FACT SHEET

EMPLOYMENT OF WOMEN (MATERNITY LEAVE)
ACT, 1976

LABOUR DEPARTMENT

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FACT SHEET

Employment of Women (Maternity Leave) Act, 1976-16.

(1) "Confinement" means labour resulting in the issue of a living child or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead;

(2) "maternity leave" means leave granted to an employee arising from or in contemplation of her confinement and includes additional leave granted.

Entitlement

An employee –

(a) must in order to qualify for a grant of maternity leave, be employed for at least twelve months by the employer from whom the leave is requested;

(b) is not entitled to Maternity Leave by the same employer on more than three occasions.

How Much Leave

Maternity leave shall be for a period of not less than twelve weeks and may be so arranged that the employee is allowed –

(a) a period of not more than six weeks as she desires before the expected date of confinement;

(b) a period of not less than six weeks after the date of confinement;
(c) where an employee has been granted maternity leave and the date of delivery is later than the expected date stated on the certificate, her maternity leave shall be extended to include the period that elapsed between those dates;

(d) in case of illness after confinement arising out of such confinement, she may be granted additional leave not exceeding six weeks as a medical practitioner recommends.

**Dismissal During Pregnancy**

No employer shall—

(a) dismiss or give notice of dismissal to an employee at any time between the date of her delivery to him of a medical certificate and the date of the expiration of her maternity leave or additional leave granted;

(b) give notice of dismissal to an employee so that it would expire during her maternity leave or additional leave or dismiss her during such leave;

(c) dismiss an employee or require an employee to resign because she is pregnant;

(d) require an employee to resign during any of the times referred to above.

The above-mentioned does not apply where—

(a) there has been serious default or gross negligence amounting to abandonment of duty on the part of an employee;

(b) there has been an expressed contract of service for a fixed term between an employer and an employee which has expired; or
(c) where an employee has been granted maternity leave and the date of delivery is later than the expected date stated on the certificate, her maternity leave shall be extended to include the period that elapsed between those dates;

(d) in case of illness after confinement arising out of such confinement, she may be granted additional leave not exceeding six weeks as a medical practitioner recommends.

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The above-mentioned does not apply where —

(a) there has been serious default or gross negligence amounting to abandonment of duty on the part of an employee;

(b) there has been an expressed contract of service for a fixed term between an employer and an employee which has expired; or

(c) the business in which an employee was engaged has ceased to exist.

**Re-instatement**

Where an employee has been granted maternity leave under this Act she is, on her resumption of work after such leave entitled to —

(a) her seniority rights;

(b) re-instatement in her former work or equivalent work, and she shall not by reason only of the fact that she went on maternity leave, be paid a smaller remuneration than she received before she went on maternity leave.

This Act does not apply to employees working at home for wages. Contravention of this Act is a criminal offence.
LABOUR DEPARTMENT

MISSION

To promote and maintain a stable and harmonious industrial relations climate and provide employment services to the community.

GOAL

The overall goal of the Labour Department is to provide quality service to employers, trade unions, individual employees and members of the community in the promotion of social and economic justice in the working environment.