



# **Maternity Benefits**



**Women and Children Affairs division  
Department of Labour  
Colombo 05**

## **Maternity Benefits for the female workers covered under the maternity benefits (Amendment ) Act, No. 15 of 2018**

Payment of money for the leave taken in respect of confinement.

### **Maternity Leave**

A female employee is entitled for maternity leave of 12 weeks for any live child birth. This can be obtained as 02 weeks prior to the confinement and 10 weeks after the confinement.

A female employee is entitled for a maternity leave of 06 weeks for a still birth. This can be obtained as 02 weeks prior to the confinement and 04 weeks after the confinement.

### **Calculation of Maternity Leave**

The maternity leave entitlement should be granted in addition to her general leave entitlement under any other law or regulation and the leave obtained by her.

## How is Maternity Benefit paid ?

For 12 weeks ( ie 12 weeks x 7 )  
daily wage x 84 days x 6/7

for piece rate workers the average daily wage should be calculated by considering the wages received by her during the 06 months prior to the confinement.

## To Whom ?

To the female worker who undergoes confinement or the person nominated by her. If she dies without nominating someone it should be paid to her legal heirs.

## Should the confinement be informed earlier to obtain Maternity Leave ?

The female employee should inform the employer of the confinement 01 month prior to the confinement. The Employer should be informed whether it was a live birth or a still birth one week after the confinement in order to calculate the maternity leave.

## Is a document required to prove the birth ?

A certificate from the physician, midwife, officer in charge of Nursing home or two persons who were there to witness the confinement should be produced. If the birth Certificate of the child is produced that is adequate.



## What are the other relief under the Maternity Benefits Act ?

The relief with regard to the protection of the mother and child are quite important. When the female employee gives notice of the confinement 03 months prior to confinement, she should not be entrusted with work

which may be harmful to her or her unborn child. Further the female employee should not be engaged in such harmful work for 03 months after the confinement.

### **How are the feeding intervals given after the confinement ?**

Two feeding intervals a day shall be given at required times (each interval not less than one hour) during the 09 hour working day until the child reaches one year.

When a crèche or a suitable place is not provided each interval should not be less than one hour. when such a place has been provided each interval should not be less than 30 minutes.

### **“ The Viable Foetus”**

A foetus of at least 28 weeks gestation period. If there is any doubt, one of the following conditions shall be satisfied for the foetus to be considered 28 weeks old.

- The length of the foetus shall be at least 12 inches.
- The weight of the foetus shall be at least 02 pounds.

## The timebar

In the event the above mentioned provisions of the regulations enacted under the Maternity Benefits ( Amendment ) Act, No : 15 of 2018 are violated or when taking action in terms of the Act is defaulted, court action can only be taken by making a complaint within 06 years from the date of such offence.

**For Awareness Purposes only.  
Cannot be used for  
Legal Purposes.**

For further inquiries contact the closest  
district labour office

or

Commissioner of labour

Women and Children Affairs division

Department of Labour

Colombo 05



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