

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA
UNSTARRED QUESTION NO. 341
TO BE ANSWERED ON 05.02.2024**

**MATERNITY BENEFIT TO WOMEN WORKING IN UNORGANISED
SECTOR**

341. SHRI MARGANI BHARAT:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether it is true that the Maternity Benefits Act only covers women who work in 'establishments', leaving out the majority of women working in informal jobs;**
- (b) the steps taken by the Government to extend these benefits to women working in the unorganised sector;**
- (c) whether the Government is aware that requirements for other schemes providing maternity benefits to informal women workers such as Unorganised Workers Social Security Act, National Food Security Act (NFSA) become serious barriers due to fluidity of work, periods of unemployment and absence of employer-employee relationship;**
- (d) the steps taken by the Government to address these issues;**
- (e) whether the Government has any plan to set up a central authority to monitor if informal women workers are getting their maternity entitlements through these various legislations; and**
- (f) if so, the details thereof and if not, the reasons therefor?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI RAMESWAR TELI)**

(a) to (f): The Maternity Benefit Act, 1961, as amended vide the Maternity Benefit (Amendment) Act, 2017, is an Act to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits.

Contd..2/-

The Act applies to every establishment being a factory, mine or plantation including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances; and to every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishments in a State, in which ten or more persons are employed, or were employed, on any day of the preceding twelve months.

The maternity benefits are also provided to women workers who are covered under the provisions of Employees' State Insurance (ESI) Act, 1948. Every woman, entitled to the payment of maternity benefit under the Maternity Benefit Act, continues to be covered under this Act until she becomes qualified to claim maternity benefit under the ESI Act, 1948.

The Code on Social Security, 2020 (CoSS) has been passed by the Parliament on 28.09.2020. The Code has subsumed various existing social security legislations including the Maternity Benefit Act, 1961.

The Code also provides for the maternity benefits to women workers who are covered under the provisions of Employees' State Insurance (ESI) Act, 1948, which has also been subsumed in the Code. The ESI scheme is applicable to every establishment in which ten or more persons are employed other than a seasonal factory.

The Code on Social Security, 2020 already has enabling provisions inter-alia for providing health and maternity benefits to women workers under unorganised sector. Section 45 and Section 109(1) of the Code on Social Security, 2020 already provides for provision regarding framing of welfare scheme(s) including health and maternity benefits for these workers.

Section 1(7) of the Code also provides for voluntary coverage of an establishment to enable it to obtain benefits of the Employees' State Insurance (ESI) Corporation. The Code has not come into force so far.