hours of work that can be performed each week and year	50 hours	25% of the regular wage in the first hour of overtime work; 50% of the regular wage in the following hours or fractions of hours of overtime work	21 days
Senegal	40 hours	10 hours per week, up to 100 hours per year	42 hours	10 % increase (first 8 hours), 35% (subsequent hours); no universal national entitlement to compensatory time off	20 days
Seychelles	60 hours	60 additional hours per month, or an aggregate of 15 additional hours per week	74 hours	1 ½ hours' pay for 1 hour's overtime worked on a weekday	18 days
Somalia	48 hours	12 hours per week	60 hours	Not less than 25% of the normal remuneration	13 days
South Africa	45 hours	3 hours per day and 10 hours per week	55 hours	50% increase or ordinary pay and a compensatory time off of 30 minutes per one hour overtime or 90 minutes compensatory time off.	15 days
Sudan	48 hours	4 hours per day, 12 hours per week	60 hours	Equivalent of his wage of one hour and a half for each hour of overtime	17 days
Swaziland	Unspecified	Unspecified	Unspecified	Unspecified	10 days
United Republic of Tanzania	45 hours (mainland Tanzania)	12 hours (including overtime) per day, 50 hours over a 4-week period (mainland)	57 hours (mainland Tanzania)	50% increase (mainland Tanzania); No universal national entitlement to compensatory time off	20 days (mainland Tanzania)
Togo	40 hours	Unidentified	Unidentified	Wage increase (to be determined by collective agreement); no universal national entitlement to compensatory time off	21 days
Tunisia	48 hours	60 hours per week (including overtime)	60 hours	75% increase (48 hours workweek); no universal national entitlement to compensatory time off	12 days
Uganda	48 hours	Unspecified	Unspecified	One and half times of the normal hourly rate if the overtime is on the normal working days	15 days
Zambia	48 hours	Unspecified	Unspecified	One and half times the employee's hourly rate of pay	17 days
Zimbabwe	No universal national limit	No universal national limit	No universal national limit	No universal national entitlement	21 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
ASIA AND THE PACIFIC					
Afghanistan	40 hours	No universal limit	No universal limit	25% more than the official working hour rate on ordinary days	17 days
Australia	38 hours	Overtime hours must be reasonable	Unspecified	No universal national entitlement	20 days (24 days for shift workers)
Bangladesh	48 hours	2 hours per day and 12 hours per week	60 hours	Overtime work is to be paid at twice the worker's ordinary basic wage	10 days
Brunei Darussalam	44 hours	12 hours per day and 72 hours per month	61 hours	12 x the employee's monthly basic rate of salary divided by 52 x44 hours	7 days
Cambodia	48 hours	10 hours per day (including overtime)	60 hours	50 % increase; no universal national entitlement to compensatory time off	15 days
China	40 hours	3 hours per day and 36 hours per month	48 hours	50% increase; no universal entitlement to compensatory rest	5 days (after 1 year of service)
Fiji	48 hours	No limits on overtime hours identified	No limits on overtime hours identified	50% for overtime after normal hours	10 days
India	No universal legislation	No universal legislation	No universal legislation	No universal national entitlement.	No universal legislation
Indonesia	40 hours	3 hours per day and 14 hours per week	54 hours	50 % increase (first overtime hour) and 100 % (subsequent hours) plus sufficient rest, and meals and drinks of at least 1400 calories, if the overtime work is executed for 3 hours or more.	12 days
Iran	44 hours	4 hours per day	64 hours	40% supplement to the standard hourly wage for overtime work	25 days
Japan	40 hours	No universal national limit	No universal national limit	Range of 25-50% over the normal wage per working hour or day	8 days
Republic of Korea	40 hours	12 hours per week	52 hours	50% increase or compensatory time off if agreed in writing with workers' representatives	15 days
Lao People's Democratic Republic	48 hours	45 hours per month or 3 hours per day	59 hours	50% increase; no universal national entitlement to compensatory time off	13 days
Malaysia	48 hours	Overtime is to be limited to 64 hours per month	62 hours	50% increase; no universal national entitlement to compensatory time off	8 days
Mongolia	40 hours	No universal national limit	No universal national limit	50% increase or compensatory time off (unspecified duration); time off in lieu is possible	15 days
Myanmar	No universal legislation	No universal legislation	No universal legislation	No universal legislation	7 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Nepal	48 hours	4 hours per day, 20 hours per week	68 hours	50% increase	12 days
New Zealand	40 hours	No universal national limit	No universal national limit	No universal national entitlement.	20 days
Pakistan	No universal legislation	No universal national limit.	No universal legislation	No universal national entitlement. For several sectors, an increase of 100% is mandated.	No universal legislation
Papua-New Guinea	44 hours	Reasonable Amount	Unspecified	50% increase	10 days
Philippines	48 hours	No universal national limit	No universal national limit	25% increase; time off granted shall not exempt the employer from paying the additional compensation.	No universal legislation
Singapore	44 hours	12 hours daily maximum (including overtime), 72 hours overtime per month	61 hours	50 % increase; no universal legislation on compensatory time off	7 days
Solomon Islands	45 hours	57 hours per week, 228 per month	57 hours	50% increase	15 days
Sri Lanka	No universal legislation	No universal national limit	No universal legislation	No universal national entitlement; For several sectors, an increase of 100% is mandated	No universal legislation
Thailand	48 hours	36 hours per week	84 hours	50 % increase; no universal national entitlement to compensatory time off	6 days
Vanuatu	44 hours	No more than a 56 hour week	56 hours	First 4 hours 25% increase, in excess of 4 hours 50%	15 days
Vietnam	48 hours	4 hours per day and 200 hours per year	52 hours	50 % increase or compensatory time off, paid at 50% of the normal wage rate	10 days
EUROPE AND CIS					
Armenia	40 hours	12 per day	48 hours	50% increase	20 days
Austria	40 hours	5 hours per week and additionally 60 hours per year, provided that 10 hours per week overtime and 48 hours in average over a period of 17 weeks are not exceeded	48 hours	50% increase or compensatory time off (either increased by 50% or paid at 50% of the normal rate)	25 days
Belgium	38 hours	12 hours per day and 50 hours per week (including overtime)	50 hours	50% increase;	20 days
Bulgaria	40 hours	150 hours in a calendar year	43 hours	50% increase	20 days
Croatia	40 hours	8 hours per week, 32 hours per month, 180 hours per year	48 hours	Increased salary (not specified)	20 days
Czech Republic	40 hours	8 hours per week and 150 hours per year	43 hours	25 % increase or compensatory time off of the same duration as the overtime work	20 days
Denmark	40 hours	48 hours per week (including overtime) in average over 4 months	48 hours	No universal national entitlement	25 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Estonia	40 hours	4 hours per day; maximum 48 hours per week (including overtime) in average over a specified period	48 hours	50 % increase or compensatory time off as determined by the parties	20 days
Finland	40 hours	138 hours over a 4 month period and no more than 250 hours per year	45 hours	50% increase (first two hours), 100% increase (additional hours) or compensatory time off which has to match the increase for overtime pay	20 days
France	35 hours	48 hours per week (including overtime), 220 hours per year; 44 hours per week (including overtime) in average over a 12 week period	39 hours	25% increase (first 8 overtime hours), 50% (subsequent hours) or compensatory time off, if provided for by collective/ enterprise agreement	25 days
Germany	No normal hours limit	48 hours per week (including overtime)	48 hours	No universal national entitlement.	20 days
Hungary	40 hours	Maximum limit (including overtime) of 12 hours per day, 48 hours per week in average over 3 months; 200 hours overtime per year	44 hours	50 % increase; time off of the same duration as the overtime work possible, provided that the parties agree; compensatory rest possible	20 days
Iceland	40 hours	48 hour maximum limit	48 hours	Hourly rate equalling 1.0385% of the monthly wages for regular day work	24 days
Ireland	No normal hours limit	48 hours per week (including overtime) in average over a specified period	48 hours	No universal national entitlement	20 days
Italy	40 hours	48 hours per week (including overtime) in average over a specified period, 250 hours per year	48 hours	10% increase; or compensatory time off, if provided for by collective agreements	20 days
Latvia	40 hours	144 hours overtime over 4 months	48 hours	100 % increase; no universal national entitlement to compensatory time off	20 days
Lithuania	40 hours	4 hours over a two day period and 120 hours per year; 48 hours maximum per week (including overtime) in average over 4 months	48 hours	50 % increase; no compensatory time off foreseen	20 days
Luxembourg	40 hours	2 hours per day	48 hours	40% increase over hourly wage for each extra hour worked or compensatory time off (1,5 hours for 1 overtime hour)	25 days
Malta	48 hours (average limit)	48 hours (including overtime) in average over 17 weeks	48 hours	50% increase	24 days
Moldova	40 hours	Maximum limit (including overtime) of 12 hours per day. 120 hours per calendar year.	42 hours	50% premium (first 2 hours), 100% premium (subsequent hours); no universal national entitlement to compensatory time off	20 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Netherlands	No normal hours limit. Maximum limit of 60 hours per week, 55 hours in average in each 4-week period and 48 hours in average over 16 weeks	(Overtime is not regulated)	48 hours	No universal national entitlement	20 days
Norway	40 hours	10 hours per week; 25 hours per 4 consecutive weeks; and 200 hours per year, 48 hours per week (including overtime) on average over 8 weeks	48 hours	40 % increase or compensatory time off if agreed	21 days
Portugal	40 hours	2 hours per day and: 175 hours per year (small enterprises); 150 hours per year (medium and large enterprises), 48 hours per week (including overtime) in average over 4 months	48 hours	Compensatory time off equal to at least 25 % of the hours of overtime worked, or instead, if the workers agrees, an overtime premium of 100%	22 days
Romania	40 hours	48 hours per week (including overtime) in average over 3 months	48 hours	Paid compensatory time off or, if this is not possible during a prescribed period, a 75% premium	20 days
Russian Federation	40 hours	4 hours over a 2 day period and 120 hours per year	42 hours	50% increase (first 2 hours), 100% increase (subsequent hours) or compensatory time off at the request of the employee	20 days
San Marino	48 hours	2 hours per day	48 hours	25% increase	10 days
Serbia	40 hours	8 hours per week, 4 hours per day	48 hours	Minimum 26% increase	20 working days
Slovakia	40 hours	8 hours per week over 4 consecutive months, 150 hours per year	43 hours	25 % increase or, if so agreed, compensatory time off of the same duration as the overtime work	20 days
Slovenia	40 hours	8 hours per week, 20 hours per month and 170 hours per year	48 hours	Extra payment (not specified); no universal national entitlement to compensatory time off	20 days
Spain	40 hours	80 hours per year	42 hours	No universal national entitlement	21 days
Sweden	40 hours	48 hours over a 4-week period or 50 hours per calendar month and 200 hours per year	44 hours	No universal national entitlement; determined by collective agreement.	25 days
Switzerland	45 hours (industrial enterprises, offices and technical posts and sales staff in large commercial enterprises) 50 hours (all other workers)	2 hours per day and 170 hours per year (industrial enterprises, offices and technical posts and sales staff in large commercial enterprises); 140 hours per year (all other workers)	48 hours (industrial enterprises, offices and technical posts and sales staff in large commercial enterprises) 53 hours (all other workers)	25 % increase or compensatory time off of the same duration as the overtime work	20 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Turkey	45 hours	270 hours per year	50 hours	50 % increase or, if the employee wishes, 1,5 hour compensatory rest for each hour of overtime	12 days
United Kingdom	48 hours	48 hours maximum per week (including overtime)	48 hours	No universal national entitlement	28 days
AMERICAS AND CARIBBEAN					
Antigua and Barbuda	48 hours	In excess of 8 hours in any 24 hour period or in excess of 48 hours in any 168 hour period is considered over time work	Unspecified	50% increase	12 days
Argentina	48 hours	3 hours per day, 30 hours per month and 200 hours per year	52 hours	50 % increase; no universal national entitlement to compensatory time off	10 days
Bahamas	40 hours	12 hour daily maximum	60 hours	50 % increase; no universal national entitlement to compensatory time off	10 days
Barbados	No universal national limit hours	No universal national limit	No universal national limit	50 % increase; no universal national entitlement to compensatory time off	15 days
Belize	45 hours	No universal national limit	No universal national limit	50 % increase; no universal national entitlement to compensatory time off	10 days
Bolivia	48 hours	2 hours per day	60 hours	100 % increase; no universal national entitlement to compensatory time off	15 days
Brazil	44 hours	2 hours per day	46 hours	50 % increase; compensatory time off instead possible, if agreed by the parties	21 days
Canada (Federal)	40 hours	8 hours per week	48 hours	50% increase, no universal national entitlement to compensatory time off	10 days
Chile	45 hours	2 hours per day	57 hours	50 % increase; no universal national entitlement to compensatory time off	15 days
Colombia	48 hours	2 hours per day and 12 hours per week	60 hours	25 % increase; no universal national entitlement to compensatory time off	10 days
Costa Rica	48 hours	12 hours per day (including overtime)	72 hours	50 % increase; no universal national entitlement to compensatory time off	10 days
Cuba	44 hours	4 hours over a 2-day period, and 160 hours per year	47 hours	Cash payment or compensatory rest (unspecified)	21 days
Dominica	40 hours	Work in excess of standard hours	Unspecified	50% increase	10 days
Dominican Republic	44 hours	80 hours per trimester	50 hours	35 % increase (up to 68 hours work per week in total); 100% (subsequent hours); no universal national entitlement to compensatory time off	12 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
Ecuador	40 hours	4 hours per day and 12 hours per week	52 hours	50 % increase; no universal national entitlement to compensatory time off	10 days
El Salvador	44 hours	No universal national limit	No universal national limit	100% increase, no universal national entitlement to compensatory time off	15 days
Grenada	No universal limit	No universal national limit	No universal national limit	50% increase; no universal national entitlement to compensatory time off	10 days
Guatemala	44 hours	12 hours per day (including overtime)	72 hours	50 % increase; no universal national entitlement to compensatory time off	13 days
Guyana	No national limit (8 hour day limit suggests 48 hours)	Unspecified	Unspecified	Unspecified	12 days
Haiti	48 hours	80 hours per trimester (industrial undertakings); 2 hours per day and 320 hours per year (commerce)	54 hours (industrial undertakings and commerce)	50 % increase; no universal national entitlement to compensatory time off	11 days
Honduras	44 hours	4 hours	60 hours	25 % increase; no universal national entitlement to compensatory time off	8 days
Jamaica	44 hours (though not statutory, it is the baseline for overtime)	No universal national limit	No universal national limit	50% increase	10 days
Mexico	48 hours	3 hours per day, no more than 3 times per week	57 hours	100% increase (up to 9 overtime hours per week); 200% increase for subsequent hours; no universal national entitlement to compensatory time off	6 days
Nicaragua	48 hours	3 hours per day and 9 hours per week	57 hours	100 % increase; overtime cannot be compensated by time off if unilaterally ordered by the employer	10 days
Panama	48 hours	3 hours per day and 9 hours per week	57 hours	25 % increase; no universal national entitlement to compensatory time off	21 days
Paraguay	48 hours	3 hours per day; 57 hours per week (including overtime)	57 hours	50 % increase; no universal national entitlement to compensatory time off	10 days
Peru	48 hours	No universal national limit	No universal national limit	25% increase (first 2 hours); 35% increase (subsequent hours) or compensatory rest of the same amount as the overtime work if agreed between the parties.	21 days
St. Kitts and Nevis	40 hours	Unspecified	Unspecified	50% increase	14 days
Trinidad and Tobago	40 hours	Unspecified	Unspecified	50%, 100% or 200% hourly rate depending on if the overtime work is performed up to the first four hours, up to eight hours or thereafter	10 days

Country	Normal weekly hours limit	Overtime limit	Maximum weekly hours limit	Minimum mandatory overtime premium/ time off in lieu of overtime wages	Minimum annual leave (in working days, calculated for a five-day workweek)
United States	40 hours	No universal national limit	No universal national limit	50% increase or compensatory time off of not less than 1,5 hours for each overtime hour worked	No universal national entitlement
Uruguay	48 hours (industry) 44 hours (commerce)	8 hours per week	56 hours (industry) 52 hours (commerce)	100 % increase; no universal national entitlement to compensatory time off	20 days
Venezuela	44 hours	2 hours per day, 10 hours per week and 100 hours per year	46 hours	50 % increase; no universal national entitlement to compensatory time off	13 days
MIDDLE EAST (ARAB STATES)					
Bahrain	48 hours	Working hours no more than 11 hours per day	66 hours	25% increase	21 days
Iraq	48 hours	4 hours per day	72 hours	50% increase	17 days
Jordan	48 hours	10 hours per day	60 hours	25% increase	14 days
Kuwait	48 hours	2 hours per day and 180 hours per week	51 hours	25% increase	25 days
Lebanon	48 hours	12 hours per day (including overtime)	72 hours	50% increase or compensatory rest corresponding to the number of hours worked overtime	15 days
Qatar	48 hours	10 hours per day	60 hours	25 % increase	15 days
Saudi Arabia	48 hours	10 hours per day or 60 hours per week	60 hours	50% increase	21 days
Syria	40 hours	10 hours per day (2 hours overtime)	60 hours	25% increase	24 days
United Arab Emirates	48 hours	2 hours per day	60 hours	25% increase	30 days
Yemen	48 hours	Unspecified	Unspecified	50% increase and entitled to compensatory rest	30 days

Maternity protection

Maternity is a condition which requires differential treatment to achieve genuine equality and, in this sense, it is more of a premise of the principle of equality than a dispensation. Special maternity protection measures should be taken to enable women to fulfil their maternal role without being marginalised in the labour market.

–International Labour Office, 1996³³

Maternity protection for women at work has been an issue of particular importance to the ILO since the organisation's foundation in 1919. The Maternity Protection Convention, 1919 (No. 3) was not only among the first international standards to be adopted, but the first to address maternity protection specifically. This convention was revised in 1952 to take into consideration the developments in national law and practice, notably in social security. In the years following this revision similarly dramatic changes took place, especially the increased participation of women in the labour market and an ever growing commitment to eliminate discrimination in employment. During these years the primary concern of the ILO with respect to maternity protection remained consistent: to enable women to effectively combine their reproductive and productive roles, and prevent unequal treatment in employment due to their reproductive ability.³⁴

³³ International Labour Office (ILO). 1996. *Equality in employment and occupation*, Report III (Part 4B), International Labour Conference, 83rd Session, (Geneva).

³⁴ International Labour Office (ILO). 2010. *Maternity at work. A review of national legislation*, Second Edition, (Geneva).

There are a number of factors that go into providing effective maternity protection that take into account the reproductive and productive roles of women and preventing unequal treatment for maternity related reasons. Protective measures for pregnant women and women who have given birth recently include preventing exposure of pregnant or nursing workers to health and safety hazards at work and unsafe work; paid maternity leave; paid breaks to breastfeed infants; employment protection against discrimination and discriminatory dismissal; and a guaranteed right to return to the same or an equivalent post after maternity leave.

These concerns were instrumental in the most recent revision of this ILO convention, the Maternity Protection Convention, 2000 (No. 183). ILO Convention No. 183, is divided into a number of different aspects that make up complete maternity protection: application to all employed women, including those in atypical forms of dependent work; health protection in the workplace; maternity leave itself; leave that should be available in the event of illness or complications; cash and medical benefits; employment protection and non-discrimination including in hiring; and breastfeeding. This ILO Convention was supplemented by the ILO Maternity Protection Recommendation, 2000 (No. 191) which suggests a longer duration of leave and a greater amount of maternity cash benefits. It also adds precision to the definitions found in ILO Convention No. 183, notably with regard to ensuring health protection and the financing of benefits.

It is important to note that the ILO's work on maternity protection is undertaken not in isolation, but in concert with other international organisations. Maternity protection as detailed in the ILO standards and work contributes to the achievement of the United Nations Millennium Development Goals (No. 4 and 5), which were adopted by the member states of the United Nations. These goals seek to reduce child mortality and improve the health of mothers. The ILO standards, which aim to safeguard women's employment and income security during prenatal and postnatal periods, also enhance the aim of Millennium Development Goal No. 3, to promote gender equality and women's empowerment.³⁵

Recognising the importance of maternity protection in national legislation this portion of the report confines its analysis to three key aspects of maternity leave provisions: the duration of leave; the amount of leave benefits; and the source of funding for these benefits. It illustrates that within the legislation enacted in over 170 countries there are significant variations in the extent of protection afforded and the ways in which maternity protection is addressed. For example, all countries covered in this portion of the report have implemented some kind of legal or statutory protection for women in connection with childbirth, but a few countries do not provide for paid maternity leave. Currently less than one-third of these countries' national legislation would satisfy the three related provisions of ILO Convention No. 183, but many have individual provisions in their national legislation that may satisfy portions of this ILO Convention.³⁶

³⁵ For further information on maternity related issues see International Labour Office (ILO). 2012. *Maternity protection resource package. From inspiration to reality for all*, (Geneva), available at: www.ilo.org/maternityprotection.

³⁶ International Labour Office (ILO). 2010. *Maternity at work. A review of national legislation*, Second Edition, (Geneva).

1. Duration of maternity leave

As a vital means of protecting the health of any woman wage-earner and her child, the mother's right to a period away from the workplace and the temporary suspension of economic activities before and after childbirth, as well as the guarantee of being able to resume work after maternity leave with adequate means to support herself and her child, are core elements of any legal instrument that seeks to reconcile women's procreative role with the demands of paid employment. This is embodied in the ILO maternity protection standards in the following places:

...a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks. [ILO Convention No. 183, Article 4(1)]

Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks. [ILO Recommendation No. 191, Paragraph 1(1)]

Maternity leave, as examined in this report, is defined as the period of leave the purpose of which is to safeguard the health of the woman employee and the health of her child during the perinatal period. The emphasis of analysis in this study will therefore be on this time period as established in national legislation.

GLOBAL

Globally an overwhelming majority of countries (85%) provide at least 12 weeks of maternity leave or more, in line with ILO Conventions No. 3 and No. 103. Of this group more than half (53%) stipulate more than 14 weeks of maternity leave as stipulated in ILO Convention No. 183. A good number (19%) offer more than 18 weeks of leave, which is in line with ILO Recommendation No. 191, with the smallest cluster of countries (15%) offering less than 12 weeks of maternity leave.

REGIONAL

In **Africa** the legislation in the vast majority of countries (80%) provides somewhere between 12 and 17 weeks of maternity leave. Within this group, nearly half (49%) have legislation providing for 14-17 weeks of maternity leave. At opposite extremes, while no country has legislation offering more than 18 weeks of maternity leave, one-fifth (20%) of countries have legislation providing less than 12 weeks of maternity leave.

Among countries in **Asia and the Pacific** a significant number (82%) have legislation requiring from 12 to more than 18 weeks of maternity leave. Half of these countries (50%) legally stipulate 12-13 weeks of maternity leave, with over a quarter (29%) providing 14-17 weeks. It is notable that of all of the countries in this region almost a fifth (18%) provide less than 12 weeks of maternity leave.

The countries with national legislation that stipulates the highest amount of maternity leave can be found in **Europe and CIS**. Almost all countries in this region (98%) require maternity leave of 14 weeks or more. In fact almost two-thirds of these countries (60%) offer more than 18 weeks maternity leave. Uniquely, this

region has a very slender minority of countries (2%) with legal stipulations of 12-13 weeks duration, while none provide less than 12 weeks of maternity leave.

In the **Americas and Caribbean** region a vast majority of countries (94%) have legislation stipulating 12 weeks or more of maternity leave. Within this percentage the majority (68%) provide between 12-13 weeks of maternity leave, with just over a quarter (26%) providing 14 weeks or more of maternity leave. Only few countries in this region offer less than 12 weeks of maternity leave (6%).

Among countries in the **Middle East (Arab States)** the vast majority of countries offer less than 12 weeks of maternity leave (90%). The remaining tenth of countries (10%) provide 14-17 weeks of maternity leave. No country in the region offers either 12-13 weeks or more than 18 weeks of maternity leave.

Graph 5: Duration of Maternity Leave by Country and Region, 2012

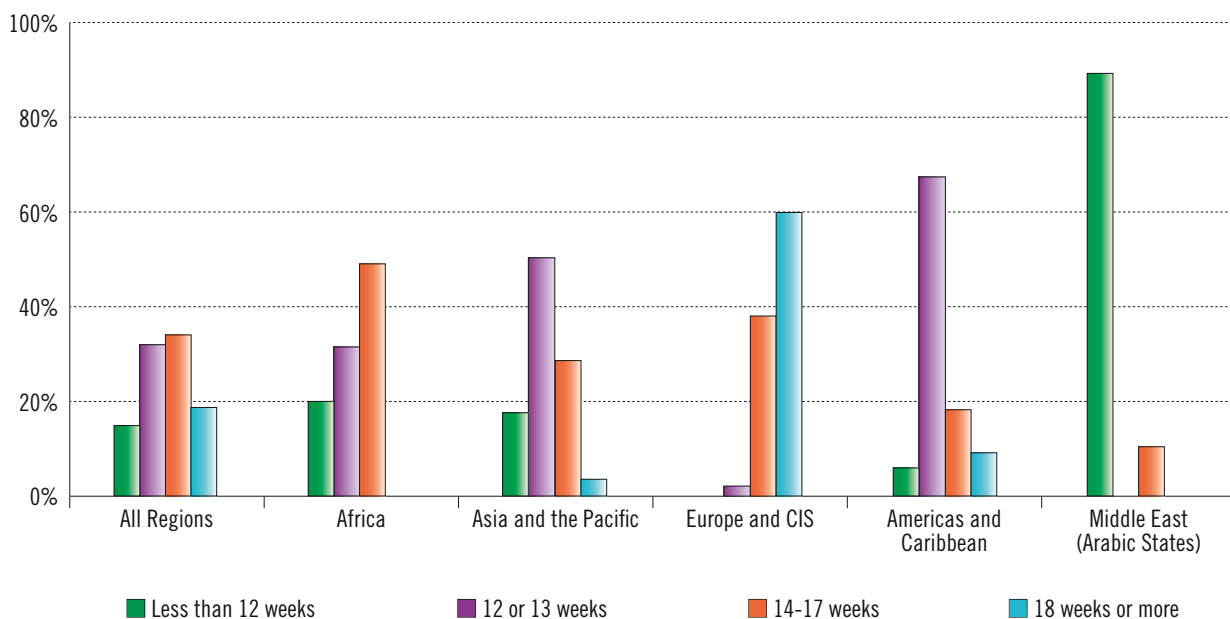


Table 5: Duration of Maternity Leave by Country and Region, 2012

Region	Less than 12 weeks	12 or 13 weeks (meets ILO Conv. 3 & 103)	14-17 weeks (meets ILO Conv. 3, 103, & 183)	18 weeks or more (meets C3, C103, C183 & R191)
Africa	Cape Verde, Eritrea, Guinea-Bissau, Lesotho, Malawi ¹⁰ , Mozambique, Sao Tome and Principe, Sudan, Tunisia, Uganda	Angola, Botswana, Burundi, Egypt, Equatorial Guinea*, Ethiopia, Gambia, Ghana*, Kenya, Mauritius, Namibia, Nigeria, Rwanda, Swaziland, United Republic of Tanzania, Zambia*	Algeria*, Benin**, Burkina Faso*, Cameroon*, Central African Republic*, Chad, Comoros, Congo, Democratic Republic of Congo, Djibouti, Ivory Coast*, Gabon*, Guinea*, Libya*, Madagascar, Mali**, Mauritania*, Morocco**, Niger, Senegal, Seychelles, Somalia, South Africa, Togo, Zimbabwe	
Asia and the Pacific	Brunei-Darussalam, Malaysia, Nepal, Papua-New Guinea*, Philippines	Afghanistan, Cambodia, Fiji, India, Indonesia, Iran ¹¹ , Kiribati, Republic of Korea, Lao People's Democratic Republic, Myanmar, Pakistan, Solomon Islands, Sri Lanka*, Thailand, Vanuatu	Bangladesh, China, Japan, Mongolia*, New Zealand, Singapore, Vietnam	Australia ¹²
Europe and CIS		Iceland	Austria**, Belarus**, Belgium, Finland, France*, Germany*, Greece*, Israel, Latvia**, Luxembourg**, Malta, Netherlands**, Portugal*, Slovenia**, Spain*, Sweden, Switzerland, Turkey	Albania**, Armenia, Azerbaijan**, Bosnia-Herzegovina**, Bulgaria**, Croatia*, Cyprus**, Czech Republic, Denmark, Estonia, Hungary**, Ireland, Italy**, Kazakhstan**, Kyrgyzstan*, Lithuania**, FYR Macedonia**, Moldova**, Norway ¹³ , Poland*, Romania**, Russian Federation*, San Marino*, Serbia**, Slovakia**, Tajikistan*, Ukraine*, United Kingdom, Uzbekistan*
Americas and Caribbean	Bolivia*, Honduras	Antigua and Barbuda, Argentina*, Bahamas*, Barbados, Dominica, Dominican Republic, Ecuador*, El Salvador, Grenada, Guatemala*, Guyana, Haiti, Jamaica, Mexico, Nicaragua*, Paraguay, Peru, St. Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines, Trinidad and Tobago, United States ¹⁴ , Uruguay*	Belize**, Brazil*, Canada, Colombia*, Costa Rica, Panama*	Chile*, Cuba**, Venezuela*
Middle East (Arab States)	Bahrain, Iraq, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia, United Arab Emirates, Yemen		Syria	

*Country has ratified ILO Convention No. 3 or Convention No. 103 (minimum of 12 weeks maternity leave), but not ILO Convention No. 183

** Country has ratified Convention No. 183 (minimum of 14 weeks maternity leave)

10) Malawi provides 8 weeks of maternity leave once every three years.

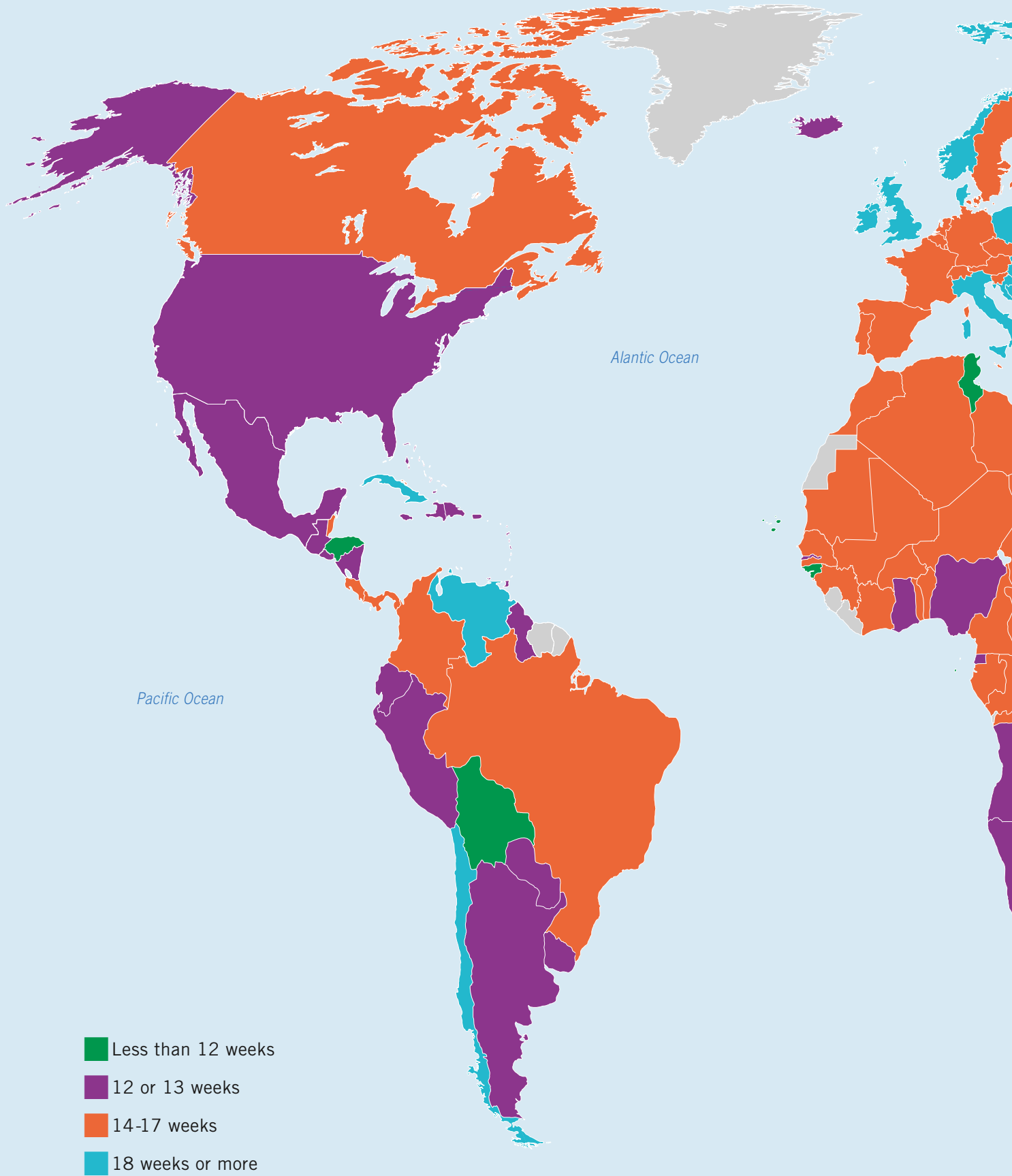
11) In Iran, if a woman is breastfeeding maternity leave can go up to 16 weeks, but the minimum duration is given above.

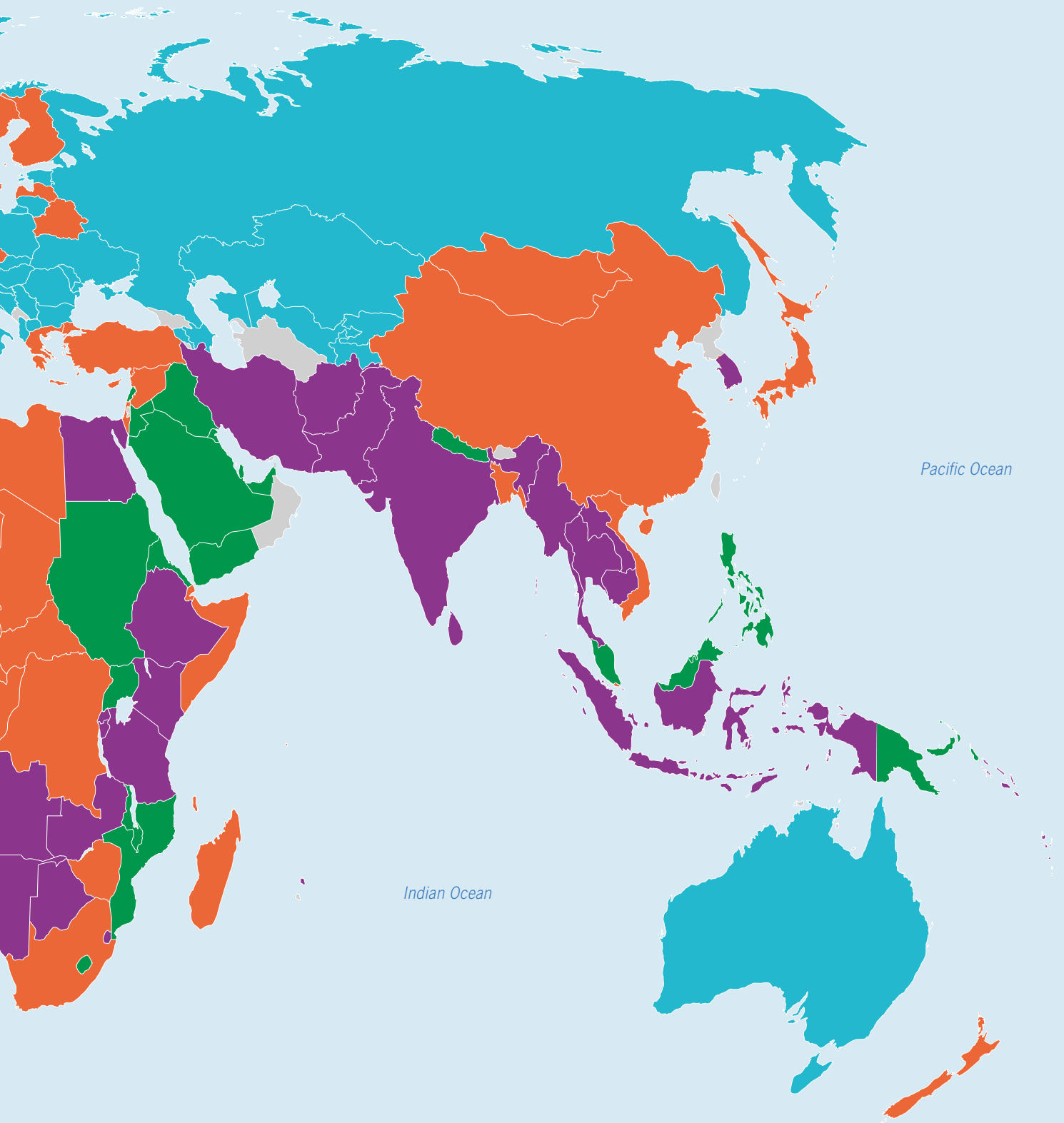
12) Australia provides parental leave of up to 52 weeks, which may also be shared between the parents. The mother may start her leave 6 weeks prior to the expected birth.

13) Norway provides up to 57 weeks of parental leave of which 18 weeks is reserved for the mother (pre and post-natal) 10 weeks for the father, and the remainder can be shared.

14) The United States federal law provides the right to 12 weeks unpaid maternity leave, but only for employees working for an employer with more than 50 employees.

World map: Length of maternity leave, 2012





Pacific Ocean

Indian Ocean

2. Maternity leave benefits: Amount

GLOBAL

Progress has been made in providing paid maternity leave to employed women since the member states of the ILO adopted the first Maternity Protection Convention in 1919. At that time only 9 of the 29 countries which had instituted compulsory maternity leave provided payment of allowances through some kind of insurance scheme. By 1952, around 40 countries had compulsory insurance laws providing maternity benefits.³⁷ In the last Working Conditions Law Report in 2010 97% of countries had legislation providing for cash benefits to be paid to women during maternity leave.

ILO maternity standards have all emphasised the importance of paid maternity leave. Most recently, the ILO Maternity Protection Convention, No. 183 and Maternity Protection Recommendation No. 191 have reiterated and clarified the importance of paid maternity leave.

Cash benefits shall be at a level which ensures that the woman can maintain herself and her child with proper conditions of health and with a suitable standard of living. [ILO Convention No. 183, Article 6(2)]

...the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits. [ILO Convention No. 183, Article 6(3)]

Where practicable, and after consultation with the representative organisations of employers and workers, the cash benefits to which a woman is entitled during leave as referred to in Articles 4 and 5 of the Convention should be raised to the full amount of the woman's earnings as are taken into account for the purpose of computing benefits. [ILO Recommendation No. 191, Paragraph 2]

This section will examine how much must be legally paid to women during available maternity leave in the countries surveyed for this report.³⁸

As maternity leave benefits are important means of income support for women and their families during maternity leave, it is also important that national legislation clearly stipulates this obligation. In the countries surveyed for this report an overwhelming majority (98%) require payment of benefits during maternity leave. However, globally countries seem to be almost evenly distributed with regard to payment levels during similar periods of maternity leave. Overall, less than a third (27%) of countries require benefits of less than two thirds of the woman's previous earnings in maternity leave period of less than 12 weeks, a slightly higher percentage (35%) require at least two-thirds payment during periods of more than 12 weeks of maternity leave, and just over another third (37%) require full payment during at least 14 weeks or more of maternity leave. Exceptionally few countries (2%) have no maternity benefits obligations set out in national legislation.

³⁷ International Labour Office (ILO). 1952. Revision of the Maternity Protection Convention 1919 (No. 3), International Labour Conference, Thirty-fifth session, Geneva, 1952, p. 4.

³⁸ Countries that have only ratified Maternity Protection Convention (Revised), 1952 (No. 103) are required to pay at least two-thirds of the earnings that were paid prior to the woman taking maternity leave throughout the 12 week maternity period mandated.

REGIONAL

In the legislation in the countries surveyed in **Africa**, there appears to be a relatively even proportional spread with regard to benefit levels during maternity leave. More than a third (35%) provide maternity leave benefits equivalent to the full amount of previous earnings during the 14 week leave, less than a third (27%) provide for at least the two-thirds maternity leave benefits for periods between 12 and 14 weeks of maternity leave, and more than a third (35%) provide either less than two thirds of earnings or less than 12 weeks of maternity leave. Only a fraction (2%) does not have a legal requirement obligating the payment of cash benefits to women during maternity leave.

In countries in **Asia and the Pacific** a vast majority of countries (96%) provide for some form of monetary benefits during maternity leave. Almost half of the countries in this region (46%) provide at least two-thirds of previous earnings for between 12 and 14 weeks. A large proportion of countries (32%) legally provide for at least two-thirds benefits for between 12 to 13 weeks. Just of a fifth of countries (21%) provide benefits equivalent to the full amount of previous earnings for at least 14 weeks, while on the statistical periphery are countries where available maternity leave is unpaid (4%).

Countries in **Europe and the CIS** have by far the highest level of maternity leave benefits paid, with a significant proportion (94%) providing at least two-thirds (up to the full amount) of previous earnings for at least 14 weeks of maternity leave. A small minority of countries (3%) provide less than two-thirds of previous earnings for 12-13 weeks and the same amount (3%) provide less than two-thirds benefits for less than 12 weeks. No country in this region has unpaid maternity leave.

In the **Americas and Caribbean** just over half of the countries (55%) provide two-thirds benefits for 12 to 13 weeks of maternity leave. However, just over a fifth (21%) of countries in this region provide less than two-thirds benefits and maternity leave of less than 12 weeks. Also, just over a fifth of countries (21%) provide for the full amount of previous earnings for 14 weeks of maternity leave. In a small fraction (3%) of countries maternity leave remains unpaid.

Countries in the **Middle East (Arab States)** provide one of the most dichotomous examples of maternity leave benefits of any region in the world. A vast majority of countries in this region (89%) provide less than two-thirds of previous earnings or less than 12 weeks of maternity leave to working women. On the opposite end of the spectrum just over a tenth (11%) of countries in this region provide maternity leave benefits at the full amount of previous earnings for 14 weeks.

Graph 6: Maternity leave benefits by region, 2012

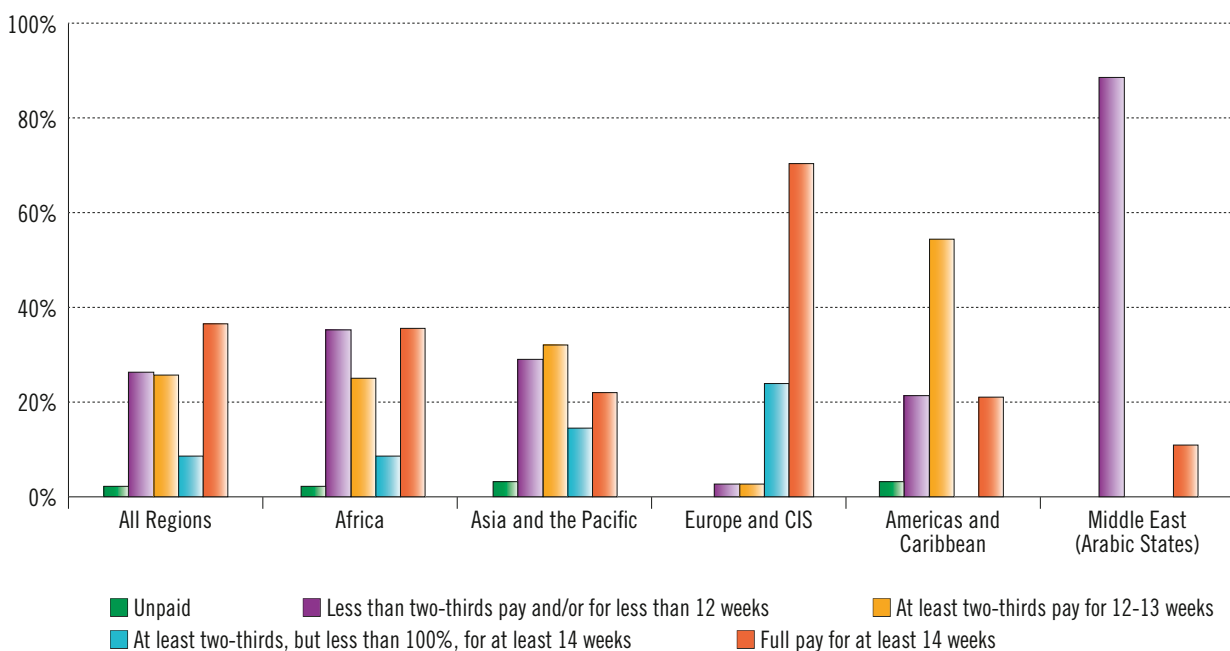


Table 6: Maternity leave benefits by Country & Region, 2012

Region	Unpaid	Less than two-thirds pay and/or for less than 12 weeks	At least two-thirds pay for 12-13 weeks	At least two-thirds, but less than 100%, for at least 14 weeks	Full pay for at least 14 weeks
Africa	Lesotho	Botswana, Cape Verde, Central African Republic, Eritrea, Guinea-Bissau**, Libya, Malawi**, Mozambique**, Niger, Nigeria, Rwanda, Sao Tome and Principe, Somalia, South Africa, Sudan**, Swaziland ¹ , Tunisia, Uganda**	Angola*, Burundi**, Egypt**, Equatorial Guinea, Ethiopia**, Gambia**, Ghana**, Kenya**, Mauritius**, Namibia**, United Republic of Tanzania**, Zambia**	Democratic Republic of Congo	Algeria, Benin, Burkina Faso, Cameroon, Chad, Comoros, Congo, Djibouti, Gabon, Guinea, Ivory Coast, Madagascar, Mali, Mauritania, Morocco, Senegal, Togo, Zimbabwe
Asia and the Pacific	Papua-New Guinea	Brunei-Darussalam, Cambodia, Fiji*, Kiribati, Malaysia**, Nepal**, Philippines**, Solomon Islands	Afghanistan**, India**, Indonesia**, Republic of Korea**, Lao People's Democratic Republic**, Myanmar, Pakistan**, Sri Lanka, Thailand, Vanuatu	Australia*, Japan, Iran**, Mongolia	Bangladesh, China, New Zealand, Singapore, Vietnam
Europe and CIS		Slovakia	Iceland	Albania, Bulgaria, Cyprus, Czech Republic, Hungary, Italy, Romania, Sweden, Turkey	Armenia, Austria, Azerbaijan, Belarus, Croatia, Denmark, Estonia, Germany, Greece, Kazakhstan, Latvia, Lithuania, Luxembourg, Malta, Moldova, Norway, Poland, Portugal, Russian Federation, San Marino, Slovenia, Serbia, Spain, Tajikistan, Ukraine, Uzbekistan
Americas and Caribbean	United States (Federal)	Bolivia*, Canada (Federal)*, Dominica, Paraguay, St. Kitts and Nevis, Saint Lucia, St. Vincent and Grenadines	Antigua and Barbuda, Argentina**, Bahamas**, Barbados**, Dominican Republic**, Ecuador**, El Salvador, Grenada, Guatemala**, Guyana, Haiti**, Jamaica**, Mexico**, Nicaragua**, Peru**, Trinidad and Tobago, Uruguay**		Belize, Brazil, Colombia, Costa Rica, Cuba, Panama, Venezuela
Middle East (Arab States)		Bahrain**, Iraq**, Jordan**, Kuwait**, Lebanon**, Qatar**, United Arab Emirates, Yemen**			Syria

*Countries provide maternity benefits to a ceiling or as (partial) flat-rate.

** Countries provide for 100% of previous earnings for less than 14 weeks.

1) Swaziland provides for maternity leave benefits for the full amount of previous earnings for 2 weeks.

Legislation in Bosnia-Herzegovina requires between 50-80% of the reference wage to be paid during maternity leave, depending on the different cantonal laws in the Federation of Bosnia and Herzegovina (not included in table above).

Belgium, Chile, Finland, France, Ireland, Israel, Kyrgyzstan, Netherlands, Russian Federation, Seychelles, Slovenia, Switzerland, and United Kingdom are not included in the table, since the exact amount of maternity benefits could not be established due to a lack of information to determine the ceiling or flat-rate which is included in the determination of benefits (and thus to categorise them in the table above).

3. Maternity leave benefits: Source

There are a number of different methods to fund maternity cash benefits for women during maternity leave. The countries surveyed show that the most current sources of funding include: social insurance systems, employer paid through the direct payment of maternity benefits (so-called employer liability), or some mix of the two (so called mixed systems). Less often, maternity benefits are paid out of public funds, which can finance maternity benefits individually or in conjunction with social insurance. All of these methods offer benefits that are better than the option of unpaid maternity leave. However, the source of maternity payments can play an important role in the amounts and time period over which payments can be made. Therefore, understanding what source of funding a country uses can be an important variable in ensuring adequate maternity benefits for women on maternity leave.

International standards in respect of the source of maternity benefits are grounded in the belief that reducing the direct costs of maternity leave for the employer and promoting the principle of benefits payment through “compulsory social insurance or public funds” (as highlighted in Article 6, Paragraph 8 of ILO Convention No. 183) will help to prevent discrimination and protect the situation of women workers in the labour market. This section will examine what systems are favoured by the countries surveyed for this report.

GLOBAL

Globally over half (56%) the countries in this report require that maternity leave benefits be paid for through social insurance systems or public funds. However, a quarter (25%) still have systems that rely upon employer liability. Just under a fifth of countries (17%) have a mixed system that combines employer liability and social insurance or public funds. A mixed system might provide that the employer pays first, but may later claim reimbursement (either in part or up to a ceiling amount), or that the employer pays the difference between the social insurance benefit and the worker’s previous earnings. Some systems stipulate that the employer has to pay for workers who are not covered by the social insurance system.

REGIONAL

There are some differences to be noted between regions with respect to the source of maternity leave benefits.

Among countries surveyed in **Africa**, the largest proportion (39%) provides maternity leave benefits using social insurance. A slightly smaller proportion of countries in this region (35%) require the employer to cover the direct cost of maternity benefits. The remaining almost one-quarter (24%) retain mixed systems, most of which are based on the employer and social insurance each paying 50% of benefits.

By contrast, in **Asia and the Pacific** the majority of countries (52%) rely on employers to fund all maternity leave benefits. Just over a third of countries (34%) in the region have established the payment of maternity leave benefit through social insurance or public funds. A tenth of countries in this region (10%) use a mixed system, with a minority of countries not requiring any maternity benefits (3%).

Maternity benefits in countries in **Europe and the CIS** are overwhelmingly paid for by social insurance or public funds (91%). This is by far the highest proportion using one system of any region in this study. Less than a tenth of countries (7%) use a mixed system and even less are solely employer funded (2%). No country in this region has unpaid maternity leave.

Among countries in the **Americas and Caribbean** the majority require social insurance to pay for maternity leave (65%). Mixed systems of payment are used in the next highest proportion of countries in this region (29%). The remaining countries are evenly divided in percentage terms between employer liability for maternity leave and unpaid maternity leave (each at 3%).

The countries in the **Middle East (Arab States)** are once again dichotomous when it comes to payment for maternity leave benefits. The vast majority of countries (80%) require the employer to pay for maternity benefits. Only a fifth of countries in this region (20%) that provide maternity payments create legal obligations through social insurance. No country surveyed in this region has either a mixed system or unpaid maternity leave.

Graph 7: Source of maternity leave benefits by country and region, 2012

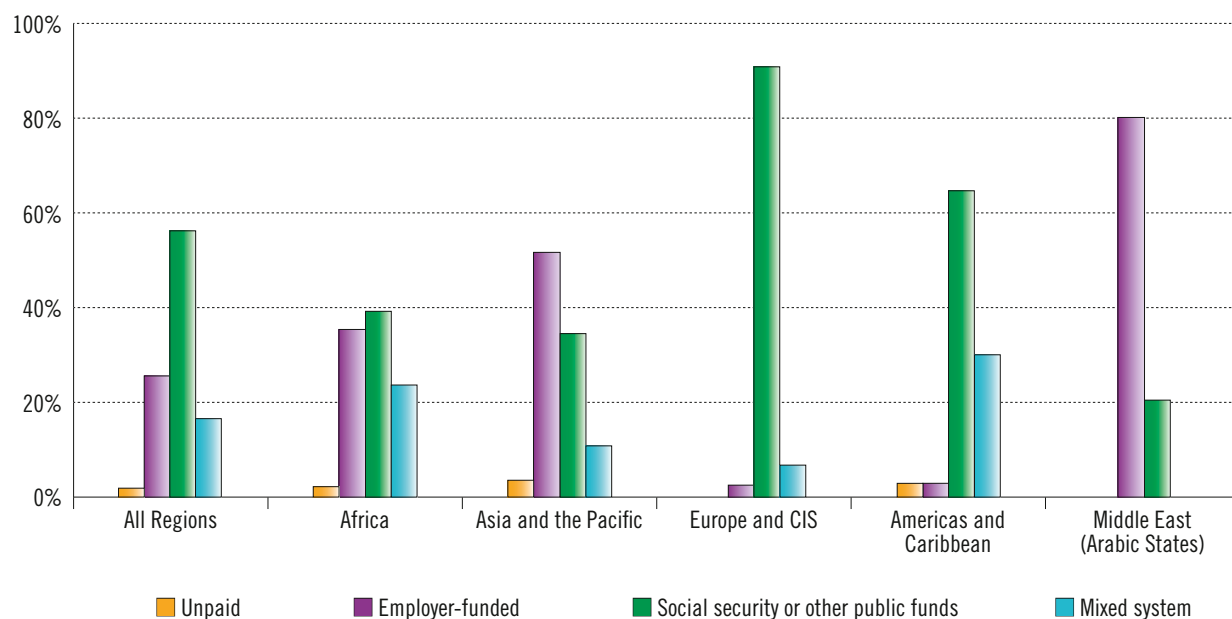


Table 7: Source of maternity leave benefits by country and region, 2012

Region	Unpaid	Employer-funded	Social insurance or other public funds	Mixed system
Africa	Lesotho	Botswana, Comoros, Democratic Republic of Congo, Eritrea, Gambia, Ghana, Kenya, Libya, Malawi, Mauritius, Nigeria, Rwanda, Somalia, Sudan, Swaziland, Uganda, Zambia, Zimbabwe	Algeria, Cameroon, Central African Republic, Chad, Equatorial Guinea, Gabon, Ivory Coast, Mali, Mauritania, Morocco, Mozambique, Namibia, Niger, Sao Tome and Principe, Senegal, Seychelles, South Africa, United Republic of Tanzania, Tunisia	Angola, Benin, Burkina Faso, Burundi, Cape Verde, Congo, Djibouti, Ethiopia, Egypt, Guinea, Guinea-Bissau, Madagascar, Togo
Asia and the Pacific	Papua-New Guinea	Afghanistan, Bangladesh, Brunei-Darussalam, Cambodia, Fiji, India, Indonesia, Kiribati, Malaysia, Nepal, Pakistan, Solomon Islands, Sri Lanka, Vanuatu	Australia, China, Iran, Japan, Republic of Korea, Lao Democratic People's Republic, Mongolia, Myanmar, New Zealand, Philippines, Vietnam	Singapore, Thailand
Europe and CIS		Kazakhstan	Albania, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine, Uzbekistan	Denmark, Germany, United Kingdom
Americas and Caribbean	United States (Federal)	Jamaica	Antigua and Barbuda, Argentina, Barbados, Belize, Bolivia, Brazil, Canada (Federal), Chile, Colombia, Cuba, Dominica, Guyana, Haiti, Mexico, Paraguay, Peru, St. Kitts and Nevis, St. Lucia, Saint Vincent and Grenadines, Trinidad and Tobago, Uruguay, Venezuela	Bahamas, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Nicaragua, Panama
Middle East (Arab States)		Iraq, Kuwait, Lebanon, Qatar, Saudi Arabia, Syria, United Arab Emirates, Yemen	Bahrain, Jordan	

In China if the worker is not insured in the social insurance system, the employer must meet the costs of her maternity leave benefits and medical benefits. Iraq was debating a revision to the labour code at the time of writing. As the law had not been passed, the previous Iraqi provisions are used here.

METHODOLOGY: Maternity protection

This chapter is confined to maternity protection provisions as provided by national legislation, applying in principle to all private sector workers. No mention is made of the many exceptions these laws usually contain for specific categories of workers, sectors or circumstances. For federal states, the federal legislation has been provided.

Duration of maternity leave

For comparative purposes, maternity leave periods that are expressed in days in the law have been converted into weeks. Different from the methodology used for annual leave the conversion is based on a seven-day week. Therefore, a period of 126 “consecutive days” maternity leave equals 18 weeks. Unless otherwise specified (e.g. “working days”), the duration in days is taken as “consecutive” or “calendar” days, since maternity leave is in general to be taken over a consecutive period. Thus, a provision that grants 90 “days” of maternity leave is understood as 90 consecutive days, which equals 13 weeks of maternity leave.

It is important to note that maternity leave policies in countries can blend into parental leave policies. This is particularly the case in many European countries, notably in northern Europe, where part of the leave available is meant to address pregnancy and maternity related issues, but part is also available as “parental leave”. This means that in some cases the laws are set out as family leave measures and protections, but in fact may combine dimensions of both maternity and family leave rights and obligations. While this may result in excellent domestic policies regarding maternity and family rights protection, it can make comparisons with other countries exceptionally difficult. For the purposes of this report, the focus was on maternity related measures in order to facilitate a comparative approach within a region and between regions. This, in combination with the reason outlined below, is why this report emphasises maternity leave.

Another reason for the focus on maternity leave and associated protections is that some countries provide different periods of maternity leave under specific qualifying circumstances, which have not been taken into consideration for the purpose of this report for statistical reasons. For example, in some countries (Portugal, Norway), women can choose between two different periods of leave, with the shorter period remunerated at 100%, while the longer period is remunerated at a lower

percentage. In the Islamic Republic of Iran, mothers are entitled to shorter leave if they are not breastfeeding. In Slovakia single mothers are entitled to 37 weeks of leave, instead of the standard 28 weeks. Serbia doubles the length of maternity leave to 104 weeks from the third child onwards. Vietnam provides for longer leave, depending on the working conditions and the nature of the work. Malawi guarantees the right to maternity leave only once every three years upon childbirth. Numerous states mandate extended periods of leave in case of multiple births and complications. In principle this means that countries could be classified in more than one of the categories distinguished in this report. However, this would lead to “double counting” (or multiple counting) and would affect the statistical calculations in this report. For this reason, those countries with varying or multiple outcomes regarding maternity leave have been classified in this report on the basis of the minimum maternity leave standard in the country.

Amount of maternity leave benefits

ILO Conventions No. 103 and 153, which establish the basis for the time and amount of maternity benefits, have been used to classify the information in this portion. Thus, the amount of maternity leave benefits is expressed in this report as a percentage of workers’ earnings immediately prior to the leave period. In conjunction with this, the classification takes into account the amount of time available for maternity leave.

In some countries, the benefit entitlement decreases over the course of the leave period; for example, maternity benefits are mandated throughout the entire leave period in Thailand, but decrease from 100% to 50% after half of the leave period. In some others, a flat-rate monthly benefit is required, regardless of prior earnings (e.g. Fiji). In these cases, an average of the overall amount of maternity benefits available and the amount of time are used to categorise what is legally available in these countries.

Source of maternity leave benefits

In terms of the source of maternity leave benefits, the countries are either grouped as financed by social insurance, by public funds, by the employer or a mixture of these systems.

ANNEX TO CHAPTER TWO: MATERNITY PROTECTION LAWS 2012

Country	Duration of maternity leave (as expressed in the national legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
AFRICA				
Algeria	14 weeks	14 weeks	100%	Social insurance
Angola	3 months	13 weeks	100%	Mixed (social insurance; if necessary, the employer has to pay the difference between the social insurance payment and the worker's wage)
Benin	14 weeks	14 weeks	100%	Social insurance (50%), employer (50%)
Botswana	12 weeks	12 weeks	50% of basic pay	Employer
Burkina Faso	14 weeks	14 weeks	100%	Mixed (social insurance and employer makes up difference) ¹
Burundi	12 weeks	12 weeks	100%	Social insurance (50%), employer (50%)
Cameroon	14 weeks	14 weeks	100%	Social insurance
Cape Verde	60 days	9 weeks	90%	(Social Insurance (50%), employer (50%); if worker has not paid into social insurance system, then employer pays full amount)
Central African Republic	14 weeks	14 weeks	50%	Social insurance
Chad	14 weeks	14 weeks	100%	Social insurance
Comoros	14 weeks	14 weeks	100%	Employer
Congo	15 weeks	15 weeks	100%	Social insurance (50%), employer (50%)
Democratic Republic of Congo	14 weeks	14 weeks	Two-thirds	Employer
Djibouti	14 weeks	14 weeks	100%	Social insurance (50%), employer (50%)
Egypt	3 months	13 weeks	100%	Mixed (75% social insurance, 25% employer)
Equatorial Guinea	12 weeks	12 weeks	75%	Social Insurance
Eritrea	60 days	9 weeks	Paid (amount unidentified)	Employer
Ethiopia	90 consecutive days	13 weeks	100%	Social insurance
Gabon	14 weeks	14 weeks	100%	Social insurance
Gambia	12 weeks	12 weeks	100%	Employer
Ghana	12 weeks	12 weeks	100%	Employer
Guinea	14 weeks	14 weeks	100%	Social insurance (50%), employer (50%)
Guinea-Bissau	60 days	9 weeks	100%	Mixed (if necessary, employer pays difference between social insurance and earnings) ²
Ivory Coast	14 weeks	14 weeks	100%	Social insurance
Kenya	3 months	13 weeks	100%	Employer

Country	Duration of maternity leave (as expressed in the national legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Lesotho	12 weeks	12 weeks	Unpaid	Unpaid
Libya	14 weeks	14 weeks	50% (100% for self-employed women)	Employer (social insurance for self-employed women)
Madagascar	14 weeks	14 weeks	100%	Social insurance (50%), employer (50%)
Malawi	8 weeks (every 3 years)	8 weeks (every 3 years)	100%	Employer
Mali	14 weeks	14 weeks	100%	Social insurance
Mauritania	14 weeks	14 weeks	100%	Social insurance
Mauritius	12 weeks	12 weeks	100%	Employer
Morocco	14 weeks	14 weeks	100%	Social insurance
Mozambique	60 consecutive days	9 weeks	100%	Employer
Namibia	12 weeks	12 weeks	100%	Social insurance
Niger	14 weeks	14 weeks	50%	Social insurance
Nigeria	12 weeks	12 weeks	50%	Employer
Rwanda	12 weeks	12 weeks	100% first six weeks, 20% remainder ³	Employer
Sao Tome and Principe	60 days	9 weeks	100%	Social insurance (employer for women not covered by social insurance)
Senegal	14 weeks	14 weeks	100%	Social insurance
Seychelles	14 weeks	14 weeks	Flat monthly allowance for 12 weeks	Social insurance
Somalia	14 weeks	14 weeks	50%	Employer
South Africa	4 months	17 weeks	Up to 60% depending on the level of income (for 17.32 weeks)	Social insurance
Sudan	8 weeks	8 weeks	100%	Employer
Swaziland	12 weeks	12 weeks	2 weeks	Employer
United Republic of Tanzania	84 days	12 weeks	100%	Social insurance
Togo	14 weeks	14 weeks	100%	Social insurance (50%), employer (50%)
Tunisia	30 days	4 weeks	66.7% of daily wage	Social insurance
Uganda	60 working days	10 weeks	100%	Employer
Zambia	12 weeks	12 weeks	100%	Employer
Zimbabwe	98 days	14 weeks	100%	Employer
ASIA AND THE PACIFIC				
Afghanistan	90 days	13 weeks	100%	Employer
Australia	12 months	12 months ⁴	18 weeks paid at federal minimum wage level	Social insurance
Bangladesh	16 weeks	16 weeks	100%	Employer
Brunei Darussalam	9 weeks	9 weeks	100%	Employer
Cambodia	90 days	13 weeks	50%	Employer
China	98 days	14 weeks ⁵	100%	Social insurance
Fiji	84 consecutive days	12 weeks	100%	Employer

Country	Duration of maternity leave (as expressed in the national legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
India	12 weeks	12 weeks	100%	Social insurance (employer for non-covered women)
Indonesia	3 months	13 weeks	100%	Employer
Iran	90 days / 4 months if breastfeeding	13 weeks; 17 weeks if breastfeeding	Two-thirds	Social insurance
Japan	14 weeks	14 weeks	66.67%	Social insurance (state also contributes)
Kiribati	12 weeks	12 weeks	25%	Employer
Republic of Korea	90 days	13 weeks	100%	Social insurance and Employer ⁶
Lao People's Democratic Republic	90 days	13 weeks	100%	Social insurance (employer for non-covered women)
Malaysia	60 consecutive days	9 weeks	100%	Employer
Mongolia	120 days	17 weeks	70%	Social insurance
Myanmar	12 weeks	12 weeks	66%	Social insurance
Nepal	52 days	7 weeks	100%	Employer
New Zealand	14 weeks	14 weeks	100% up to a ceiling	Public Funds (State)
Pakistan	12 weeks	12 weeks	100%	Employer
Papua-New Guinea	As necessary for hospitalization before confinement and 6 weeks afterwards	As necessary for hospitalization before confinement and 6 weeks afterwards	Unpaid	Unpaid
Philippines	60 days	9 weeks	100%	Social insurance
Singapore	16 weeks	16 weeks	100%	Employer; may claim reimbursement up to a ceiling from the Government for the last eight weeks (first and second child), 16 weeks for third and subsequent child
Solomon Islands	12 weeks	12 weeks	25%	Employer
Sri Lanka	12 weeks for the first and second child, six weeks for the third and each subsequent child	12 weeks for the first and second child, six weeks for the third and each subsequent child	6/7 for employees covered by the Maternity Benefits Ordinance; 100% for employees covered by the Shops and Offices Employees Act	Employer
Thailand	90 days	13 weeks	100% for first 45 days; 50% for the remaining 45 days	Employer (100% for first 45 days); social insurance (50% for remaining 45 days)
Vanuatu	12 weeks	12 weeks	66%	Employer
Vietnam	4 to 6 months depending on the working conditions and nature of the work	17 weeks (up to 26 weeks, depending on the working conditions and nature of the work)	100%	Social insurance
EUROPE AND CIS				
Albania	365 days	52 weeks	80% prior to birth and for 150 days after birth; 50% for the remainder ⁷	Social security
Armenia	140 calendar days	20 weeks	100%	Employer

Country	Duration of maternity leave (as expressed in the national legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Austria	16 weeks	16 weeks	100%	Social insurance
Azerbaijan	126 calendar days	18 weeks	100%	Social insurance
Belgium	15 weeks	15 weeks	79.5% for the first 30 days and 75% for the remainder (up to a ceiling)	Social insurance
Belarus	126 calendar days	18 weeks	100%	Social insurance
Bosnia-Herzegovina	365 days	52 weeks	100% (Republic of Srpska; District of Brško); 50-80%, depending upon the various cantonal regulations (Federation of Bosnia and Herzegovina)	Social insurance/Public Funds (State) [employer reimbursed for initial payment]
Bulgaria	227 days ⁸	32 weeks	90%	Social insurance
Croatia	45 days before delivery and 1 year after	58 weeks	100% from 28 days before to 6 months after birth; a flat rate for the remainder of the leave period	Social insurance (up to 6 months after birth)/ Public Funds (State) for the remainder
Cyprus	18 weeks	18 weeks	75%	Social insurance
Czech Republic	28 weeks	28 weeks	60%	Social insurance
Denmark	18 weeks	18 weeks	100%	Public Funds (State: local and national government) & employer
Estonia	140 calendar days	20 weeks	100%	Social insurance
Finland	105 working days	18 weeks	70% up to a ceiling, plus 40% of the additional amount up to a ceiling, plus 25% of additional amount	Social insurance
France	16 weeks	16 weeks	100% up to a ceiling	Social insurance
Germany	14 weeks	14 weeks	100%	Mixed (social insurance up to a ceiling/employer pays remainder)
Greece	119 days	17 weeks	100%	Social insurance/Public Funds (State)
Hungary	24 weeks	24 weeks	70%	Social insurance
Iceland	3 months	13 weeks	80%	Social insurance (universal flat-rate for non-qualifying women)
Ireland	42 weeks	42 weeks	80% (for 26 weeks) up to a ceiling	Social insurance
Israel	12 weeks	12 weeks	100% up to a ceiling for 14 weeks	Social insurance
Italy	5 months	22 weeks	80%	Social insurance
Kazakhstan	126 calendar days	18 weeks	100%	Employer
Kyrgyzstan	126 days	18 weeks	100% (first 10 working days), 7 times the benchmark indicator (minimum wage level) for remainder	Public Funds (State) [employer pays the benefits, but is reimbursed by the State]
Latvia	112 calendar days	16 weeks	100%	Social insurance
Lithuania	126 calendar days	18 weeks	100%	Social insurance
Luxembourg	16 weeks	16 weeks	100%	Social insurance
Malta	14 weeks	14 weeks	100%	Employer

Country	Duration of maternity leave (as expressed in the national legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Moldova	126 calendar days	18 weeks	100%	Social insurance
Netherlands	16 weeks	16 weeks	100% up to a ceiling	Social insurance
Norway	52 weeks (woman must take 18 weeks of the total) ⁹	52 weeks (woman must take 18 weeks of the total)	100% for 47 weeks or 80% for 57 weeks	Social insurance
Poland	20 weeks	20 weeks	100%	Social insurance
Portugal	120 or 150 consecutive days	17 or 21 weeks	100% for 120 days, 80% for 150 days	Social insurance
Romania	126 calendar days	18 weeks	85%	Social insurance
Russian Federation	140 calendar days	20 weeks	100%	Social insurance
San Marino	5 months	22 weeks	100%	Social insurance
Serbia	365 days	52 weeks	100% of earnings are paid for at least 6 months of continuous coverage; 60% for more than 3 but less than 6 months; 30% for less than 3 months	Social insurance
Slovakia	28 weeks	28 weeks	55%	Social insurance
Slovenia	105 days	15 weeks	100%	Social insurance
Spain	16 weeks	16 weeks	100%	Social insurance
Sweden	14 weeks	14 weeks	80% ¹⁰	Social insurance
Switzerland	14 weeks	14 weeks	80% (up to a ceiling)	Social insurance/mandatory private insurance
Tajikistan	140 calendar days	20 weeks	100%	Social insurance
Turkey	16 weeks	16 weeks	66.6%	Social insurance
Ukraine	126 calendar days	18 weeks	100%	Social insurance
United Kingdom	52 weeks	52 weeks	6 weeks paid at 90%; lower of 90%/flat rate for weeks 7–39; weeks 40–52 unpaid	Mixed (employer pays; receives 92% refund by public funds)
Uzbekistan	126 calendar days	18 weeks	100%	Social insurance
AMERICAS AND CARIBBEAN				
Antigua and Barbuda	13 weeks	13 weeks	60% (based on 52 week average)	Social insurance
Argentina	90 days	13 weeks	100%	Social insurance
Bahamas	12 weeks	12 weeks	100%	Social insurance (66.6% for 13 weeks) and employer (33.4% for 12 weeks)
Barbados	12 weeks	12 weeks	100%	Social insurance
Belize	14 weeks	14 weeks	100%	Social insurance (or employer for women who are not entitled to receive social insurance benefits)
Bolivia	60 days	9 weeks	100% of minimum wage; 75% of wages used as the base in case the wage is over the national minimum wage	Social insurance
Brazil	120 days ¹¹	17 weeks	100%	Social insurance
Canada	17 weeks (federal)	17 weeks	55% up to a ceiling for 15 weeks	Social insurance

Country	Duration of maternity leave (as expressed in the national legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Chile	18 weeks	18 weeks	100% (up to a ceiling)	Social insurance
Colombia	14 weeks	14 weeks	100%	Social insurance
Costa Rica	4 months	17 weeks	100%	Social insurance (50%), employer (50%)
Cuba	18 weeks	18 weeks	100%	Social insurance
Dominica	12 weeks	12 weeks	60%	Social insurance
Dominican Republic	12 weeks	12 weeks	100%	Social insurance (50%), employer (50%)
Ecuador	12 weeks	12 weeks	100%	Mixed (75% social insurance, 25% employer)
El Salvador	12 weeks	12 weeks	75%	Employer (social insurance gradually covers risks for maternity related reasons)
Grenada	3 months	13 weeks	100% for 2 months and 65% for the final month	Social insurance (65% for 3 months), employer (40% for 2 months)
Guatemala	84 days	12 weeks	100%	Mixed (67% paid by social insurance, 33% paid by employer); employer pays for workers who are not insured
Guyana	13 weeks	13 weeks	70%	Social insurance
Haiti	12 weeks	12 weeks	100%	Social Insurance (provided woman is insured by social insurance)
Honduras	10 weeks	10 weeks	100% for 84 days	Mixed (social insurance pays two-thirds and employer pays one-third)
Honduras	10 weeks	10 weeks	100% for 84 days	Mixed (social insurance pays two-thirds and employer pays one-third)
Jamaica	12 weeks	12 weeks	100% for 8 weeks	Employer
Mexico	12 weeks	12 weeks	100%	Social insurance
Nicaragua	12 weeks	12 weeks	100%	Mixed (60% social insurance, 40% employer)
Panama	14 weeks	14 weeks	100%	Mixed (employer makes up the difference between social insurance/mandatory individual account payments and wages)
Paraguay	12 weeks	12 weeks	50% for 9 weeks	Social insurance
Peru	90 days	13 weeks	100%	Social insurance
St. Kitts and Nevis	13 weeks	13 weeks	65%	Social insurance
St. Lucia	3 months	13 weeks	65%	Social insurance
St. Vincent and Grenadines	13 weeks	13 weeks	65%	Social insurance
Trinidad and Tobago	13 weeks	13 weeks	100% (based on a calculation of how much a worker paid into social insurance)	Social insurance
United States	12 weeks (federal level)	12 weeks (federal level)	Unpaid	No national programme
Uruguay	12 weeks	12 weeks	100%	Social insurance

Country	Duration of maternity leave (as expressed in the national legislation)	Duration of maternity leave, converted into weeks	Amount of maternity leave benefits	Source of maternity leave benefits
Venezuela	18 weeks	18 weeks	100%	Social insurance
MIDDLE EAST (ARAB STATES)				
Bahrain	60 days	9 weeks	100% for 45 days; then unpaid	Social insurance
Iraq	62 days	9 weeks	100%	Employer
Jordan	10 weeks	10 weeks	100%	Social insurance
Kuwait	70 days	10 weeks	100%	Employer
Lebanon	7 weeks	7 weeks	100%	Employer ¹²
Qatar	50 days	7 weeks	100%	Employer
Saudi Arabia	10 weeks	10 weeks	50% or 100% (depending on the duration of employment)	Employer
Syria	120 days (for first child)	17 weeks	100%	Employer
United Arab Emirates	45 days	6 weeks	50% or 100% (after one year of continuous employment)	Employer
Yemen	60 days	9 weeks	100%	Employer

- 1) In Burkina Faso the benefit under the Social Security Fund is equivalent to the part of the woman's salary on which social security contributions are paid. The employer must pay the difference between this amount and the woman's actual salary.
- 2) In Guinea-Bissau if the woman is not covered by social insurance, but is otherwise qualified for maternity leave, her employer is responsible for the full payment of her cash maternity benefits.
- 3) In Rwanda the employer remains responsible for payment of maternity benefits until the maternity insurance fund is implemented.
- 4) In Australia parental leave amounts to 52 weeks, which may be shared between the parents. The mother may take 6 weeks of pre-natal leave.
- 5) China raised its maternity leave duration from 90 days (13 weeks) to 98 days (14 weeks) in 2012.
- 6) In Korea for employees of enterprises that meet the criteria in the Employment Insurance Fund, then the fund pays for maternity leave. If the enterprise does not meet these criteria then the employer pays the first 60 days of maternity leave.
- 7) In Albania 365 calendar days, including a minimum of 35 days prior to and 42 days after childbirth.
- 8) In Bulgaria this period is calculated by adding the 45 days compulsory leave to the 6 months (=182 days) postnatal leave.
- 9) Norway has a system of paid maternity, paternity and parental leave of 57 weeks or 47 weeks altogether (paid respectively at 80% or 100% of previous earnings). For the purpose of determining the length of maternity leave, the 10 weeks of paid leave exclusively reserved for the father have been left out of consideration. The mother may use the remainder of 47 or 37 weeks, of which 9 weeks are exclusively reserved for her.
- 10) In Sweden, parents have 480 days' paid parental leave: 80% for 390 days and 90 days at a flat rate.
- 11) In Brazil the law provides that it is optional for private companies to grant additional 60 days. The employer covers the costs of these additional days.
- 12) Cash benefits are also provided by the Social Security Act. It remained unclear how this benefit entitlement interacts with the entitlement stipulated in the Labour Code.

Minimum wages

“Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.”

–Universal Declaration of Human Rights,
Article 23(3)³⁹

Pay is a matter of vital importance for wage earners and their families. Wages influence general conditions of life for workers and their decisions as to what they use their pay for influence economic activity from the local to the national level. Owing to what wages mean for workers and families it is also important for social peace and progress within a nation.

From its inception, the founding members of the International Labour Organisation believed that one aspect that should be the subject of regulations was the wage that allowed workers “a reasonable standard of life as this is understood in their time and country”.⁴⁰ This was

a response to the concerns presented by member states that had signed the Treaty of Versailles and considered among its priorities the provision of an adequate living wage. These principles were established in both the Preamble to Part XIII of the Peace Treaty and in Article 427, which in turn became part of the ILO Constitution. After updates to the ILO Constitution these wage provisions became even more entrenched as they were identified in the Preamble and Article 41 of the ILO Constitution. In 1944 the ILO reaffirmed its concern over workers’ wages in the Declaration of Philadelphia in which member countries recognised “...the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve...a living wage for all employed and in need of such protection.”

In addition to the statements above acknowledging the importance of living wages, the ILO also developed international standards meant to assist countries in their efforts to establish national minimum wages. Minimum wage fixing provides a way for direct government intervention to reduce financial and social injustice. Originally, minimum wages were intended for workers who did not benefit from the protection of collective agreements and who had been on low wages. The first major international standard on minimum wages was the Minimum Wage Fixing convention, 1928 (No. 26), which came about as a result of an inquiry in 1921 by the ILO into existing national systems of minimum wage fixing, especially in industries in which the employers or workers

³⁹ The Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly in resolution 217 A (III), of 10 December 1948.

⁴⁰ ILO: Constitution and Rules, Geneva, October 1921, pp. 4 and 17.

were unorganised or insufficiently organised. ILO Convention No. 26 stipulated the need to create or maintain machinery whereby minimum rates of wages can be fixed for workers employed in certain trades or part of trades where no arrangements otherwise exist for the effective regulation of wages by collective agreements or otherwise and where wages are exceptionally low.

In 1970 the ILO went further in its development of international standards on minimum wages by introducing the ILO Minimum Wage Fixing Convention, 1970 (No. 131) and the Minimum Wage Fixing Recommendation, 1970 (No. 135). Convention No. 131 outlined that member countries would undertake to establish a system of minimum wages covering all groups of wage earners; required national authorities to agree or consult with workers' and employers' organisations to determine wage earners covered; stipulated that the established minimum wage would have the force of law and sanctions could be applied for violations; stipulated that collective bargaining would be respected in terms of wage setting situations; established the elements to set minimum wages, including general level of wages in a country, cost of living, social insurance benefits, and the relative standards of other social groups; listed economic factors to be accounted for as including economic development, levels of productivity, and desirability of attaining and maintaining a high level of employment; and obligated countries to establish a machinery adapted to national conditions whereby national minimum wages can be fixed and adjusted from time to time.

The implementation of the minimum wage has a number of objectives that can have different impacts. If properly developed and implemented they compress the lower end of the wage distribution in labour market by prohibiting unduly low pay. They can also simultaneously increase income and boost consumption by workers at the bottom of the wage distribution, help to reduce inequality between groups in the labour market, and ensure workers receive a fairer share of economic growth. However, if minimum wages are poorly designed and implemented they can have negative consequences. Setting the minimum wage too high can affect employment and adversely affect the degree of compliance, but if it is set too low it is meaningless for low-paid workers. Evidence based information to set the minimum wage is therefore vital in the achievement of policy goals without compromising the labour market and economic outcomes.

In most countries, but particularly in developing countries, minimum wages often directly influence the wages for workers in the informal economy, which in turn have consequences for wage levels and the labour market as a whole. In general, minimum wages are meant to advance social and economic objectives, such as reducing wage inequality, preventing unduly low wages, protecting employers from wage dumping by competitors, increasing productivity, and limiting poverty among low-paid and unskilled workers. In recent years, as a result of economic crises all over the world, minimum wage fixing may also have brought about some measure of stability to demand and ensured a decent level of income for workers. Thus, minimum wage fixing tends to be a significant factor in a country's economic policy.

Given the importance of wages, the national legal setting takes on a profound significance. Factors such as the rate the minimum wage is set at, the machinery that sets the wage, and the level of decision-making at which this rate is determined are all critical to ensuring a functional minimum wage in practice. This section of the report will examine legislation on minimum wage setting in over 130 countries around the world. What will be demonstrated is that while there are different means to set minimum wages, their importance has been recognised in many countries around the world.

1. Minimum wage rates

Wages are a central feature of working conditions. The level at which wages are set determine normal weekly working hours and overtime hours. Wages have a direct effect on work motivation and job satisfaction. For enterprises wages are the major cost that they must address and they must strike a balance in the level of wages in order to find the best, motivated workforce. Given the importance of wages, the manner in which they are set can be crucial to individual workers' well-being, organisational development, and social and economic harmony in a society.

Article 3 of the ILO Minimum Wage Fixing Convention, 1970 (No. 131) establishes the internationally accepted criteria for minimum wage fixing and adjustments. The balance is between what workers need and what economic conditions are faced by enterprises and/or the national economy. For workers the factors that influence the minimum wage rate are worker and family needs, the general level of wages in the economy, the cost of living, the availability of social insurance benefits, and the relative living standards of other social groups. For enterprises and the national economy, economic factors (including economic development), levels of productivity, and the desirability of attaining and maintaining a high level of employment are the main considerations.

The minimum wage rates used in this chapter are absolute rates, applicable as of 31 December 2012, and converted into US dollars (USD).⁴¹

GLOBAL

Globally, five clusters of minimum wage levels can be distinguished, around which the categories in Graph 8 and Table 8 have been built: a monthly minimum wage of less than 50 USD; a monthly minimum wage from 50 to 149 USD; from 150 to 299 USD; from 300 to 1,000 USD; and a minimum wage exceeding 1,000 USD.

Globally less than a tenth of countries (6%) have monthly minimum wages of less than USD 50 per month, while a slightly higher percentage (8%) has no minimum wage. The largest group of countries comprises those which have monthly minimum wages of USD 50 to USD 149 (28%). The rest of the countries vary between USD 1000 or more (15%) and USD 300 to USD 999 (22%). The majority of countries with monthly minimum wages set above USD 1000 are industrialised countries.

It should be noted that despite the legally mandated monthly minimum wage, what actually may be paid can vary depending on the efficiency of the institutions that guarantee wage payments.

⁴¹ This does not reflect the cost of labour or the purchasing price parity (otherwise known as the PPP).

REGIONAL

Regionally the picture is far more diverse.

In **Africa** a sizable proportion of countries (59%) have set the legal monthly minimum wage between USD 50 to USD 149. This is followed by countries (18%) that have a monthly minimum wage of USD 150 to USD 299 and those with a monthly minimum wage of less than USD 50 (13%). However, a tenth (10%) do not have a legally designated minimum wage.

The largest proportion of countries in **Asia and the Pacific** (29%) have legally set the monthly minimum wage between USD 50 to USD 149. The next highest cluster of countries (21%) sets monthly minimum wages between USD 150 and USD 299. However, the cluster dispersion after that is more or less similar. For example, an equal percentage of countries set the monthly minimum wage at USD 50 (13%), USD 300 to USD 999 (13%), and USD 1000 or more (13%). Finally, the same percentage (13%) of countries has no minimum wage legislation.

Countries in **Europe and the CIS** have the highest proportion (45%) with monthly minimum wage rates set at USD 1000 or more. A third of countries in this region (33%) have rates of USD 300 to USD 999. Perhaps not surprisingly there are no countries in this region which legislate for less than USD 50 per month.

Half of the countries in the **Americas and Caribbean** (50%) have legal monthly minimum wages of USD 300 to USD 999. This is the highest proportion in the region. A third (33%) of countries in this region has legislation setting a monthly minimum wage of USD 150 to USD 299, the second highest proportion. What is notable in this region is that no country legislates for monthly minimum rates of less than USD 50.

Among countries in the **Middle East (Arab States)** half do not have a legally established minimum wage according to the survey information. A quarter of countries in the region (25%) legislates for USD 150 to USD 299. Equal percentages of countries legislate for monthly minimum wage rates of between USD 50 and USD 149 (13%) and USD 300 to USD 999 (13%).

Graph 8: Monthly minimum wages by region (USD), 2012

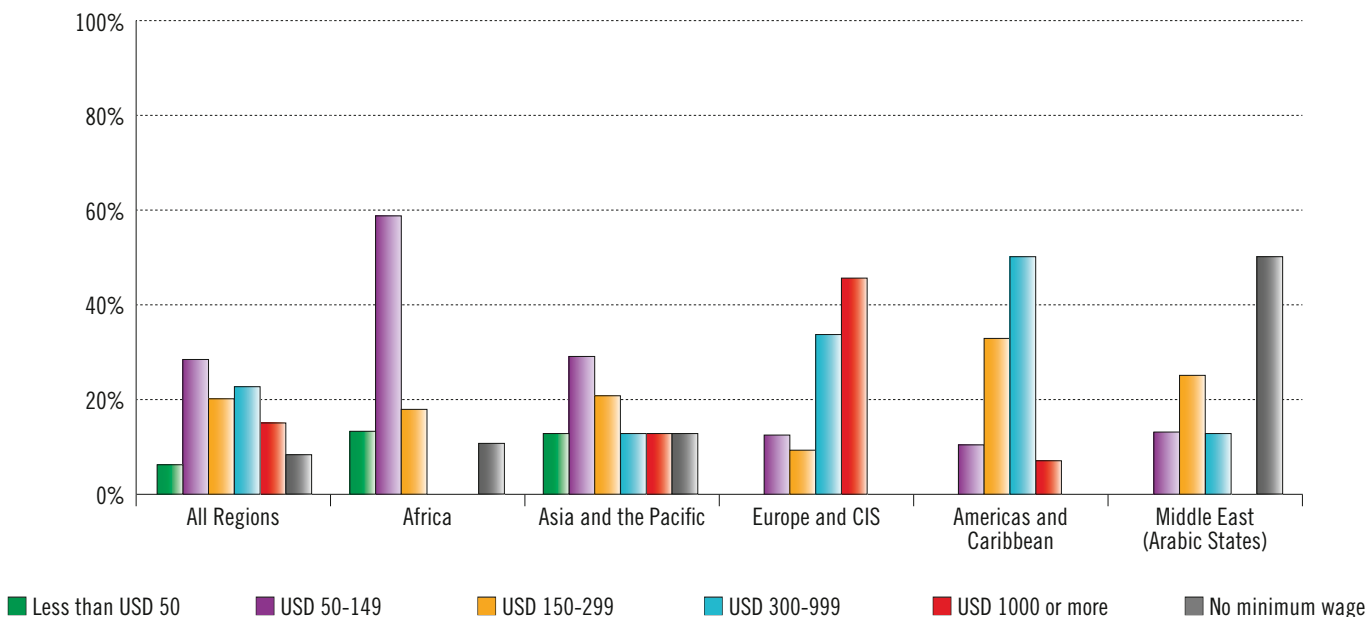


Table 8: Monthly minimum wages by country and region, 2012

Region	Less than USD 50	USD 50-149	USD 150-299	USD 300-999	USD 1,000 or more	No minimum wage
Africa	Burundi, Democratic Republic of Congo, Ghana, Guinea Bissau, Malawi	Angola, Benin, Botswana, Burkina Faso, Cameroon, Chad, Comoros, Egypt, Ivory Coast, Kenya, Lesotho, Mali, Madagascar, Mauritania, Mozambique, Niger, Nigeria, Senegal, Seychelles, Sudan, Swaziland, Tanzania, Togo, Zambia	Algeria, Equatorial Guinea, Gabon, Libya, Mauritius, Morocco, Tunisia			Cape Verde, Eritrea, Ethiopia, Guinea
Asia and the Pacific	India, Lao Democratic Peoples Republic, Vietnam	Afghanistan, Cambodia, Indonesia, Mongolia, Nepal, Pakistan, Solomon Islands	China, Papua-New Guinea, Philippines, Thailand, Vanuatu	Fiji, Iran, Republic of Korea	Australia, Japan, New Zealand	Brunei-Darussalam, Kiribati, Singapore
Europe and CIS		Armenia, Moldova, Russian Federation, Ukraine	Bulgaria, Romania, Serbia	Croatia, Czech Republic, Estonia, Hungary, Lithuania, Malta, Portugal, Slovakia, Slovenia, Spain, Turkey	Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, San Marino, Sweden, United Kingdom	
Americas and Caribbean		Bolivia, Mexico, Nicaragua	Colombia, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Jamaica, Peru	Antigua and Barbuda, Bahamas, Argentina, Belize, Brazil, Chile, Costa Rica, Grenada, Honduras, Panama, Paraguay, St. Kitts and Nevis, Trinidad and Tobago, Uruguay, Venezuela	Canada, United States	
Middle East (Arab States)		Iraq	Jordan, Kuwait	Lebanon		Bahrain, Qatar, Saudi Arabia, Yemen

The market exchange rate of 2011 provided by World Bank [Official exchange rate (LCU per US\$, period average)]; Euro-US Dollar conversions based on 30 December 2012 data from International Monetary Fund Representative Exchange Rates for Selected Currencies (US\$ 1.29 = €1.00 or US\$ 1.00 = €0.78).

Minimum wage rate data unavailable for Bangladesh, Barbados, Central African Republic, Congo, Croatia, Cyprus, Djibouti, Gambia, Guinea, Guyana, Greece, Israel, Latvia, Malaysia, Myanmar, Namibia, Rwanda, Sao Tome and Principe, Somalia, South Africa (sector or CBA determined), Sri Lanka (sector determined) Syria (manufacturing sector), Switzerland, Uganda, United Arab Emirates (manufacturing sector), Zimbabwe (exchange rate conversion issue).

In Eritrea and Ethiopia minimum wages are determined through workplace or collective agreements.

The observation for Canada is based on the minimum wage set in Ontario.

In China there are 31 province-level minimum wage rates, but the rate used for this study is the rate for Beijing (based on the fact that previous reports have used Beijing minimum wage rate). However, the highest minimum wage rate among the Chinese provinces is in Shanghai (Beijing is second).

The figure noted for India is based on the National Floor Level Minimum Wage recommendation of 100 rupees per month, though in some regions the rate is lower.

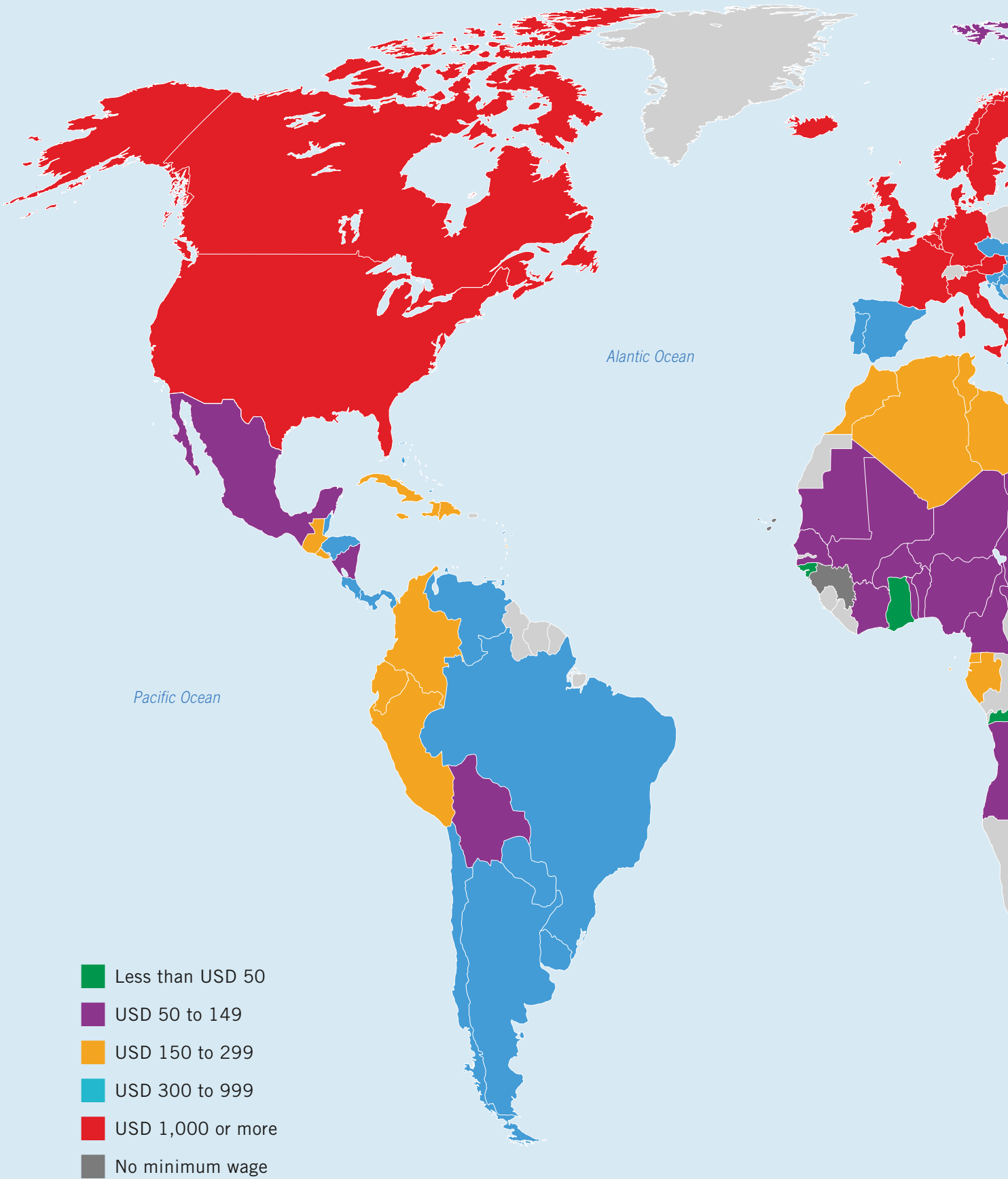
The figure in Thailand is based on the minimum wage rate for Bangkok (based on previous reports), which is also the highest regional minimum wage rate in Thailand.

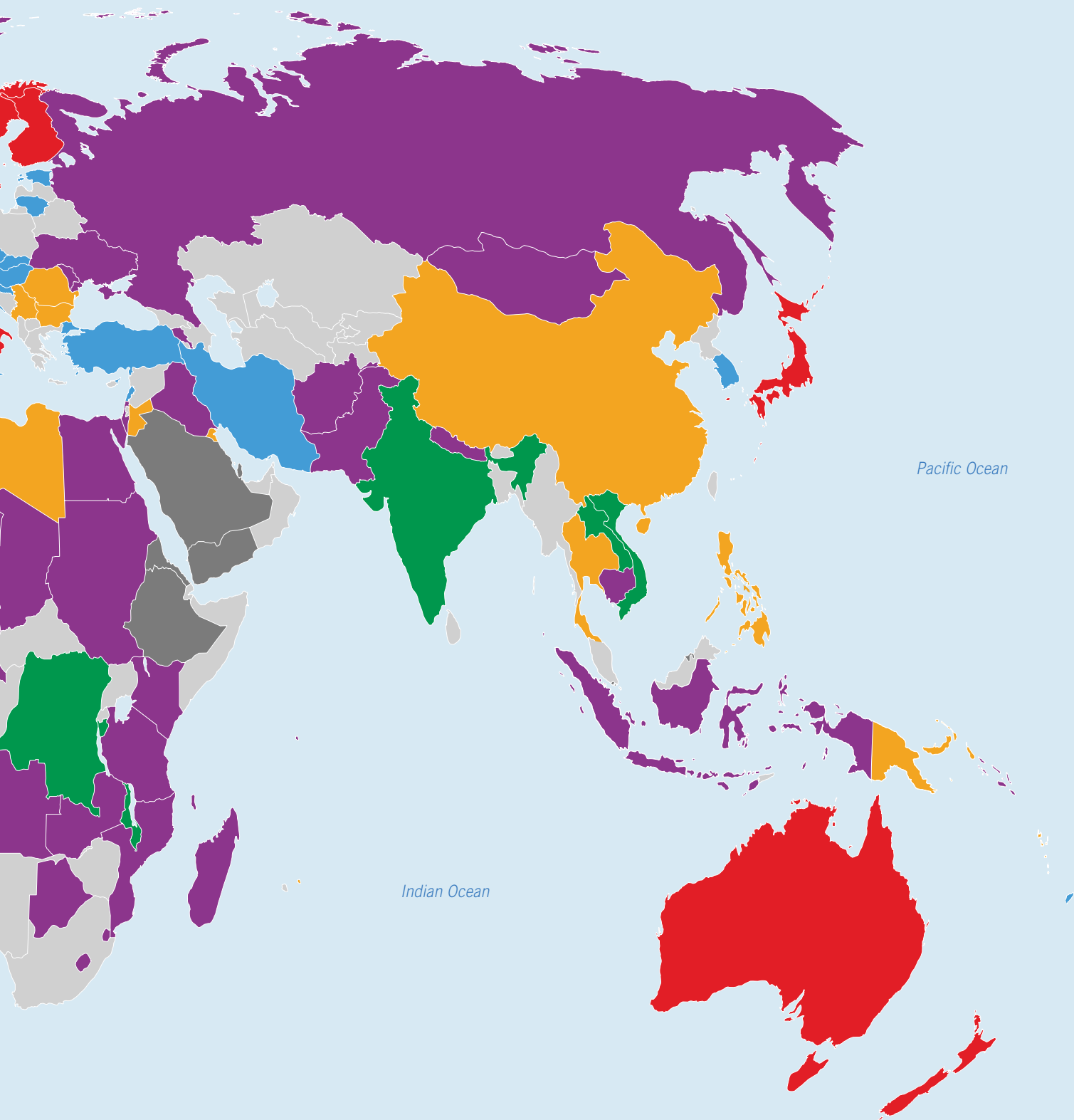
The monthly minimum wage rate for employees of Vietnamese companies, cooperatives etc., which can also vary by locality.

Rates for Denmark, Finland, Germany, Norway and Sweden are represented by sectors of the economy as close to manufacturing as possible (the figures are illustrative, but do not represent the whole of the country regarding national minimum wages).

Spain has two additional months of payment per year, which are determined in collective agreements.

World map: Monthly minimum wages, 2012





2. Minimum wage fixing:

Mechanisms

Each Member which ratifies this Convention shall create and/or maintain machinery adapted to national conditions and requirements whereby minimum wages for groups of wage earners covered ... can be fixed and adjusted from time to time [Convention No. 131, Article 4(1)].

Provision shall be made, in connection with the establishment, operation and modification of such machinery, for full consultation with representative organisations of employers and workers concerned or, where no such organisations exist, representatives of employers and workers concerned [Convention No. 131, Article 4(2)].

Wherever it is appropriate to the nature of the minimum wage fixing machinery, provision shall also be made for the direct participation in its operation of–

- (a) representatives of organisations of employers and workers concerned or, where no such organisations exist, representatives of employers and workers concerned, on a basis of equality;*
- (b) persons having recognised competence for representing the general interests of the country and appointed after full consultation with representative organisations of employers and workers concerned, where such organisations exist and such consultation is in accordance with national law or practice [Convention No. 131, Article 4(3)].*

The minimum wage fixing machinery (...) may take a variety of forms, such as the fixing of minimum wages by–

- (a) statute;*
- (b) decisions of the competent authority, with or without formal provision for taking account of recommendations from other bodies;*
- (c) decisions of wages boards or councils;*
- (d) industrial or labour courts or tribunals; or*
- (e) giving the force of law to provisions of collective agreements [Recommendation No. 135, Paragraph 6].*

As these portions of ILO Convention No. 131 highlight, there are a number of mechanisms that can be engaged to set minimum wage rates. There is no one way that is recommended over another, but research has indicated some of the reasons why a country uses one mechanism (or series of mechanisms) over another.

There are different minimum wage fixing mechanisms regulated in the countries reviewed. For the purpose of this report, it has been specified whether the government or a specialized body sets the minimum wage alone, whether the government acts after consultation with or upon recommendation of a specialized body (bipartite or tripartite) or of the social partners, or whether minimum wages are predominantly set by collective agreements.

GLOBAL

Slightly less than half of the countries surveyed globally (46%) have legislation that provides that the government set the minimum wage following consultation or recommendation of a specialised body. The legislation in a tenth (10%) of countries permits the government alone to set the minimum wage. Specialised bodies legally determine wages in just over a tenth of countries (11%), which is slightly more than are determined through collective bargaining (9%).

This is not to suggest that countries do not have more than one way to set a minimum wage. Many countries, while having a consultative process, may also have some form of collective bargaining in which some form of minimum wage setting takes place. These different mechanisms are important in that they allow some flexibility in wage setting, which can mean wage payments that more accurately reflect issues such as productivity or the role of a particular sector/occupation in the economy.

REGIONAL

The vast majority of countries in **Africa** (60%) have legislation requiring recommendation or consultation with a specialised body. Just under a fifth of countries in this region (17%) stipulates in their legislation that governments should directly consult with employers and worker organisations. In this region legislation providing government determined minimum wages (6%) and collectively bargained minimum wages (8%) take place in almost the same proportion.

The legislation in a large proportion of countries in **Asia and the Pacific** also requires governments to use recommendation/consultation with a wage body (39%) to set minimum wage rates. Government determined minimum wages (18%), government in consultation with worker and employer organisations (21%), and wages determined specifically by specialised bodies (15%) are also used often in this region to establish minimum wages. However, collective bargaining alone between social partners is least used in this region (4%) to determine national minimum wages.

Among **European and CIS** countries legislation that compels dialogue between tripartite actors to set minimum wages is heavily emphasised. Thus, this is the only region where national collective bargaining is the most dominant manner of setting minimum wages (29%). This is followed by government consulting with a specialised body (26%) or with social partners (26%) in equal amounts.

In half (50%) of the countries in the **Americas and Caribbean**, governments consult or get a recommendation from a specialised body in setting the minimum wage. A quarter of countries (25%) legally requires a specialised body to set the minimum wage. Governments in this region determine wages alone in a fair proportion of countries (16%), whereas government consultation with workers and employer organisations is least used (9%). No country in this region included in this study sets minimum wages through national collective bargaining alone.

Among the countries in the **Middle East (Arab States)** that have legally set minimum wages, the majority are those in which the government consults a specialised body (50%). Government consultation with social actors is limited (10%).

Graph 9: Minimum Wage-Fixing Mechanism by Region, 2012

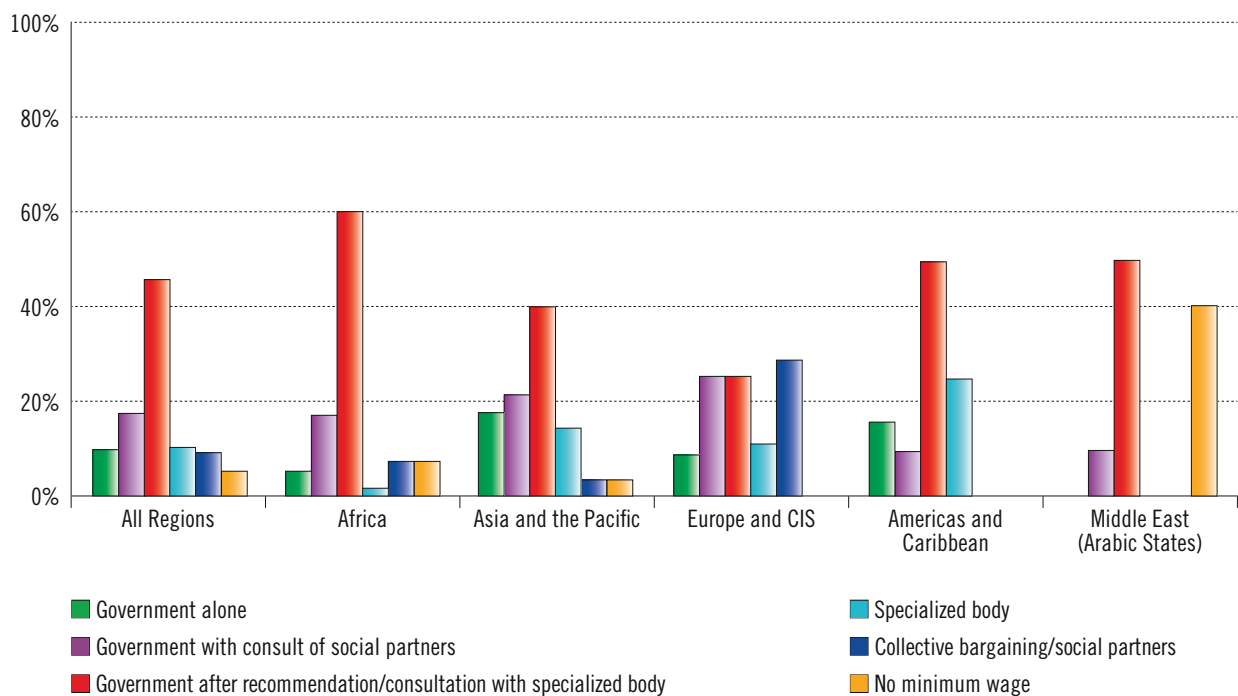


Table 9: Minimum wage-fixing mechanisms by Country & Region, 2012

Region	Government alone	Government upon consultation of the social partners	Government following the recommendation/consultation of a specialized body	Specialized body	Collective bargaining/social partners	No minimum wage
Africa	Nigeria, Sao Tome and Principe	Algeria, Equatorial Guinea, Mali, Malawi, Morocco, Rwanda, Seychelles, Zambia, Zimbabwe ¹⁵	Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Egypt, Gabon, Ivory Coast, Guinea-Bissau, Kenya, Lesotho, Libya, Madagascar, Mauritania, Mauritius, Mozambique, Niger, Senegal, Somalia, South Africa*, Sudan*, Swaziland, United Republic of Tanzania, Togo, Tunisia*, Uganda, Zambia ¹⁶	Ghana	Eritrea, Namibia	Cape Verde, Ethiopia, Eritrea, Guinea
Asia and the Pacific	Afghanistan ¹⁷ , Lao People's Democratic Republic, Myanmar*, New Zealand, Vanuatu*	China, Iran*, Kiribati*, Mongolia, Solomon Islands*, Vietnam*	Bangladesh, Cambodia, Fiji*, India*, Indonesia*, Japan*, Republic of Korea, Malaysia*, Nepal, Pakistan*, Thailand*	Australia*, Papua-New Guinea, Philippines*, Sri Lanka*		Brunei-Darussalam, Singapore ¹⁸
Europe and CIS	Croatia ¹⁹ , Luxembourg, Netherlands	Czech Republic, Estonia, Ireland ²⁰ , Moldova, Romania*, Russian Federation, Slovenia, Spain, Ukraine	Albania, Bulgaria, Cyprus*, France*, Hungary, Lithuania, Malta, Portugal, United Kingdom	Austria*, Belgium ²¹ , Serbia, Turkey	Denmark, Finland, Germany, Iceland, Italy, Norway, San Marino, Slovakia*, Sweden, Switzerland*	
Americas and Caribbean	Bolivia, Brazil, Canada ²² *, St Kitts and Nevis, United States	Bahamas, Chile ²³ , Cuba	Antigua and Barbuda, Barbados*, Belize, Dominica, El Salvador, Grenada, Guatemala*, Guyana, Haiti, Honduras*, Jamaica, Panama, Paraguay, Trinidad and Tobago, Uruguay, Venezuela	Argentina, Colombia, Costa Rica, Dominican Republic, Ecuador, Mexico*, Nicaragua*, Peru		
Middle East (Arab States)		United Arab Emirates	Iraq, Jordan, Kuwait, Lebanon, Syria			Bahrain, Qatar, Saudi Arabia, Yemen

*These countries have different mechanisms to set legal minimum wages (including industry/sector set minimum wages, regional minimum wages, national industry/sector collective bargaining agreements, etc.).

15) The Minister in Zimbabwe determines whether to consult with social partners (there is no obligation to do so) or whether to determine and set minimum wage rates alone.

16) In Zambia, if a group of workers is represented by a trade union, then the Minister must consult with the trade union before setting the minimum wage. If not, the Minister can set the minimum wage.

17) In Afghanistan, though there is no private sector minimum wage, the minimum wage in this sector cannot be lower than government workers' minimum wage levels.

18) Though there is no national minimum wage in Singapore, the Minister of Labour, on advice from the National Wage Council, can recommend wage adjustments.

19) There is no minimum wage in Croatia, but wages cannot be lower than government pensions or disability payments.

20) In Ireland, both the government and the labour court may set minimum wages upon recommendation of a specialised body.

21) National level collective agreements, which determine minimum wages in Belgium, are negotiated by the National Labour Council.

22) Minimum wages in Canada are set at the provincial level using different consultative mechanisms found within the laws of the Canadian provinces.

23) While there is no legal obligation to consult social partners, in practice the government in Chile does consult them in setting the minimum wage.

3. Minimum wage fixing: Levels

The system of minimum wages may be applied ... either by fixing a single minimum wage of general application or by fixing a series of minimum wages applying to particular groups of workers [Recommendation No. 135, Paragraph 5].

A system based on a single minimum wage –

- (a) need not be incompatible with the fixing of different rates of minimum wages in different regions or zones with a view to allowing for differences in costs of living;*
- (b) should not impair the effects of decisions, past or future, fixing minimum wages higher than the general minimum for particular groups of workers [Recommendation No. 135, Paragraph 5].*

GLOBAL

On a global basis it appears that among the countries examined, minimum wage rates are set at two main levels: at the national level (45%) and at the national level by sector or industry (43%). Regional (3%) and regional occupational (3%) are the following levels at which wages are set. It should be noted that some countries employ different levels of wage setting, but for the purpose of clarity in this report they have only been categorised in one main category.

REGIONAL

In **Africa** a vast majority of countries set minimum wages nationally by sector and/or occupation (55%). Almost a third set the minimum wage at the national level (30%). A very small minority of countries (6%) set wages regionally by sector/occupation.

Countries in the **Asia and Pacific** region employ either national wage setting (48%) or national wage setting by occupation/sector (33%). The percentage of countries (11%) in this region utilising regional wage setting is the highest of any region in the world. A smaller group of countries (4%) uses wage setting that is regional by sector and occupation.

The vast majority of countries in **Europe and CIS** (64%) use national wage setting. About a third (33%) use national wage setting by sector and/or occupation. Most of the countries in the latter category are in the Nordic region and Western Europe, where institutions for collective bargaining are dominant and thus form the basis for wage setting.

In the **Americas and Caribbean** the dominant level of wage fixing is nationally by sector and/or occupation (59%). The second most dominant level is setting the wage at the national level (38%).

Among **Middle Eastern (Arab States)** countries national wage setting is the dominant level of wage setting among those that have some form of minimum wage setting (40%). The other form is national wage setting by sector and/or occupation (20%).

Graph 10: Minimum Wage-Fixing Levels by Country and Region, 2012

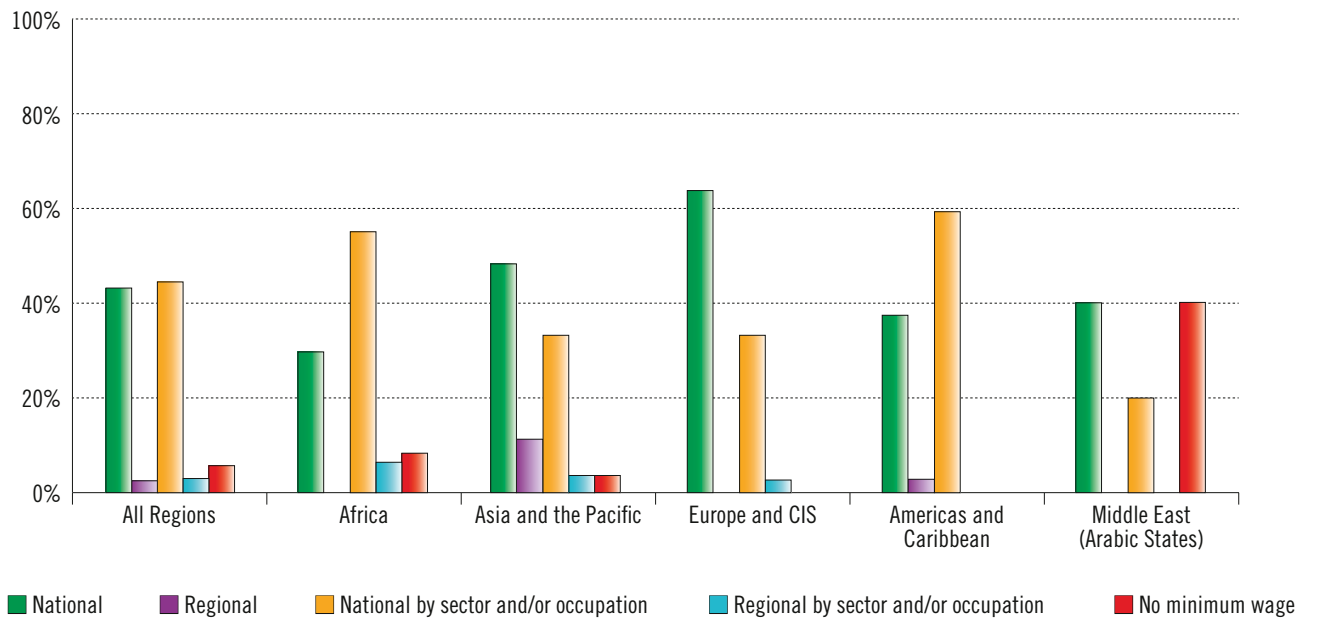


Table 10: Minimum wage-fixing levels by country and region, 2012

Region	National	Regional	National by sector and/or occupation	Regional by sector and/or occupation	No minimum wage
Africa	Algeria, Benin, Burkina Faso, Eritrea, Gabon, Ghana, Libya, Nigeria, Rwanda, Sao Tome and Principe, Seychelles, Somalia*, Sudan, Swaziland, Zambia, Zimbabwe		Angola*, Botswana, Burundi, Cameroon, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Ivory Coast, Egypt, Equatorial Guinea, Guinea-Bissau, Lesotho, Madagascar, Malawi, Mauritania, Mauritius**, Morocco, Mozambique, Niger, Senegal, South Africa, United Republic of Tanzania, Togo, Tunisia, Uganda	Kenya, Mali, Namibia*	Cape Verde, Eritrea ¹ , Ethiopia ¹ , Guinea
Asia and the Pacific	Afghanistan ² , Republic of Korea, Lao People's Democratic Republic, Mongolia, Myanmar ³ , Nepal, New Zealand, Papua-New Guinea*, Solomon Islands, Thailand, Vanuatu*, Vietnam**	China, Indonesia*, Japan*	Australia*, Bangladesh**, Cambodia, Fiji**, India*, Iran*, Malaysia*, Pakistan*, Sri Lanka	Philippines**	Brunei-Darussalam, Singapore
Europe and CIS	Armenia, Bulgaria, Cyprus, Czech Republic, Estonia, France, Hungary, Ireland, Lithuania, Luxembourg, Malta*, Moldova, Netherlands, Portugal, Romania, Russian Federation*, Serbia, Slovakia, Slovenia, Spain, Turkey, Ukraine, United Kingdom		Austria*, Belgium*, Croatia** ⁴ , Denmark, Finland*, Germany, Greece, Iceland, Italy, Norway, San Marino, Sweden	Switzerland*	
Americas and Caribbean	Bahamas, Bolivia, Brazil*, Chile, Colombia, Cuba, Haiti, Paraguay, Peru, Trinidad and Tobago, United States*, Venezuela	Canada*	Antigua and Barbuda, Argentina, Barbados, Belize, Costa Rica, Dominica, Dominican Republic**, Ecuador**, El Salvador, Grenada, Guatemala, Guyana ⁵ , Honduras**, Jamaica, Mexico**, Nicaragua, Panama**, St. Kitts and Nevis*, Uruguay*		
Middle East (Arab States)	Iraq, Jordan, Lebanon, United Arab Emirates		Kuwait, Syria*		Bahrain, Qatar, Saudi Arabia, Yemen

*Some countries have more than one level at which minimum wages are fixed.

** Some countries have an additional component: for example, the size or type of company, area, etc.

- 1) Legislation in Eritrea and Ethiopia stipulates that minimum wages are determined by collective agreements within an enterprise or undertaking.
- 2) Afghanistan sets minimum wages within government ministries and industries where it has more than 50 % ownership.
- 3) Myanmar extends minimum wage law to all workers (with the exception of casual workers), but only rice milling and cigar rolling have industry minimum wages at the time of writing.
- 4) In Croatia coverage of collective agreements is not complete for employed workers and the wage may be less for those not covered by such agreements.
- 5) In Guyana no national or standard minimum wage has been established in legislation, but a series of minimum wages for different categories of workers has been developed.

Namibia, India, Germany, Italy, Norway, and Sweden also have sector and/or occupational minimum wages which do not automatically apply to all workers concerned in a region or the country.

Kiribati allows minimum wages to be set by ministerial order though no ministerial order has been issued at the time of writing.

METHODOLOGY: Minimum wages

General

Different from previous chapters, this chapter contains information both on legislation and, if legislation does not exist, on collective agreements.

Minimum wage rates

To enable comparisons between countries, the minimum wage rate is provided for all countries as of 31 December 2011.

If necessary, the derived minimum wage has been converted into a monthly rate: Where a minimum wage is provided on an hourly basis, it has been multiplied by the statutory normal weekly working hours (e.g. 35 hours in France, 48 hours in Panama). Where the minimum wage is provided on a daily basis, it has been multiplied by the number of days of a normal working week (i.e. 44 hours per week and a normal 8-hour day would be calculated as 5.5 days). The weekly minimum wage is then multiplied by 4.33, which is the calculated average number of weeks included in a month, and rounded.

When the minimum wage is paid for more than 12 months per year (as is the case in Greece, for example), data have been adjusted to take these payments into account.

The market exchange rate of 2012 (average over the year), as provided by the Official exchange rate (LCU per US\$, period average; World Bank Group), has been used, as it is one of the most cited exchange rates. As a result, no account is taken of the purchasing power of the minimum wages in each country.

In this report, minimum wages are reported in gross amounts (not net amounts). Income tax and social insurance contributions are not taken into consideration, since they vary from country to country and make a comparison based on the net wage not feasible.

Treatment of multiple minimum wage rates

For countries with more than one minimum wage, the following multi-tiered approach has been taken:

- Where national/federal and regional minimum wages exist, the national/federal minimum wage has been included.
- Where the minimum wage is set at a regional level, the capital region has been selected.
- Where minimum wages vary by age, experience or occupation, the lowest minimum wage applicable to an unskilled adult worker has been provided. A possible different minimum wage rate for a probation period has not been taken into consideration.
- Where no general minimum wage applies to all sectors, but specific rates are set for different sectors, the rate for the manufacturing sector has been selected.
- For countries where no single minimum wage for the manufacturing sector exists (e.g. Finland, Austria) the minimum wage that was applied was one that covers most workers in this sector.
- For some countries (e.g. Germany, Switzerland) no single representative minimum wage for the manufacturing sector could be identified.
- Where minimum wage rates vary by the size of the firm, the rate applicable to the smallest firm size has been selected.
- In general, statutory minimum wages have been provided. Only for countries where minimum wages are predominantly set by collective agreements have the latter been included (e.g. Finland, Norway).

Minimum wages: Excluded workers

Workers categorized as excluded in Annex 3 are those to whom the predominant minimum wage setting mechanism(s) in general do not apply.

Minimum wages as understood in this report are targeted by their very nature at providing a minimum wage level for the private sector. Therefore, public sector workers are not explicitly mentioned as “excluded”, even when mentioned in the legal provisions.

ANNEX TO CHAPTER THREE: MINIMUM WAGE LAWS, 2011

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
AFRICA					
Algeria	15000 dinars per month	\$205	Government in consultation with social partners	National	None
Angola	9371 Kwanzas per month	\$100	Government (on recommendation of tripartite body)	National and by sector	None
Benin	31625 CFA francs per month	\$67	Government (on recommendation of tripartite body)	National	None
Botswana	740 Pula per month	\$108	Government (on recommendation of tripartite body)	National by sector and occupation	Minimum wages only apply to specified sectors and occupations
Burkina Faso	30684 FCFA per month	\$65	Government (on recommendation of tripartite body)	National	Apprentices
Burundi	160 Burundi Francs per day 27712 BF per month	\$22	Government (on recommendation of tripartite body)	National and sector/occupation	None
Cameroon	28216 CFA francs per month	\$59	Government (on recommendation of tripartite body)	National	None
Cape Verde	N.A.				
Central African Republic	N.A.		Government (on recommendation of tripartite body)	National by occupation	None
Chad	25480 CFA francs per month	\$54	Bipartite agreement	National by sector	None
Comoros	30,000 Comoros Francs per month	\$84	Government (after consultation with tripartite body)	National for region and occupation	None
Congo	N.A.				
Democratic Republic of Congo	43680 Congo Francs per month	\$47	Government (after consultation with tripartite body)	National by occupation	Seafarers
Djibouti	N.A.				
Egypt	400 Egyptian Pounds per month	\$67	Government formed tripartite body	National by sectors and occupation	Domestic workers and dependent family members
Equatorial Guinea	95400 FcFa per month	\$202	Government (after consultation with tripartite body)	National by occupation	None
Ethiopia	No minimum wage			Wages set in collective and individual worker agreements	
Gabon	80000 CFA francs per month	\$169	Government (based on recommendation of tripartite body)	National	None
Gambia	N.A.		Government		
Ghana	2.65 Ghana cedi per day 57 cedi per month	\$38	Tripartite body	National	Free zones

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Guinea	No statutory minimum wage yet developed				
Guinea-Bissau	19030 CFA per month	\$40	Government after consultation with tripartite body	National or by sector	Domestic workers
Ivory Coast	36607 CFA francs per month	\$77	Government (after recommendation from tripartite body)	National by occupation	Transferred workers working for less than 3 months
Kenya	7430 Kenyan Schillings per month ¹	\$83	Government (on recommendation of tripartite body)	National for occupation and region	None
Lesotho	912 Maloti per month	\$125	Government (on recommendation of tripartite body)	National by sector	None
Libya	250 Dinars per month	\$204	Government (on recommendation of competent government authority and national tripartite body)	National	None
Madagascar	90235 ariary per month	\$44	Government (based on recommendation by tripartite body)	National by sector	None
Malawi	3689 MWK per month	\$23	Government (after consulting with workers and employers organisations)	National for occupation	None
Mali	28460 CFA per month	\$60	Government after consultation	National for regions and occupations	None
Mauritania	21150 ouguiya per month	\$75	Government after consultation	National	Workers 18 and younger
Mauritius	178.30 rupees per day (5 day workweek) plus an additional 123 rupees per month 3983 rupees per month	\$138	Government (on recommendation of a tripartite national body)	National by sector and by area	Minimum wage rates apply to 29 industries in the private sector. Those not covered are excluded, as are workers in EPZ.
Morocco	10.64 dirhams per hours 2027 dirhams per month	\$250 (for workers or employees in the industrial and commercial sectors, and in the liberal professions)	Government (on recommendation from workers and employer organisations)	National and by sector	Workers in the industrial and commercial sectors, and in liberal professions are covered (others are covered in other legislation or not covered at all).
Mozambique	2300 meticals per month	\$79 (for manufacturing industry)	Government in consultation with tripartite body	National by sector	Minimum wage rates apply to 8 sectors of the economy. Other workers not included.
Namibia	No representative minimum wage for the manufacturing sector identified	N.A.	Set by Wage Commission or collective bargaining	National by sector; by sector and occupation	Minimum wages set for agricultural workers, for workers in the mining and construction sectors and for the insurance industry.
Niger	28347 CFA per month	\$60	Consultative Commission sets wage rates	National and by occupation	None

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Nigeria	18000 naira per month	\$116	Government (last wage setting ad hoc tripartite committee contributed)	National	Do not apply to part-time workers. Workers paid on commission or piece-rate basis; seasonal workers and workers in merchant shipping or civil aviation.
Rwanda	N.A.		Government after consultation with concerned organisations	National	
Sao Tome and Principe	N.A.		Government	National and by sector & occupation	
Senegal	209.10 CFA per hour 36216 CFA per month	\$76	Government may consult with worker and employer organisations	National	Trainees
Seychelles	19.80 Rupees per hour 792 Rupees per month	\$66	Government may consult with worker and employer organisations	National	Trainees
Somalia	No representative minimum wage could be found		Government after consultation with tripartite body	National	None
South Africa	No representative wage for the manufacturing sector identified		Government consultation with tripartite body; collective bargaining	National by sector and occupation	Independent contractors
Sudan	200 Sudanese pounds per month	\$75	National (consults with regional authorities about setting wages in region and sectors within the region)	National by region and sector	Apprentices and workers in vocational training; seasonal workers; if family members work for employer; domestic servants.
Swaziland	420 emalangeni per month	\$58 (unskilled worker)	Government either through consultation with tripartite bodies or through an arbitration award	National by occupation and industry	None
United Republic of Tanzania	80000 Schillings per month	\$51	Government on recommendation of tripartite body	National and by sector	None
Togo	28000 CFA per month	\$59	Government after consultation with tripartite body	National	None
Tunisia	235.04 dinars per month	\$166 (40 hour week)	Government after consultation with worker and employer organisations	National by sector	Workers younger than 18 years of age
Uganda	N.A.		Government on recommendation made by tripartite body	National	

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Zambia	419,000.00 kwacha per month	\$86	Government, but if workers are represented by a trade union then the trade union must first be consulted	National and by sector	Employees engaged in domestic service; employees in any occupation where wages and conditions of employment are regulated through collective bargaining or where employee-employer relationships are governed by specific employment contracts attested by a proper officer, and such conditions are not less favourable than those of the General Order 2011; employees in management; and employees in a sector for which the Minister, by statutory instrument, has prescribed the minimum wage.
Zimbabwe	N.A.		Government (either through minister decision or through consultation with bipartite body)	National by industry and occupation	
ASIA AND THE PACIFIC					
Afghanistan	4000 afghanis per month	\$86	Government	National	None
Australia	A\$ 595 per week A\$ 2576 per month	\$2656	Specialised body	National	Vocational workers
Bangladesh	N.A.		Government on recommendation from tripartite body	National by industry	Domestic workers
Brunei Darussalam	No minimum wage				
Cambodia	247569 riels per month	\$61	Government on recommendation from tripartite body	National by industry (only textiles to date)	Domestic workers
China	1120 yuan per month (Shanghai province)	\$186 (Rate in Shanghai rate)	Government consults with workers and employer enterprises	Regional (provincial, regional, municipal)	None
Fiji	F\$ 572 per month	\$319 (Rate in manufacturing sector)	Government on recommendation from tripartite body	National by sector and occupation	Any worker not covered by a wage council is not covered
India	2294 rupees per month	\$49	National, regional, and by industry	National by sector; regional by sector or occupation; by sector and/or occupation	Disabled workers
Indonesia	1290000 rupees per month	\$147 (in Jakarta region)	Provincial governments on recommendation of a tripartite body	Regional and regional by sector	Domestic workers, seafarers
Iran	3216742 rials per month	\$303	Government tripartite body	National for regions and sectors	Family members

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Japan	821 yen per hour 142197 yen per month	\$1782 (in Tokyo region)	Government on recommendation of tripartite council	National and regional, and regional by industry	Domestic workers; employer can make request to government for reduced wage rate for disabled, probationary workers or those on vocational training
Kiribati	N.A.		Government	Occupation	To date no minimum wage has been set with procedure
Republic of Korea	4580 won per hour 793256 won per month	\$716	Government based on bipartite body	National	Domestic workers, seafarers
Lao People's Democratic Republic	348000 kip per month	\$42	Government	National	None
Malaysia	N.A.		Government based on recommendation of tripartite body	National by sector and occupation	None
Mongolia	MNT 140400 per month	\$111	Government based on proposals from workers and employer organisations	National	None
Myanmar	N.A.		President appointed wage councils	National by occupation	Casual workers (defined as workers not employed for the purpose of the employer business)
Nepal	4600 rupees per month	\$62 (non-agricultural enterprises)	Government on recommendation of tripartite body	National	Domestic workers, enterprises with less than 10 people
New Zealand	NZ\$ 520 per week NZ\$ 2252 per month	\$1773	Government	National	Apprentices, persons engaged in film production work
Pakistan	7000 rupees per month	\$84 (unskilled workers)	National government (unskilled workers); provincial governments (for skilled workers and based on bipartite body recommendation)	National by sector; regional by sector	Coalminers
Papua-New Guinea	1101 kina per week 436 kina per month	\$184	Government on agreement of bipartite body	National	Apprentices
Philippines	426 pesos per day 11067 pesos per month	\$256 (rate for National Capital Region)	Government on recommendation of tripartite body	Regional by sector and enterprise size	Domestic workers (covered by separate legislation)
Singapore	No statutorily-prescribed minimum wage				
Solomon Islands	\$4 per hour \$779 per month	\$102	Government in consultation with workers and employer organisations	National by sector	Infirm or disabled workers can be exempted (but separate wage rate must be determined)
Sri Lanka	N.A.		Tripartite trade specific boards approved by Minister of Labour	National by sector and occupation	None

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Thailand	203 baht per day 5274 per month	\$173 (in Bangkok)	Government on recommendation of tripartite body	National by region	Work not related to employer business, domestic workers, workers in private schools
Vanuatu	26000 vatu per month	\$291	Minister may consult with tripartite council for recommendation	National and by occupation	None
Vietnam	830000 dong per month	\$40 (minimum for employees of Vietnamese companies, cooperatives etc.)	Government on recommendation of tripartite body	National by region and type of enterprise (local, state, foreign-invested)	Cooperatives (for which there is law); people working in social and political enterprises
EUROPE AND CIS					
Armenia	30000 drams per month	\$81	N.A.	National and by occupation	None determined
Austria	€1453 per month	\$1874 (unskilled worker in metal industry)	Specialised body in certain sectors and collective agreements in others. Collective agreements dominate	National by sector and occupation; regional by sector and occupation	Homeworkers
Belgium	€1472 per month	\$1898 (age over 21 in industry)	Specialised body (composed of representatives of social partners)	National and by sector	Apprentices, casual workers, and workers in certain family businesses; workers under 21 get lower rate
Bulgaria	290 Lev per month	\$205	Government on consultation with tripartite body	National	None
Croatia	2814 Kunas per month	\$526	Government on consultation with tripartite body	National	None
Cyprus	N.A.		Government on recommendation of tripartite body	National	
Czech Republic	CZK 8,000 per month	\$452	Government on consultation with worker and employer organisations	National	Workers under 18 years of age get 80% of minimum wage
Denmark	DKK 107 per hour DKK 18593 per month	\$3451 (industry sector worker)	Exclusively through national collective agreements	National (collective agreements)	Workers under 18 years old are provided with lower minimum wage rates than those provided by the Collective Agreement for adult workers (in at least some agreements)
Estonia	€290 per month	\$372	Government after bipartite agreement between worker and employer organisations	National	None
Finland	€1391 per month	\$1794 (technology industry)	Collective bargaining	National by sector and occupation; regional by sector and occupation	Trainees and workers under 18 years of age can be paid lower wages (in at least some agreements)

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
France	€ 1398 per month	\$1803	Government on recommendation of a tripartite body and by collective agreements	National	None
Germany	€ 11 per hour € 2286 per month	\$2949 (commerce sector)	Collective bargaining	By sector and occupation	None
Greece	N.A.				
Hungary	93000 Forints per month	\$461	Government on recommendation of tripartite body	National	None
Iceland	193000 krona per month.	\$1678 (private sector)	National sectoral collective bargaining	National by sector (also determined by nature of the work, seniority, and education)	None
Ireland	€ 8.65 per hour € 1798 per month	\$2319	Government based on economic and social interests of the state or from the Labour Court (following agreement of workers and employer organisations)	National	Trainees, workers under 18 years of age, family members
Israel	N.A.		Government	National	
Italy	€ 1206 per month	\$1555 (metalworking sector)	Collective bargaining	By sector and occupation	Trainees (in at least some collective agreements can be paid less than wage set in collective agreement)
Latvia	N.A.		Government on consultation with tripartite body	National	
Lithuania	LTL 800 per month	\$323	Government on recommendation of tripartite body	National	None
Luxembourg	€ 2216 per month (for unskilled worker)	\$2381	Government	National	Workers under 18 paid less, disabled workers (with a government issued permission decree), unskilled trainee
Malta	€ 158.11 per week (plus a € 4.66 per week cost of living allowance) € 705 per month	\$909	Government on recommendation of tripartite body	National (workers not covered by a sectoral minimum wage) and national by sector	Workers under 18 years of age
Moldova	1100Leu per month	\$94 (real sector rate for workers in companies, organizations and institutions with financial autonomy, regardless of its ownership and legal form)	Government after consulting with worker and employer organisations	National and by sector	None
Netherlands	€ 1456 per month	\$1878	Government	National	Workers 15 to 22 of age and disabled workers receive a percentage of the adult minimum wage

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Norway	NOK 154 per hour NOK 266728 per month	\$4763 (unskilled in the building industry)	Collective bargaining	National by sector	Apprentices and workers under age 18 paid less than adult minimum wage (in at least some agreements)
Poland	N.A.		Tripartite Body	By sector	None
Portugal	€ 485 per month	\$625	Government on consultation with tripartite body	National	Trainees and disabled may be paid less
Romania	670 lei per month	\$220	Government after consulting with worker and employer organisations	National	None
Russian Federation	4330 rubles per month.	\$147	National government (in consultation with social partners) and regional government (in consultation with tripartite body)	National and regional	None
San Marino	€ 1456 per month	\$1878 (workers not in sectors where there is a collective agreement, but rate can vary by category of worker)	Collective bargaining	National and by sector	Trainees and youth get a percentage of the collectively agreed adult minimum wage (in at least some agreements)
Serbia	RSD 17136 per month	\$234	Tripartite council sets wage (if the council does not pass a decision within 10 days the Government can take unilateral action)	National	Trainees (percentage of adult minimum wage)
Slovakia	€ 327 per month	\$421	Government based on bipartite agreement	National	None
Slovenia	€ 763 per month	\$984	Government on consultation with worker and employer organisations	National	None
Spain	€ 747 per month average over 12 months given that wages are paid 14 times per year)	\$963	Government following direct consultation with worker and employer organisations	National	Executive directors, volunteers, unpaid family workers; trainees receive less than adult minimum wage
Sweden	17517 kr per month	\$2699 (technical enterprises)	Collective bargaining	By sector and occupation	None
Switzerland	No national minimum wage (wages determined in individual contracts or through collective agreements)		National government on tripartite recommendation (for individual contracts) and collective bargaining	Regional by sector and occupation	Youth and trainee receive less than adult minimum wage
Turkey	701 Turkish Lira per month	\$420	Tripartite body	National	Worker under 16 years of age receive less than adult minimum wage
Ukraine	1044 UAH per month	\$131	Government on consultation with social partners	National	None

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
United Kingdom	£6.19 per hour £1286 per month	\$2071	Government on recommendation of a bipartite body	National	Workers under 18 years of age, trainees, apprentices under 26 years of age, homeless or living in a homeless hostel, family members in a business
AMERICAS AND CARIBBEAN					
Antigua and Barbuda	\$7.50 ABD per hour \$1559 ABD per month	\$577	Government on consultation with bipartite body	National by occupation	None
Argentina	2300 pesos per month	\$559	Tripartite body	National by sector and occupation	Apprentices and workers younger than 18 years of age receive a percentage of the adult minimum wage
Bahamas	Bahamas \$150 per week Bahamas \$649 per month	\$649	Government on consultation with social partners	National	Children and young persons
Barbados	No representative wage for the manufacturing sector identified		Government on recommendation of bipartite body	National by occupation	Workers under 18 years of age paid less than adult minimum wage
Belize	BZ\$ 3.10 per hour BZ\$ 604	\$302	Government on recommendation of specialised body	National	Employers who employ disabled workers may be permitted to pay less
Bolivia	815.40 Bolivianos per month	\$117	Government	National	None
Brazil	545 Reais per month	\$326	Government	National	None
Canada	C\$ 10.25 per hour (Ontario) ² C\$ 1775 per month	\$1793	Provincial government partially based on recommendation of tripartite body	Regional and regional by sector	Provincial determination
Chile	182000 pesos per month	\$376	Government (in practice with consultation of social partners)	National	Apprentices and disabled workers
Colombia	535600 pesos per month	\$290	Tripartite body	National	None
Costa Rica	7642 colones per day 198528 colones per month	\$392	Tripartite body	National and by sector and occupation	None
Cuba	225 pesos per month	\$225	Government on consultation with worker representatives	National	None
Dominica	\$4.00 per hour \$693 per month	\$256 (unskilled worker)	Government (based on bipartite advisory board)	National by occupations	Government may authorise lower wage for disabled worker
Dominican Republic	6035 pesos per month	\$157	Tripartite body	National by sector, occupation, and area (free trade zone)	None
Ecuador	\$264 per month	\$264	Tripartite body (where no consensus is reached, the government sets minimum wage)	National by sector, occupation and area (tax free zones)	Trainees paid less than adult minimum wage

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
El Salvador	\$7.31 per day \$174 per month (Industry, not textile or clothing)	\$174	Government on consultation with tripartite body	National by sector, occupation and size of company	Apprentices cannot be paid less than 50% of minimum wage
Grenada	Grenada \$ 6.00 per hour Grenada \$1039 per month	\$389	Government on recommendation of tripartite body	National by trade, industry or occupation	None
Guatemala	63.70 quetzals per day 1517 quetzals per month	\$194	Government on recommendation of a specialised body	National by sector (based on collected regional wage data)	Trainees may be paid less than minimum wage (in their sector)
Guyana	(National minimum wage not expressly mentioned in legislation)		Government may appoint advisory committee for advice on wages	By category of workers	None
Haiti	250 gourdes per day 6495 gourdes per month	\$160	Government on recommendation of tripartite body	National	Domestic workers
Honduras	5858 lempiras per month	\$309 (firms with 1-10 workers)	Tripartite body, but where no agreement is reached the government sets the minimum wage	National by sector and company size	Disabled workers and apprentices
Jamaica	\$112 per hour \$19485 per month	\$226	Tripartite body advises the government	National by occupation and district	None
Mexico	59.82 pesos per day 1554 pesos per month	\$125 (based on general minimum wage for day in capital region)	Tripartite body	National by sector and occupation	None
Nicaragua	2747 cordobas per month	\$123	Tripartite body (where no consensus is reached, then the government sets the minimum wage)	National by sector	None
Panama	1.53 balboas per hour 318 balboas per month	\$318	Government on recommendation of a tripartite body	National by sector, occupation, region, and company size	None
Paraguay	1658200 guarani per month	\$395	Government on recommendation of a tripartite body	National and by region	Apprentices not less than 60% of wage; domestic workers not less than 40% of wage; youth not less than 60% of wage; disabled can be paid lower than minimum wage
Peru	650 nuevo soles per month	\$236	Tripartite body (when no consensus is reached then government can set minimum wage)	National	None
St. Kitts and Nevis	\$8.00 per hour \$1385 per month	\$513	Government	National by occupation	
Trinidad and Tobago	\$12.50 per hour \$2165 per month	\$338	Government on recommendation of tripartite body	National	Registered apprentices, trainees, workers in certain government approved schemes, volunteers in registered charities

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
United States	\$7.25 per hour \$1256 per month	\$1256	Government (federal and state level)	National and regional	The federal minimum wage only applies to specified employees as defined in the law; some workers (listed in the law) are explicitly excluded usually in administrative or managerial roles among others
Uruguay	6000 pesos uruguayanos per month	\$311	Government and tripartite bodies	National by sector and occupation	None
Venezuela	1548 bolivars per month	\$361	Government upon recommendation of tripartite body. Where no consensus is reached the minimum wage is set by the government	National	None
MIDDLE EAST (ARAB STATES)					
Bahrain	No minimum wage				
Iraq	5250 dinars per day 136395 dinars per month	\$117 (unskilled worker)	Government on recommendation made by tripartite body	National	None
Jordan	150 Jordanian Dinars per month	\$211	Government on recommendation made by tripartite body	National	None
Kuwait	60 Kuwaiti Dinars per month	\$214	Government on recommendation made by tripartite body	National for profession and trade	None
Lebanon	500000 Lebanese Pounds per month	\$331	Government on recommendation made by tripartite body	National	Domestic servants, workers in agricultural corporations not connected to trade and industry, workers in family businesses employing solely family members, workers younger than 20 years of age, and casual or temporary workers in public administration are excluded.
Qatar	No minimum wage				
Saudi Arabia	No minimum wage				Labour law excludes employer's family members; domestic helpers; sea workers working on board of vessels with a load of less than five hundred tons; Certain agricultural workers; non-Saudi workers entering the Kingdom to perform a specific task for a period not exceeding two months; Players and coaches of sports clubs and federations

Country	Minimum wage in national currency (31 December 2011)	Monthly minimum wage in US dollars (rounded)	Minimum wage-fixing mechanism	Minimum wage-fixing level	Excluded workers
Syria	No representative wage for the manufacturing sector identified		Government on recommendation made by tripartite body	National and by occupation	Agricultural Workers; Family members of the employers; domestic servants; Charity workers; Casual workers; Part-time workers whose hours of work do not exceed two hours per day.
United Arab Emirates	No representative wage for the manufacturing sector identified		Government consulting social partners	National	The Labour Law does not apply to Domestic servants in private households and similar occupations; Workers in farms or pastures with the exception of persons working in agricultural institutions processing the products
Yemen	No minimum wage				

The market exchange rate of 2011 provided by World Bank [Official exchange rate (LCU per US\$, period average)]; Euro-US Dollar conversions based on 30 December 2012 data from International Monetary Fund Representative Exchange Rates for Selected Currencies (US\$ 1.29 = € 1.00 or US\$ 1.00 = € .78).

Minimum wage rates listed above are based on non-agricultural workers.

N.A. = (information/data) Not Available

1) Kenya rate is the general labourer rate in big cities (e.g. Nairobi, Mombasa, Kisumu).

2) In Canada the minimum wage is set at the provincial level (Ontario was chosen to illustrate the minimum wage).

ANNEX: A LOOK AT VULNERABLE WORKERS: THE CASE OF DOMESTIC WORK

Introduction

The legal provisions reviewed in this report represent the “standard” provisions with general applicability. In reality, however, some categories of workers are often excluded from their coverage or granted lower levels of protection for a variety of reasons, including legal technicality. Considering that the labour laws are intended to provide a minimum level of protection for all workers in different circumstances, the practice of excluding some workers, particularly those who are vulnerable to discrimination and abuse, poses a key challenge in applying national legislation in a country. For instance, there are groups of workers (including domestic workers) that might be viewed as particularly vulnerable, not just because they labour under the working or employment conditions described above, but also owing to the unique locations where their work is carried out. For example, seamen or sailors might be more vulnerable because they work on a ship that operates outside the view of monitoring authorities located on-land.¹ Similarly, people who perform domestic work are in a workplace that often remains outside the purview of labour authorities, namely people’s private homes.

In order to see the scale and nature of these challenges and also to understand what approaches are taken to make legal protection available to all workers, this special Annex examines the case of domestic workers, who are arguably subject to most vulnerable conditions. Due to a number of socio-economic factors domestic work is becoming a much bigger consideration in societies around the world, which has led to more attention being paid to the working and employment conditions experienced by these workers. This annex examines the available information to determine the extent to which national legislation is a factor in addressing working and employment conditions for domestic workers.²

Background: Domestic Workers

A. *Domestic Workers: Definitions and Issues*

The introduction to the ILO report on domestic workers provides a useful guide to the problems and importance of domestic work, especially in a contemporary globalised society:

“Domestic work is one of the oldest and most important occupations for many women in many countries. It is linked to the global history of slavery, colonialism and other forms of servitude. In its contemporary manifestations, domestic work is a global phenomenon that perpetuates hierarchies based on race, ethnicity, indigenous status, caste and nationality. Care work in the household – whether performed by paid employees or by unpaid household members as part of their family responsibilities and as a “labour of love” – is quite simply indispensable for the economy outside the household to function. The growing participation of women in the labour force, changes in the organization of work and the intensification of work, as well as the lack of policies reconciling work and family life, the decline in state provision of care services, the feminization of international migration and the ageing of societies have all increased the demand for care work in recent years.

Domestic work, however, is still undervalued. It is looked upon as unskilled because most women have traditionally been considered capable of doing the work, and the skills they are taught by other women in the home are perceived to be innate. When paid, therefore, the work remains undervalued and poorly regulated.”

¹ The ILO Maritime Labour Convention, 2006 is the revised international labour standard that addresses the needs and working conditions of these workers.

² For the International Labour Organisation consideration of domestic workers is not a new development, but one that extends back to its formative days. Improving the working conditions for domestic workers first gained attention in 1936 when the International Labour Conference adopted the Holidays with Pay Convention, 1936 (No. 52), which established the right to paid leave for workers in manufacturing and a variety of other industries. However, this Convention excluded domestic workers. This prompted members of the Conference to request that future sessions of the International Labour Conference consider not only providing paid annual leave to domestic workers, but also “...whether other conditions of domestic servants’ employment could form the subject of international regulation”. As a delegate in 1936 pointed out domestic servants are wage earners and should have the protection afforded to other wage earners. See Resolution concerning Holidays with Pay for Domestic Servants, submitted by the Committee on Holidays with Pay, adopted by the International Labour Conference, 20th Session (Geneva 4-24 June 1936). In particular see page 465 of these proceedings regarding the comment by the ILO delegate in 1936.

Domestic workers are paid a wage to work in another person's home and their work is to perform the tasks of maintaining the household and family, when needed. The work is often based on "gendered tasks" that need to be addressed on a day to day basis. These include cooking, house cleaning, and caring for children, elderly, or disabled family members and domestic pets. It may also involve work just outside the home such as tending a garden. These tasks are often poorly defined from the outset and can vary greatly over a period of time. Even the terms of reference used can be vague or opaque. For example, the provision of child care may entail baby-sitting (which can range from the close monitoring of infants in the same room to monitoring children playing in a yard) to making sure children do their school work properly. Care for a disabled or ill family member can compound the demands on the domestic worker (and is often the reason they work nights and weekends), especially if the worker does not have the training or background to fulfil such tasks.

Only recently has research begun to recognise the full economic value of this form of work. As the work performed by domestic workers has traditionally been done by women, it has also suffered from being undervalued. This undervaluing includes the estimation of the amount of time required to do the work on a daily or at least consistent basis. Domestic work is further undervalued in monetary terms as the wages paid to domestic workers are often below the rate earned by employers in the labour market. In-kind payments of food and lodging have been used as forms of remuneration for domestic workers who live-in or spend all of their working day in the home of the employer.

Another factor that has traditionally undermined the position of domestic workers is the fact that many of them are economic migrants. Increasing urbanisation taking place in countries around the world has attracted workers from rural areas to urban areas in pursuit of better economic conditions. For women with limited education or formal skills, domestic work may be the only route available to employment in these urban areas. Besides the undervalued nature of the work (as noted above) issues such as ethnicity or religion can cause further problems for these workers, especially as the migration of domestic workers is no longer limited from rural to urban, but has become "globalised". International migrant domestic workers, working for wealthy clients, have existed in small numbers for centuries. However, in recent years, as the demand for domestic services has gone up, the number of international migrant domestic workers has vastly increased. Both rural to urban migrants and international migrants are exposed to a high level of vulnerability because of problems related to domestic work and the difficulties in addressing them.

The work performed is only part of the equation when considering the vulnerability of domestic workers. The main factor in the vulnerability of domestic workers is the workplace, i.e. peoples' private homes. Having a home as a workplace poses a number of challenges that legal authorities are only beginning to address. The main issue authorities have to contend with is the balance between the privacy needs of the homeowner and the workplace needs and rights of the domestic worker. Often in conflicts authorities have sided with the homeowner, particularly if the domestic worker is from another country. However, efforts to change this are taking place in order to provide domestic workers with the opportunity to have decent working conditions in their workplace and to have an outlet in the event that these conditions are inadequate. In this context, international and national labour standards (discussed below) have been important.

B. Domestic Workers: The Number

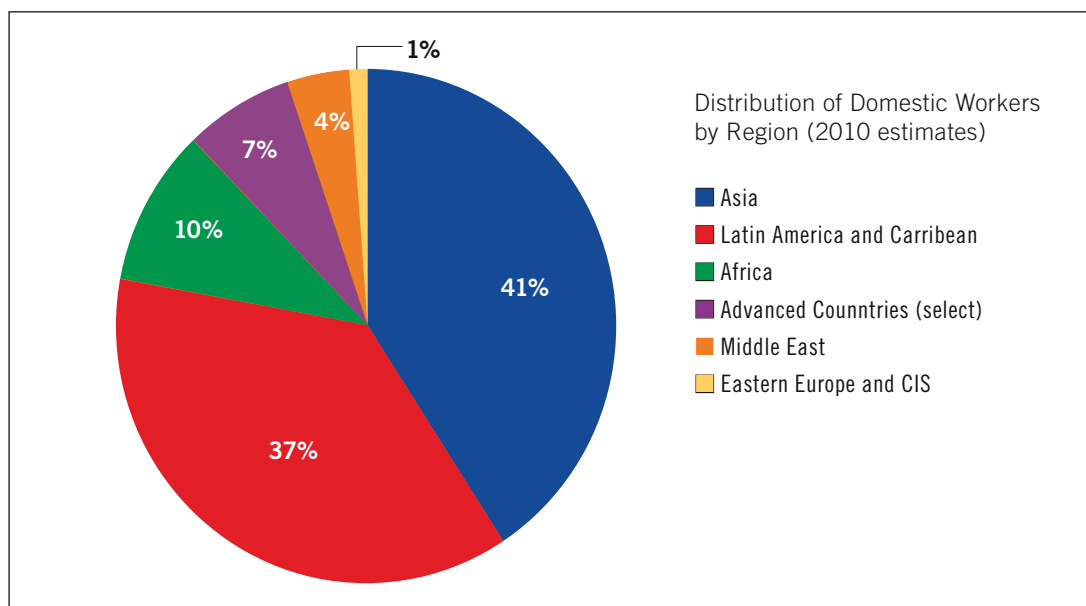
Any statistical analysis of the number of domestic workers that work in countries throughout the world is difficult. The reasons for this are varied but include the high incidence of undeclared domestic work and under-reporting, variations in definitions of "domestic worker" in statistical surveys between countries, and situations where domestic workers, who might be designated as a distinct category, are instead placed under broader categories including "personal services".

In spite of this the ILO has attempted to develop statistical estimates based on its own methodological analysis. Thus, it is estimated that domestic work is a significant proportion of the workforce in developing countries, where it accounts for between 4% and 10% of total employment (men and women).³ More recently the global estimate suggests that there are 52.5 million domestic workers worldwide. This, however, may be an underestimation and

³ILO: Decent work for domestic workers, Report IV (1), International Labour Conference, 99th Session, Geneva, 2010, para. 20. Figures for industrialised countries suggest somewhere between 1% and 2.5% of workers are domestic workers. This data is not found in the Working Conditions Laws Database, but is based on calculations found in the cited report in the first sentence of this footnote.

the true number could be as high as 100 million.⁴ Even with caveats these estimates suggest that domestic work is a significant source of employment, accounting for around 1.7% of total worldwide employment and 3.6% of wage employment (see Figure 1 below).⁵

Figure 1. Distribution of Domestic Workers



Y. Simonovsky and M. Luebker, Global and regional estimates on domestic workers, Domestic Work Policy Brief No. 4, Conditions of Work and Employment Branch (Geneva, ILO, 2011), p. 8.

ILO regional estimates suggest that the largest number of domestic workers exists in Asia and Latin America and the Caribbean. In Asia analysis suggests at least 21.5 million women and men work in private households (or 40% of all domestic workers globally), while 19.6 million domestic workers are found in Latin America and the Caribbean (37.3% of the global total).⁶ The remaining regions in order of prevalence are Africa (5.2 million), the Middle East (2.1 million), and Eastern Europe and CIS countries (595,000).⁷

It is clear that owing to the type of work and the number of workers performing it, some form of legal action is needed to ensure that these workers can have decent working conditions.

The International Labour Standard: ILO Domestic Workers Convention, 2011 (No. 189)

The issues confronting domestic workers are not new to the ILO, with the Committee of Experts first debating their situation in 1951. In June 2011, marking the 100th International Labour Conference the ILO adopted the first international standards to address this group of workers, ILO Domestic Workers Convention, 2011 (No. 189) and its accompanying recommendation, the ILO Domestic Workers Recommendation (No. R201). This marked the extension of ILO standards into a largely unprotected and unregulated sector of the economy. ILO Convention No. 189 is a legally binding instrument open to ratification by member states, while its accompanying Recommendation No. R201 is a non-binding instrument which complements the Convention with more detailed guidance on its implementation. These international standards are based on the principle that domestic workers merit protection and employment rights no less favourable than those of any other worker and, perhaps most importantly, that owing to the unique nature of their workplace effective measures need to be taken to ensure their rights and protection against abuse, harassment, and violence.

⁴Simonovsky and M. Luebker, Global and regional estimates on domestic workers, Domestic Work Policy Brief No. 4, Conditions of Work and Employment Branch (Geneva, ILO, 2011), p. 7. This data is not found in the Working Conditions Laws Database, but is based on calculations found in this policy brief.

⁵Simonovsky and Luebker, p. 8. This data is not found in the Working Conditions Laws Database, but is based on calculations found in this policy brief.

⁶Simonovsky and Luebker, p. 8. This data is not found in the Working Conditions Laws Database, but is based on calculations found in this policy brief.

⁷Simonovsky and Luebker, p. 8. This data is not found in the Working Conditions Laws Database, but is based on calculations found in this policy brief.

ILO Convention No. 189 provides a comprehensive package of rights and obligations to which member states that ratify it must adhere. The convention defines what constitutes “domestic work” and who is a domestic worker; applies to all domestic workers, with the exception of categories agreed by national tripartite actors⁸; stipulates that domestic workers’ human and core labour rights will be respected⁹; establishes a minimum age for domestic workers and prohibits depriving domestic workers under the age of 18 from education and training; asks member countries to take measures to prevent abuse, harassment, and violence; provides live-in domestic workers with decent working and living conditions that include privacy; ensures domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner (notably in written contracts in accordance with national laws and collective agreements); stipulates for international migrant domestic workers that a contract be provided before leaving that includes a provision on repatriation to their home country at the end of their contract; ensures that domestic workers are free to make arrangements with the potential employer, are not required to stay in the house during rest days or holidays, and can keep their identity documents and stipulates that working hours will correspond with national law, with a weekly rest day of at least 24 hours. It also ensures that they will enjoy at least minimum wage rates without discrimination based on sex; that payments to workers will be made once a month in cash or postal order; that countries will take the health and safety of domestic workers into account; that abusive practices should be prevented and private agencies that deal with domestic workers are regulated; that domestic workers should have access to the national legal system; that member states will implement mechanisms, including labour inspection, to ensure compliance with laws to protect domestic workers; and that national labour law and collective bargaining protections available to other workers should be extended to domestic workers.

ILO Recommendation No. 201 supplements this ILO Convention by affording protections for a worker’s privacy; strictly limiting domestic work for children under 18; establishing contractual terms in domestic work contracts; addressing stand-by or on-call work and compensatory pay for work on day of rest or holiday, which is not to be counted in annual leave calculations; providing guidelines on remuneration and deductions; detailing the action to be taken in the event of death or insolvency of the employer; addressing the accommodation that should be available for the domestic worker; establishing how social security should be organised for domestic workers; obliging member states to take measures to help protect domestic workers; having member states determine repatriation requirements for international migrant domestic workers; and stipulating allowances that should be made for labour inspectors to enter household to enforce protections for domestic workers. This detailed set of ILO standards is meant to address the general vacuum of national labour law protection and rights which domestic workers have traditionally worked under.

National Working Conditions Laws for Domestic Workers

Although many countries are now recognising the socio-economic, human and legal plight of domestic workers, in most countries national labour legislation is not yet in line with the most recent ILO Convention. National labour legislation applying to domestic workers has taken one of three routes: included in the law (though not explicitly), explicitly included in the law, and explicitly excluded from the law. However, using the TRAVAIL Working Conditions Laws Database, a better understanding of the working conditions of domestic workers can be established by examining the coverage of labour legislation that would address these conditions (see Chart 1 below).

Using the regional analysis of countries detailed in other portions of this report, the extent to which the working conditions of domestic workers are covered by national labour legislation can be seen to vary. Of the seventy countries examined globally, over two thirds (65%) either have labour legislation that covers the working conditions of domestic workers in the same manner as those of other workers or address domestic workers through a combination of labour law and subordinate regulations (or specific labour laws).¹⁰ However, 20% of the countries examined in all regions specifically exclude domestic workers from national labour laws and provide no other explicit legal protections.

⁸ The Convention stipulates that if a group is excluded by the national social actors it must explain why this choice was made in its Article 22 reports (on its application of international labour standards) to the ILO.

⁹ The ILO Fundamental Labour Rights comprise: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.

¹⁰ While these figures are encouraging, it is important to note that they are based on 70 countries in the Working Conditions Laws Database that identify legal coverage for domestic workers in some form. For the remainder of the world’s countries, the national legal data was not available, incomplete, or was not explicit enough regarding domestic workers. The data is based on Appendix III of the ILO publication “*Domestic workers across the world: Global and regional statistics and the extent of legal protection*”, 2012, pgs. 131-134 (this publication used the Conditions of Work and Equality Department’s Working Conditions Laws Database as its source material).

The regions with the most countries having some form of legal coverage for working conditions that include or specifically address domestic workers are Europe and the CIS (96%), Americas and Caribbean (94%), and Africa (91%).¹¹ However, in countries in Asia and the Pacific (40%) and the Middle East (Arab States, 20%) the working conditions of domestic workers are far less protected in law.

Within the regions distinguished, some methods of labour legislation are used more commonly than others. For example, in countries in Europe and the CIS domestic workers' working conditions are most often covered by the same legislation as used for all other workers (55%). However, in countries in Africa, domestic workers tend to be covered partially by general labour law and either subordinate regulations or specific labour laws (55%). On the other hand, limitations on the legal rights of domestic workers can be noted as dominant in certain regions. For example, in many countries in the Middle East (80%) and in Asia and the Pacific (53%), domestic workers are explicitly excluded from national labour law.¹²

It is also important to note that in countries with federal systems of governance the issue of labour law coverage for the working conditions of domestic workers may be more nuanced. In these countries, where there might not be formal national legal instruments to address the working conditions of domestic workers, there may still be some legal instruments at the state or provincial level. What this means is that in some states/provinces there may be labour legislation that either specifically or in some other form addresses the working conditions rights of domestic workers, whereas in others there might be limited or no coverage at all. Thus for countries in Asia and the Pacific (7%) and the Americas and Caribbean (6%), protections for the working conditions of domestic workers are addressed in some parts of the country, but not in others.

Chart 1. Legal Coverage of Domestic Workers in National Legislation (Overall Scope)

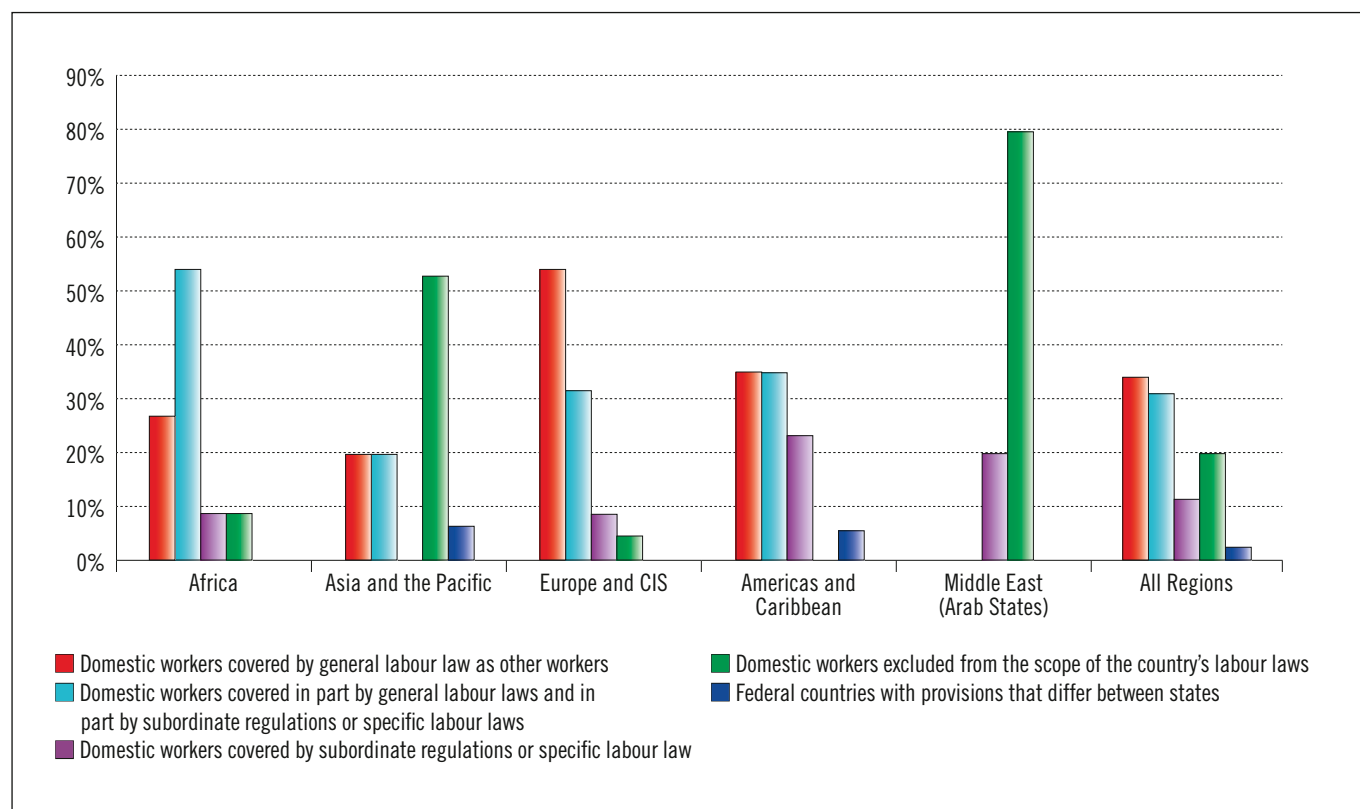


Chart based on data taken from the TRAVAIL Working Conditions Laws Database for the report titled *Domestic workers across the world: Global and regional statistics and the extent of legal protections*, ILO, Geneva, 2012, pgs. 131-134.

¹¹ These figures are based on the sum total of the three categories used in the chart below: 1) Domestic workers covered by general laws as other workers; 2) Domestic workers covered in part by general labour law and in part by subordinate regulations or specific labour law; and 3) Domestic workers covered by subordinate regulations or specific labour laws.

¹² These figures are based on the category used in the chart below where domestic workers are excluded from the scope of a country's labour laws.

Specific Working Conditions in National Legislation: Working Time, Minimum Wages, and Maternity Protection

When considering national labour law that addresses working conditions it is useful to consider to what extent domestic workers' needs are addressed. For example, according to the aforementioned ILO report on domestic workers, a small minority of all domestic workers (10%) are covered by national labour legislation in the same manner as any other worker, but roughly 70% of all domestic workers have some protection, through a combination of provisions found in general labour laws, specific labour laws, subordinate regulations, and state/provincial legislation.¹³ While coverage of this nature is important, it is useful to consider what this means for the particular working conditions for domestic workers. This section will briefly consider what has been done on in national labour law to address three key working conditions for domestic workers: working time, minimum wages, and maternity protection.

Working Time

An important element of working time regulation is the normal weekly working hours limit, which establishes the length of the working week (before overtime hours are included). A majority of countries around the world set the limit somewhere between 40 and 48 hours per week. With regard to working time, recent analysis suggests that the lack of protection for domestic workers is not due to the lack of working time legislation, but to the frequent exceptions that are made for domestic workers, who are expected to work for longer hours.¹⁴

In some countries the legislation does not limit their work at all. For example, no upper limit on normal weekly hours exists in national legislation for more than half of the world's domestic workers. This conclusion is based primarily on the exclusion of domestic workers from existing national legal standards.¹⁵ This is highlighted at regional level by Asia and the Middle East, where (based on available data), statutory limitations on normal weekly working time for domestic workers are almost universally absent.

Minimum Wages

Earning a form of income is important for workers and their families and domestic workers are not different. What tends to distinguish domestic work from other workers is that their remuneration is often quite low. Domestic workers typically earn 40% of average wages.¹⁶ Several reasons underlie this situation, which have been noted at the beginning of this annex. Thus, as the ILO Minimum Wage Fixing Convention, 1970 (No. 131) suggests the establishment of a minimum wage is important to protect "disadvantaged groups of wage earners" from "unduly low wages". This definitely applies in the case of domestic workers. The data suggests that a minimum wage for domestic workers on the same basis as other workers exists in developed countries (86%), Eastern Europe and CIS (95%), Latin America and the Caribbean (95%), and in Africa 83%).¹⁷ However, in Asia (88%) and the Middle East (99%) domestic workers are not entitled to a statutory minimum wage, which is a serious gap in coverage.

Maternity Protection

More than 80% of all domestic workers are women, and many of them are of childbearing age.¹⁸ While part of their responsibilities entails helping with their employer's family care issues, they often encounter particular difficulties in reconciling their work with their own family life. Nevertheless, more than a third of domestic workers are excluded from key maternity protection provisions, such as maternity leave.¹⁹ These exclusions can take the form of imposition of additional eligibility criteria for domestic workers to qualify for maternity leave, making it difficult for them to qualify or outright exclusion from existing maternity legislation. Consequently pregnant domestic workers may be forced to quit their jobs or face undue health risks.

¹³ ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva, 2012), p. 50.

¹⁴ ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva, 2012), p. 60.

¹⁵ ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva, 2012), p. 60.

¹⁶ ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva, 2012), p. 67.

¹⁷ ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva, 2012), p. 79.

¹⁸ ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva, 2012), p. 85.

¹⁹ For further details on maternity protection for domestic workers, see Domestic Workers Policy Brief No. 6, (ILO, 2012).

In practice maternity leave is a major concern for domestic workers. Less than two-thirds of all female domestic workers are entitled to maternity leave under national legislation. Recent analysis suggests that 63.3% of all female domestic workers are entitled to leave periods of at least the same duration as other workers and a further 0.7% of them have some entitlement to maternity leave, albeit for a shorter duration than other workers.²⁰ By contrast 35.9% of women employed in private households have no legal entitlement to maternity leave, due to the exclusion of domestic workers from existing provisions that establish the right to maternity leave for other workers.²¹

Conclusion

Based on the information presented above, extending the employment and working condition protections that are available to other workers in a labour market to domestic workers will help to address the decent work deficits for this particularly vulnerable, but growing, group of workers in countries around the world.

²⁰ ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva, 2012), p. 88.

²¹ ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva, 2012), p. 88.

WORKING CONDITIONS LAWS REPORT 2012: *A global review*

The global economic crisis that began in 2008 has led to great challenges in the labour market. A large number of people around the world have been working in conditions that may pose health risks, negatively affects family life, and harms economic mobility of those in the lowest economic conditions. For this reason, growing attention has been given to legislation that can improve the quality of jobs and working life. It is in this context that policymakers have attempted to systematically compare national working conditions legislation in countries around the world for options.

Based on recently updated legal information in the ILO Working Conditions Laws Database, the Working Conditions Law Report 2012 provides national information and a comparative global analysis of national working condition laws. It examines three key elements that impact working conditions: working time, minimum wages, and maternity protection. The report examines primary legislation in over 150 countries and identifies global and regional trends.

Building on previous editions, this updated report underlines actions taken by policymakers in addressing working conditions through legislation at national level. By raising awareness of the importance of legislation in improving working conditions the report aims to encourage continued consideration of law as a tool to improve working conditions for all.

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