



CIRCULAR

Circular No – 87 - 2021

To
All Members of The Association

Date: 07.06.2021

**EMPLOYERS ADVISED TO ALLOW NURSING MOTHERS TO WFH
FOR ONE YEAR AFTER BIRTH OF CHILD**

As you are aware the Government of India by amending the Maternity Benefit Act 1961 in 2017 the paid Maternity Leave was increased from 12 weeks to 26 weeks apart from other improvements like permitting work from home for nursing mothers.

As per section 5(5) "in case where the nature of work assigned to a woman is of such nature that she may work from home, the employer may allow her to do so after availing of the maternity benefit for such period and on such conditions as the employer and the woman may agree"

Accordingly, the Government of India has advised the State Governments vide its letter No. S-36012/03/2015-SS-I(Part) dated 01.06.2021 to take steps to create awareness about section 5(5) amongst women workforce as above considering the welfare of the nursing mothers in time of the pandemic.

Employers are therefore advised to take note of the same. It may also be noted that the above said letter is in the nature of an advisory to the employers to take steps to allow work from home, wherever the nature of work so allows for the nursing mothers in order to protect them and their babies from getting infected at least for a period of one year from the date of birth of the child.

A copy of the letter No. S-36012/03/2015-SS-I(Part) dated 1st June 2021 from The Joint Secretary, Ministry of Labour & Employment, New Delhi is attached.

For KARNATAKA EMPLOYERS' ASSOCIATION
Sd/-
[B.C.PRABHAKAR]
PRESIDENT

No.S-36012/03/2015-SS-I (Part)
Government of India
Ministry of Labour and Employment

Shram Shakti Bhawan, New Delhi,
1st June, 2021.

To

The Principal Secretaries,
Labour Departments of All the States/ UTs.

In March, 2017, the Government of India amended the Maternity Benefit Act, 1961 by way of the Maternity Benefit (Amendment) Act, 2017 (the Act). Vide this amendment, paid maternity leave was increased from 12 weeks to 26 weeks. In addition, several other beneficial provisions were also brought in vide the above amendment. One important provision was enabling provision for permitting work from home for nursing mothers. Section 5(5) of the Act provides as follows :

"(5) In case where the nature of work assigned to a woman is of such nature that she may work from home, the employer may allow her to do so after availing of the maternity benefit for such period and on such conditions as the employer and the woman may mutually agree."

2. In the context of prevailing Covid-19 pandemic, the nursing mothers are a highly vulnerable lot and the need to protect this segment of the population from getting infected by the corona virus cannot be overemphasised. Allowing nursing mothers to work from home can contribute to protecting them and their babies from getting infected. It is in this scenario that the enabling provision for allowing 'Work from Home' assumes significance and hence needs to be popularised amongst the women workforce and the employers and employees need to be encouraged to allow more and more nursing mothers to work from home wherever nature of work allows to do so.

3. Apart from Covid, giving the flexibility to work from home wherever nature of work allows to do so, shall enable nursing mothers to continue to remain in employment. Thus implementation of this provision shall act as an enabling tool in enhancement of participation of women in labour force. This shall also contribute to creating a happy workforce.

4. As the State Governments are the appropriate Governments for implementation of the provisions of the Maternity Benefit Act, 1961, it is requested that steps may be taken to create awareness about section 5(5) of the Act amongst the women workforce and the employers. It is further requested that advisories may be issued to the employers for allowing more and more nursing mothers to work from home as per section 5(5) of the Act wherever nature of work so allows. The employers may be advised to allow work from home, wherever nature of work so allows, for nursing mothers at least for a period of one year from the date of birth of the child.

MBA

8/3/21

Maternity Benefit ACT
Ph. circulate to all govt. orgs.

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5. I shall be grateful if necessary steps are taken by the State Governments for implementation of section 5(5) of the Maternity Benefit (Amendment) Act, 2017 in right earnest and in true spirit.

Yours faithfully,

Vibha Bhalla
(Vibha Bhalla) 11/6/21

Joint Secretary to the Government of India
Tel: 011 23710239

Copy for information to:

1. The Chief Secretaries of all the States/ Administrators of all the UTs.
2. The Secretary, Ministry of Women, & Child Development, GOI, Shastri Bhawan, New Delhi
3. All the Ministries/Departments, Government of India