

MATERNITY BENEFITS

AND FACILITATING
RETURN TO WORK

IT - BPM Industry's Experience

NASSCOM[®]

TRILEGAL

PREFACE



R Chandrashekhar

President, NASSCOM

Multiplicity of thoughts, ideas and backgrounds adds meaning to our society. However they also generate multiple identities that may at times lead to disturbances. Different viewpoints, backgrounds and different approaches can lead to a better outcome. Managing diversity is not an option, it is a business imperative for all organisations wanting to have sustainable growth in the new socio-economic order.

India is the 7th largest country of world. There is culture change after every 200 kilometres. Most organizations today have a diverse workforce. However, managing the expectations of diverse employees and keeping them engaged is not an easy task. HR managers cannot assume and apply a common formula to attract, retain and motivate all employees in their organization. It aims to create an environment where no one is advantaged and no one is disadvantaged over another- an environment where "we" means everyone.

India continues to be the one stop destination for global sourcing, with a 56 percent share in 2015. The IT-BPM workforce is becoming increasingly diverse – in terms of socio-economic, linguistic, multinational and regional backgrounds. The Indian IT-BPM industry has seen the number of women employed

increase - employing over 1.3 million, which accounts for more than a third of the total workforce; women constitute more than half of current entry level hiring. Over the last few years the industry has also been actively pursuing inclusion of people with disabilities as well as encouraging an overall inclusive work culture.

Some of the strategies adopted by IT-BPM companies include cross cultural training, language training, encouraging employees to accept overseas assignments and preventing discrimination against employees based on religion and ethnicity. It is important for organizations to sensitize their personnel to assimilate diversity and absorb multiple cultures into their organizational DNA and be ready to become global leaders. However if we analyse deeper, studies reveal challenges in promoting diversity and inclusion. Discrimination, prejudice and ethnocentrism are the most prominent barriers in creating a diversity friendly culture. There is a significant drop in diversity at senior levels. While the reasons for women opting out of the industry could be many-organization, social, personal and emotional, we believe that life changes are some of the factors for women wanting to take a longer break or wishing to opt out of workplace.

Research and practices across the globe have shown that organizations and countries with employee-friendly maternity policies and good child care facilities not only ensure retention but also ensure good health both for the mother as well as the child.

NASSCOM is working towards developing and building awareness on diversity through various programs. Over the years, NASSCOM's efforts have gained momentum and companies are investing in developing women leaders. The support offered includes, role model sessions to inspire, networking sessions to increase visibility and awareness of opportunities, mentoring sessions to build confidence and identify development needs.

In this endeavour NASSCOM organized round-table discussions across 8 strategic locations in the country around maternity policies prevailing in the industry. This report on 'Maternity Benefits and Facilitating Return to Work: The IT - BPM Industry's Experience' is the result of the collaboration between NASSCOM and Trilegal, and it showcases some of the best practices in maternity policies adopted by the IT-BPM Industry. It is the latest among the various reports that NASSCOM has published around diversity & inclusivity. This report has been put together through primary research with NASSCOM member firms. We would like to express our sincere gratitude to all the stakeholders for their contribution to this report.

First, we would like to thank all member organisations of NASSCOM, who have gone out of their way to share relevant data and best practices.

This report would not have been possible without the sterling guidance of the NASSCOM D&I STEERING COMMITTEE who have been very generous with their time and counsel.

We would also like to convey our sincere thanks to the team from Trilegal comprising Mr. Ajay Raghavan, Ms. Swarnima, Ms. Rhuta Deobagkar, Mr. Aditya Prakash and Mr. Ajay Patri, who have worked tirelessly on this report.

Finally, our thanks to the NASSCOM team - Mr. Ashok Pamidi, Ms. Bharati Kapoor, Mr. Achyuta Ghosh and Ms. Diksha Nerurkar.

We trust you will find the report useful and welcome your feedback and comments at research@nasscom.in. We encourage you to reach out to our members to understand more on these case studies from member companies.

INTRODUCTION



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It was with this background that NASSCOM and Trilegal collaborated to organise interactive round-table conferences in different locations across India to serve as a platform for discussions on maternity benefits. The participants shared their practices and experiences, and this brought to light certain innovative maternity benefit practices adopted by participant companies. Employers justified their expansive policies on several grounds, from retaining their skilled workforce, to improving the gender diversity within the organisation by being an employer of choice for women in the country. In a lot of cases, the purpose behind adopting innovative practices was also to ease the return of women into the workforce after maternity leave.

The movement towards a more inclusive and diverse workplace is a progressive development. A major limb of this movement is the drive towards creating workplace policies that encourage more women to enter and more crucially, continue to be a part of the workforce. It is quite common to see women employees leaving employment after the birth of a child due to lack of a supportive environment, where balancing professional development and childcare becomes extremely difficult. This issue is compounded by the fact that the statutory benefits currently available in India are far behind international standards. There is an urgent need to understand this issue and explore feasible solutions, in the form of improved benefits.

Interestingly, as this report indicates, the policies of some employers in the IT - BPM sector do reflect such improved benefits. Over the past couple of years, some companies have been in the news for taking the initiative to give their employees additional maternity benefits. This brought us to the question of what was driving employers to give higher benefits. It also made us wonder how common such practices were and what the experience of these employers has been.

An interesting development in this regard is the proposal from the government to improve the statutory maternity benefits, primarily by increasing the duration of paid maternity leave. The good intentions that guide this proposal must be seen along with the impact that such changes will have on employers, especially small and medium enterprises. These range from the increased financial burden as a result of the longer duration of leave, to difficulties in managing the workforce during such prolonged absence of certain employees. These ground realities must be factored in by the government while deciding on the final form of the changes to the law.

While there are challenges ahead in the movement towards creating a diverse and inclusive workplace, our findings in this report show reason to be optimistic as well. The measures taken by some employers to create well-thought out policies and government proposals in the pipeline are a testament to the increasing importance of maternity benefit as a workplace policy.

THE LEGAL FRAMEWORK

INTERNATIONAL LABOUR ORGANISATION (ILO) STANDARDS

C183

Maternity Protection Convention, 2000

14 weeks of maternity leave. This convention has been ratified by 30 countries till date. India has not ratified this convention.

R191

Maternity Protection Recommendation, 2000

18 weeks of maternity leave. This is a non-binding instrument that recommends a longer period of maternity leave.

THE MATERNITY BENEFIT ACT, 1961 (THE MB ACT)

Types of Leave under the MB Act

Maternity Leave

12 weeks, of which at least 6 weeks must be taken immediately following the day of delivery.

Leave for Miscarriage or Medical Termination of Pregnancy

6 weeks immediately following the day of miscarriage or medical termination of pregnancy.

Leave with Wages for Tubectomy Operation

2 weeks immediately following the day of operation.

Leave for Illness

1 month, in cases of illness arising out of pregnancy, delivery, premature birth of child, miscarriage or medical termination of pregnancy or tubectomy operation.

Note: If employees are covered under the Employees' State Insurance Act, 1948 (i.e. earning up to INR 15,000 per month), they can avail maternity benefit (including pay for the leave period) from the Employee State Insurance Corporation. In such cases, the employer will not be liable to make any payments.

Other Benefits under the MB Act

Medical Bonus

A one-time lump-sum payment (currently INR 3,500), if no pre-natal confinement and post-natal care is provided for by the employer free of charge.

Nursing Breaks

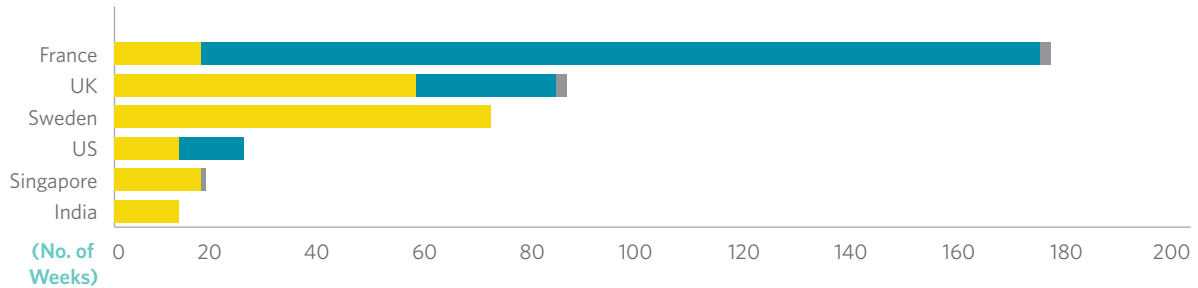
Two breaks of the prescribed duration in the course of daily work for nursing the child, until the child attains the age of 15 months. This duration varies from one state to another and is usually 15 or 20 minutes, which can be extended by up to 15 minutes per break to allow the employee to travel to the place where the child is.

The duration of maternity leave is commonly used as a yardstick while assessing the maternity benefits being offered. ***The maternity leave under the MB Act is lower than the minimum set under the ILO standards.*** In fact, India has not ratified the ILO convention C183 that provides for 14 weeks of maternity leave.

The MB Act is quite an old statute, dating back to 1961, and it has not been updated in keeping with the times. As a result, a number of benefits that are pertinent in the present age are currently not addressed under the MB Act.

New-age benefits, such as, adoption leave, paternity leave, surrogacy leave, leave for availing fertility treatments and flexible working find no reference under the MB Act.

COMPARATIVE BENEFITS ACROSS JURISDICTIONS



(No. of Weeks)	India (100% Employer except ESI)	Singapore (50% government funded, 50% employer)	US (unpaid)	Sweden (100% government funded)	UK (92% government funded, 8% employer)	France (100% government funded)
■ Maternity Leave	12	16	12		52	16
■ Parental Leave			12	70	26	156
■ Paternity Leave		1			2	2

It is interesting to see that in some European countries, there is a concept of 'parental leave' - where leave can be taken by either parent based on their requirements.

- *In France, up to 3 years of unpaid leave can be shared between the parents.*
- *Sweden provides for 70 weeks of parental leave.*
- *In the United Kingdom, up to 26 weeks of leave can be shared between the parents (for children born after 5 April 2015, the parents can share up to 50 weeks, depending on the amount of maternity leave taken).*

'Parental leave' is an evolving concept, where child rearing is seen as a shared responsibility. This ties in with the growing awareness around gender equality. The common intent behind the

concept of parental leave is to ensure that women and men enjoy the same opportunities, rights and obligations in all areas of life. Since partners have the freedom to decide how the parental leave is utilised, this gives them a lot more discretion and flexibility. At present, in India, only the mother has a statutory right to such paid leave and there is no flexibility for her to share this leave with her partner.

Having said that, introducing parental leave in India will not be easy. This is because unlike most European countries, the maternity leave in India (except under the ESI Act) is funded entirely by the employer, and not by the government. As a result, parental leave would be difficult to implement in a situation where the partners are working with different employers. Since the leave is funded by the government in European countries, implementation is a lot easier.

In May 2014, the ILO issued a report on practices around maternity and paternity at work in 185 countries and territories. In this report, the ILO observed that almost every country around the world provides some type of maternity protection to employees. Among the countries that were studied, **the number of countries providing at least 14 weeks of maternity leave increased from 38 % in 1994 to 51 % in 2013**. Further, the report states that while most countries provide for some cash benefit during the period of maternity leave, the amount of cash benefit varies across countries.

You will see from the graph that there are significant variations in the actual benefits being offered in different countries. For instance, some European countries such as France and Sweden have extremely generous maternity leave that is far more beneficial compared to even the ILO standards. On the other hand, in some countries like the United States of America there is no statutory paid maternity leave at all. The ILO report indicates that conformity with the ILO standards is particularly low in Asia, the Middle East, Africa, Latin America and the Caribbean. For instance, of the 12 Middle Eastern countries that the ILO studied, only 1 country meets the 14 week minimum, and the remaining countries provide less than 12 weeks of leave.

Thus, in terms of statutory benefits, India falls somewhere towards the lower end of the spectrum. Having said that, we have seen that some companies have taken the initiative to offer better benefits to their employees over and above what the law requires.

THE IT-BPM INDUSTRY'S EXPERIENCE

To understand what was driving employers to offer higher benefits, NASSCOM and Trilegal conducted round-table conferences across 8 Indian cities - Bangalore, Chennai, Delhi, Hyderabad, Kochi, Kolkata, Mumbai and Pune.

Over a 100 companies participated in these discussions.

Most of the participating companies (85% - 90%) were complying with the statutory requirements. A few companies, however, offered more favorable benefits, or adopted interesting practices.

Following the round-table conferences, we reached out to the participating members to seek specific information on their practices. The data presented in this segment of the report reflects the responses gathered from about 16 members, many of whom have taken the initiative to offer higher maternity benefits or adopt novel practices.



Some interesting trends

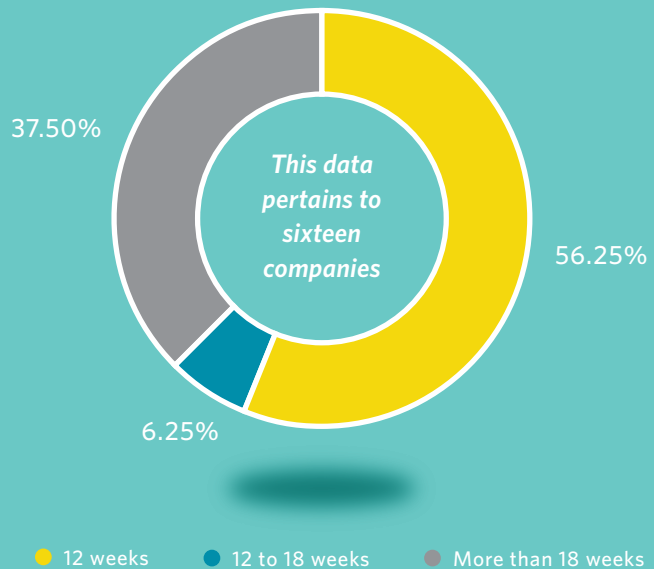
- Increased **paid maternity leave** of up to **24 weeks** (as opposed to the statutory minimum of 12 weeks)
- **Additional unpaid maternity leave** of up to **1 year**
- Other types of leave that are currently not contemplated under the MB Act - such as adoption leave, paternity leave and surrogacy leave.
- Innovative facilities for the employee during pregnancy and after return to work
 - **Childcare facilities**
Onsite creche or tie-ups with an offsite creche, lactation room.
 - **Health and wellness facilities**
On-call doctors, wellness programs, etc.
 - **Facilities to ensure comfort at the workplace**
Ergonomic chairs or footrests, service from the pantry, transportation facilities, priority parking.

The findings showed that the companies which offered additional maternity leave and creative benefits in this manner, actually saw demonstrable results in the form of increased return to work post-maternity and greater employee retention over a period of time.

Leave entitlements

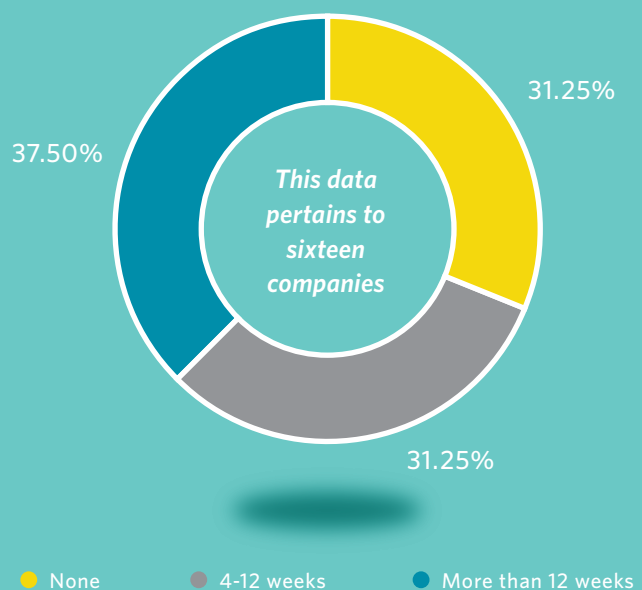
While a majority of the companies that attended the round-table discussions do offer 12 weeks of paid maternity leave, some also offer additional paid or unpaid maternity leave. Of the 16 companies that participated in the survey, 37.5% offer more than 18 weeks of paid maternity leave.

Duration of paid maternity leave.



Unpaid maternity leave is also offered - while some companies have clear policies around unpaid maternity leave, others choose to give unpaid maternity leave on a case-to-case basis, depending on the discussions between the employee and her manager. We found that 37.5% of companies offer more than 12 weeks of unpaid maternity leave. In some cases, the total maternity leave offered (including paid and unpaid) was as high as 18 months.

Duration of unpaid maternity leave.



Other types of leave



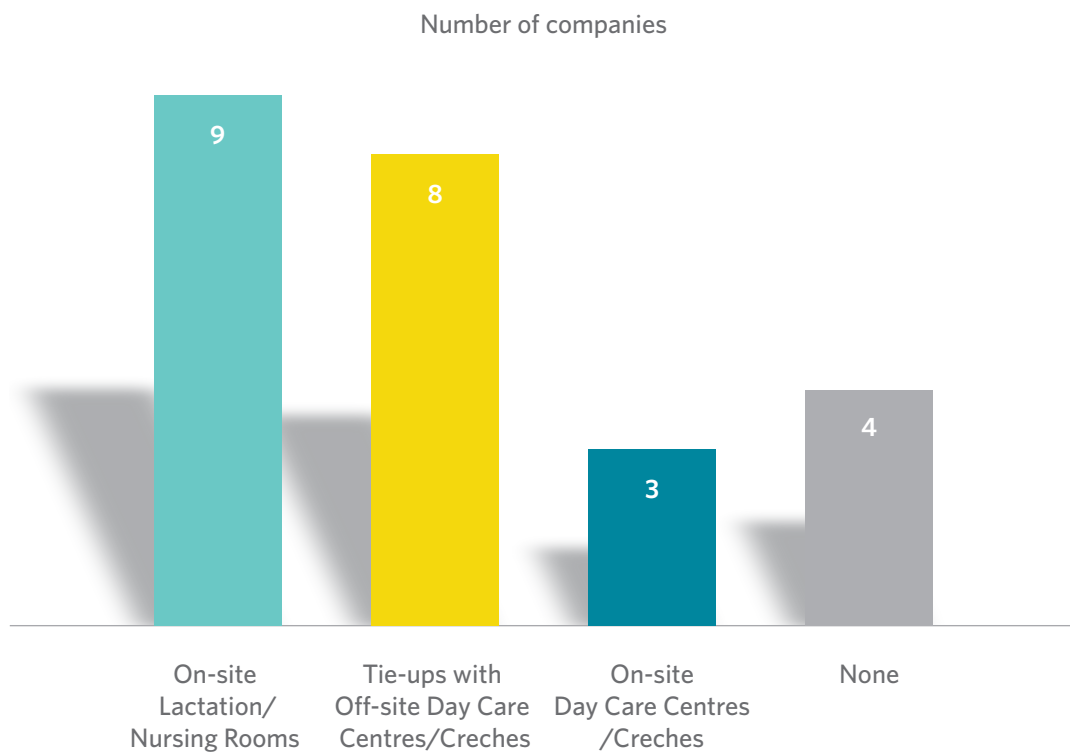
In addition to providing paid or unpaid maternity leave beyond the statutory requirements, some companies also choose to extend other types of leave that are currently not contemplated under the MB Act. It is quite common to see multinational companies extending paternity leave, and to some extent even adoption leave to their employees. However, **one type of leave that has not been common in the past and that was a topic of discussion in all the round-table sessions is 'surrogacy leave'**. From our discussions, the experience of companies appears

to be that in the past 2- 3 years, there has been an increase in the number of leave requests for reasons such as IVF, fertility treatment and surrogacy. In addition to the fact that such facilities are becoming more easily available to employees, another possible reason for the increase in such requests is that more women are choosing to have children at a later stage. We saw that a large number of companies are considering whether to offer surrogacy leave to their employees, and a few companies already offer surrogacy leave.

Additional benefits

The round table discussions and responses we received to the questionnaire also shed light on interesting practices that some companies adopt to support women employees during pregnancy and post-maternity to make return to work easier. These benefits relate to various aspects such as child-care, comfort and wellness of the employee etc.

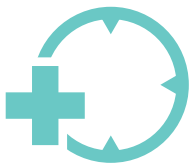
Child-Care benefits post maternity leave



Other Benefits

In addition to the child-care benefits represented above, several of the participating companies also provide one or more of the following additional benefits to their employees

- Dedicated on-call doctors
- Counselling sessions and wellness programs
- Transportation facilities
- Maternity related workplace comforts (for instance, ergonomic chairs, footrests, service from the pantry, priority reserved parking etc.) and
- Medical insurance and/or reimbursement of medical bills.



How do companies manage the impact of maternity leave on an employee's performance rating?

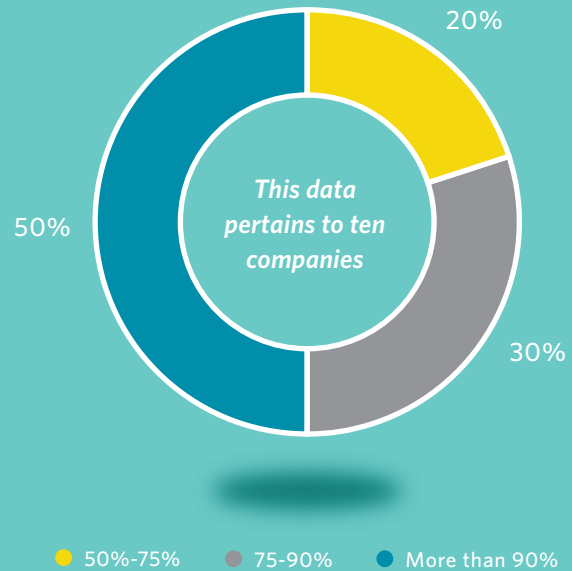
The impact that maternity leave has on an employee's performance rating is often a possible source of concern for the employee - especially where this factor impacts the discretionary bonus. While we did come across a few companies where an employee would simply not receive any discretionary bonus since they were not working, a lot of the companies did have mechanisms in place to ensure that employees going on maternity leave are protected in terms of their entitlement to discretionary or performance related bonuses.

The most common measure that companies seem to have adopted is to freeze the employee's performance ratings during the period of leave, with the net effect being that the employee is considered to be working during the period of absence. Another practice that we saw was to use the same rating that the employee had received in the previous appraisal period. On the other hand, some companies took the approach of fixing a minimum threshold bonus amount, or entirely excluding the duration of maternity leave and only considering the earlier period for which the employee has worked to determine the bonus.

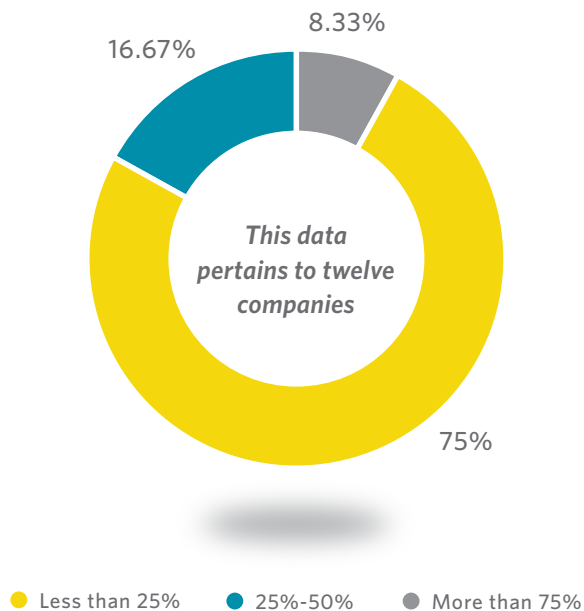
Employee Retention

It is a common phenomenon that as you go higher up the career ladder in an organisation, the number of women employees begins to drop. Even in sectors where the number of women employees is high at an entry level, there are usually not too many female employees among the senior and mid-management. While there are several reasons for this, one reason is that in the absence of a supportive environment, the childcare responsibilities that women have make it difficult for them to return to work after having children. As a result, the number of employees returning and continuing to work post-maternity is usually not very high. Interestingly, the feedback from the companies that we spoke to, indicated that the experience of companies that offer higher maternity benefits and implemented innovative practices to facilitate return to work post maternity has been quite different. This has been captured in the charts that follow.

Percentage of employees returning after Maternity Leave



Percentage of employees leaving the organisation less than two years after returning from Maternity Leave



One issue raised by companies is that even among the employees who do return to work post-maternity, a lot of them tend to leave employment soon after their return - often within a year or two. Given this, we collected data on the percentage of employees who left employment within 2 years of returning from maternity leave. While the data in these charts only reflects the experience of a small number of companies in the IT - BPM sector, the picture that it paints is quite interesting. For a majority of the companies, over 75% of employees returned to work after availing their maternity leave, and the attrition after that was also low. In fact 75% of the companies found that less than 25% of the employees left the company within 2 years of returning from their maternity leave. Thus, it appears that the beneficial measures that these companies have adopted are having demonstrable results and from our discussions, we understand that this has been the experience of most companies. In fact, this is what seems to be driving more companies towards adopting such innovative practices and increasing the maternity benefits that they offer in an effort to attract and retain women employees.

Returnship Programme - A novel approach

Another interesting initiative that we have seen some companies introduce, is the concept of a 'Career 2' programme or a 'returnship' program. Initiatives of this type are generally targeted

towards women who have taken a career break on account of maternity. These programs are intended to enable such women to re-enter the workforce, and to facilitate their gradual integration into the workforce.

PRACTICES ADOPTED BY SOME COMPANIES IN THE IT - BPM SECTOR

About the Company

Flipkart is an Indian e-commerce marketplace, offering products across multiple categories including books, media, consumer electronics, furniture and lifestyle. Flipkart has about 2225 women employees across India.

- Current policy has been in place since June 2015.
- 36 women have availed of maternity leave since July 2015. 4 of them have returned to work (Note: the maternity leave for the other 32 employees is still ongoing).

FLIPKART

MATERNITY LEAVE OFFERED

- Paid maternity leave of 6 months.
- Additional unpaid leave of absence for up to 12 months .

OTHER LEAVE OFFERED

- Adoption leave of 6 months for women employees adopting a child under 12 months of age (3 months if the child is over 12 months of age). Adoption leave of 6 weeks for male employees, to be used within the first 6 months of adoption.

ADDITIONAL BENEFITS

- Flexible working hours for 4 months with full pay and continuity of service after returning to work from maternity or adoption leave.
- Dedicated parking spot for 2 months before and after delivery.
- On-site rooms for lactation and rest.
- Medical insurance for expectant mothers, at INR 65,000 for a normal delivery and INR 80,000 for a C-section.
- A one-time, tax-free adoption allowance of INR 50,000.
- Tie-ups with day care centres, providing subsidised rates (at 50%) for children up to the age of 4 years.
- Support from a wellness coach on parenting, child-care, emotional health, work-life balance.



Management testimonial

**SATHEESH KV,
DIRECTOR - TOTAL REWARDS**

“Over the years, we have noticed that motherhood is a period when a significant number of women decide to stop working. New mothers always find it difficult to adjust to their dual roles. Our intent here is to slowly get them acclimatised to this dual role and eventually get them comfortable with work life. We have not only focused on extending the maternity leave period to six months, but also designed it in a manner to help them get back to work life smoothly. We want to support women employees achieve work-life balance as they continue to focus on their careers. With the introduction of these policies, Flipkart aims to create a safe, secure and an inclusive workplace.”



Employee testimonial
SHERIN BIDAR

“There comes a time in every woman’s life when she’s ecstatic and worried at the same time. Ecstatic that she’s going to be a mother, and worried if she’ll be able to balance her career during the crucial period around childbirth. Thanks to Flipkart, my joy and happiness was undiluted. A comprehensive pregnancy care plan ensured that I did not have to worry about anything. Two months of free transportation followed by six months of maternity leave saw to it that I could begin the journey of motherhood with complete support from my office.”

About the Company

SAP Labs is a research and development centre with three labs in India - Bangalore, Gurgaon and Pune. It has an employee base of approximately 6,500, and works across sectors and industries to support over 6,600 customers in the Indian sub-continent.

- Current policy has been in place since October 2014.
- 168 women have availed of maternity leave since October 2014, of which only 13 have left the organization.

SAP LABS

MATERNITY LEAVE OFFERED

- Paid maternity leave of 20 weeks. Additional 1 month of paid leave in cases of complications arising during pregnancy.
- Additional unpaid leave of absence for up to 16 weeks that can be availed immediately following the paid maternity leave.

OTHER LEAVE OFFERED

- Adoption leave of 12 weeks. Additional 24 weeks of unpaid leave or option of reduced work at reduced pay.
- Surrogacy leave of 12 weeks. Additional 24 weeks of unpaid leave or option of reduced work at reduced pay.
- Paternity leave of 5 working days, to be availed within a month of the child's birth. Option to work from home for part of the day for a period of 4 calendar weeks during the 2 months following the child's

birth. Employees can also avail an additional 24 weeks of unpaid leave within a year of the child's birth.

POLICIES ON OTHER BENEFITS INCLUDING RE-INTEGRATION INTO THE WORKPLACE

- Run Mummier Program: A policy to facilitate re-integration into the workplace after returning from a period of maternity leave through the following measures:
 - a. Helping employees keep in touch with colleagues and work-related matters through volunteers known as Run Mummier Buddies;
 - b. The use of an app, the Run Mummier App, to provide specific information regarding policies and benefits applicable to women during the timeline of their pregnancy and post the birth of the child, as well as providing checklists for women and aiding them in the execution of tasks related to policies and management of expectations during the maternity period.

ADDITIONAL BENEFITS

- Options for flexible working hours:
 - a. Post-natal work from home facility: A temporary home office is provided to those employees who need to work from home for a limited period because of project requirements or personal reasons such as extended maternity/paternity leave;
 - b. Work from home facility for all employees (including pre-natal cases): Employees can work from home for a maximum of 4 days in a month, subject to approval;
 - c. Flexi working hours for all employees (including pre-natal cases): Employees allowed to work part-time for a maximum period of 4 months. One can work 50%, 60% or 80% of regular workload based on an agreement with the manager; and
 - d. Post-natal support for parents with differently abled children: Parents of a differently abled child, who is less than 7 years of age, can either choose to work from home for a maximum of 3 days a week, or choose to work for a minimum of 4 hours per day in office and the remaining from home. Parents of a differently-abled child who is aged between 7 years and 15 years, can either choose to work from home for a maximum of 2 days a week or choose to work 4 half days from home in a given work week.
- Mother's Room: Built for nursing mothers. Includes three separate chambers to help employees pump breast milk and mini refrigerators for storage.
- SAPlings: An in-house child care centre catering to children in the age group of 9 months to 6 years.
- Transportation facilities that can be used by employees at any stage of their pregnancy.
- In-house yoga and wellness sessions for pregnant employees.
- Tie-up with Cloud Nine, a birthing, woman and childcare facility to offer discounted rates to employees.
- Diversity and You!: A comic strip for raising awareness on sensitive issues, using an easier to absorb medium for communicating.
- Conducting 'Women in Tech Summit' in association with NASSCOM for promoting and inspiring women in technology.
- Sensitising managers and supervisors during team, management and performance calibration meetings.

About the Company

HSBC Electronic Data Processing India Pvt. Ltd. (HDPI) is a full-service Banking and Financial Services outsourcing solutions provider. HDPI extends process support through more than 20,000 dedicated employees, spread across 10 Global Service Centres (GSC) in India.

- Current policy has been in place since October 2014.
- 228 women have availed of maternity leave since July 2014. 187 of them have returned to work (Note: some of these employees are currently on maternity leave).

The HSBC logo is displayed vertically in a large, bold, yellow font on the left side of the page.

MATERNITY LEAVE OFFERED

- Paid maternity leave of 24 weeks.

OTHER LEAVE OFFERED

- Adoption leave of 12 weeks.
- Paternity leave of 5 days.

POLICIES ON OTHER BENEFITS

- Child-care policy: Covers child-care expenses up to a maximum of INR 5,000 per month or 50% of the monthly child-care facility expense, whichever is lower, from the date the female employee joins the organisation. Can be availed of until the child attains 2 years of age.

ADDITIONAL BENEFITS

- Options for flexible working hours:
 - a. Part-time working: 22.5 hours of working in a week; or
 - b. Flexi working: a minimum of 15 hours of working in a week (can be structured as 7.5 hours for 2 days a week / 5 hours for 3 days a week / 3 hours for 5 days a week).
- Maternity related insurance of INR 50,000.
- Medical insurance coverage in the range of INR 125,000 - INR 500,000 depending on the employee's grade.
- Provision of additional breaks and flexibility of shift timings, upon request.
- Sensitisation sessions for managerial personnel on how to approach situations where employees are on maternity leave or are returning from maternity leave.



Management testimonial

P V SUMITA, D&I LEAD, GSC CHENNAI

"Maternity is a key milestone where a significant number of women, mostly in the age group 28 and 35 years, choose to stop working, leading to phase out of high potential women professionals at the middle of the pyramid. During this phase, a woman requires not only adequate time period to recuperate but also economic independence, to successfully leapfrog back to work and deliver high productivity levels.

Towards promoting such a conducive environment during both the pre and the post-natal phases, in October 2014 HSBC announced a ground-breaking measure whereby all female employees within India may apply for a 12 week extension to their maternity leave. This essentially meant in-lieu of the existing 12 weeks of paid leave, a female colleague may avail 24 weeks of paid leave thereby, enabling her to continue to remain self-reliant during this period.

We have received very positive feedback as this initiative has actually doubled the joy of being a Mother!"



Employee testimonial

KAVYA MANJARI

"Parenthood is such an emotional roller coaster and my transition to a mom has been a very pleasurable one thanks to the immense support I had (still have) from the organisation and both the functional and entity management.

It is only after I had my baby boy that the significance of the additional 12 weeks dawned on me. Coming back to work, I feel welcomed and happy and can't wait to get going."

About the Company

Accenture is a leading global professional services company, providing a broad range of services and solutions in strategy, consulting, digital, technology and operations, and has been operating in India since 1987. Globally, Accenture has over 130,000 women employees, and they intend to increase the percentage of women new hires to at least 40 percent worldwide by 2017. Accenture's current maternity leave policy has been in place since 1 May 2015.

ACCENTURE

MATERNITY LEAVE OFFERED

- Paid maternity leave of 5 months. An additional 1 month of paid medical leave, approved upon request.
- Additional unpaid leave of up to 3 months.

POLICIES ON OTHER BENEFITS INCLUDING RE-INTEGRATION INTO THE WORKPLACE

- Returning Mothers Program Staffing and child-care support for employees returning from maternity leave.

ADDITIONAL BENEFITS

- Wellness rooms, special cab facility for an expectant mother upon request, foot-stools provided upon request, gynaecologist visits as per schedule.
- Tie-ups with external vendors for the provision of day care services, including infant care from 6 months onwards.
- Nursing rooms for women, which are equipped with equipment to express and store breast milk.
- Free Parents at Work sessions offered to employees by skilled practitioners on various subjects related to parenting.
- Employee Assistance program offering free counselling to Accenture employees on any concerns related to parenting.



Employee testimonial
SUMA BIRUR RAMASWAMY

"My child brings me so much joy and I carry that with me to work every day knowing that my life has a whole new meaning. The 22 weeks of maternity leave helped me bounce back to work knowing that this new beginning in life is cared for by Accenture."



Employee testimonial
SUNITA SAH

"Motherhood can be both exhilarating and overwhelming at the same time. Accenture's pre and post maternity policies helped me transition smoothly into a chapter of life that often gives women the jitters. Accenture's people-centric policies ensured I had enough maternity leave, flexible work timings and the option to log in from home as and when required. Thanks to Accenture for being supportive of working mothers and instilling in us the confidence that a woman can play both the role of a mother and a working professional with equal aplomb and ease."

About the Company

Accelya Kale is a solutions provider to the airline and transport industry. It helps customers to streamline their financial processes and gain insights on business performance through the use of decision support tools and data analytics. Accelya Kale has about 622 women employees in India.

- 131 women have availed of maternity leave since January 2013. About 70% of them have returned to work.

ACCELYA KALE

MATERNITY LEAVE OFFERED

- Paid maternity leave of 12 weeks.
- Additional unpaid leave of 180 consecutive days (inclusive of weekly and declared holidays).

POLICIES ON OTHER BENEFITS INCLUDING RE-INTEGRATION INTO THE WORKPLACE

- Accelya Kale Second Innings Program (AKSIP)
A career transition management program, offering flexible work options to employees looking to get back to work after taking a break from work.
- Higher referral bonus in the event of female employee being hired
A policy to encourage the referral of female candidates in order attain a more gender inclusive organization.

- Accelya Kale Women Self-Enhancement Program (AKWSEP)

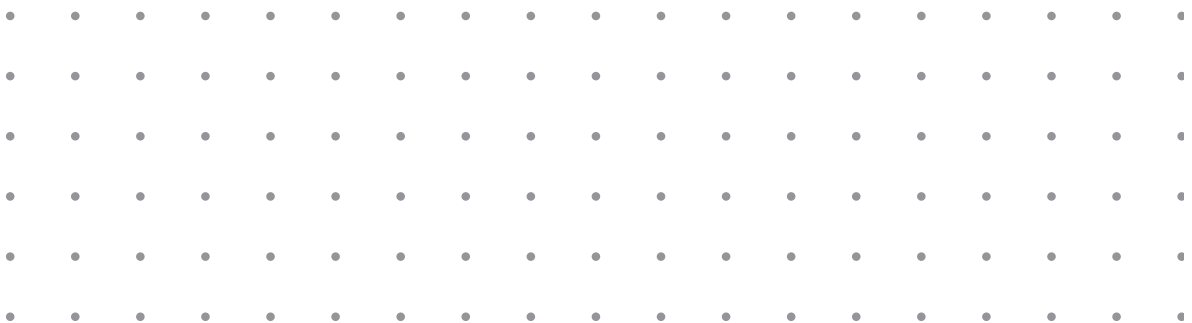
A customized workshop to help women employees to understand & overcome challenges in professional as well as personal life.

ADDITIONAL BENEFITS

- All employees who have worked with Accelya Kale for at least 5 consecutive years can avail a benefit of 4 consecutive months of unpaid leave, to take care of studies of their children who are scheduled to appear for 10th Standard and 12th standard board examinations.
- Celebrating Her @ Work
A written feature to recognise women employees by acknowledging the work done in various aspects of work.
- Provision of ergonomic chairs in the office for expectant mothers.

Some Other Practices

- A wide range of flexible working arrangements are offered by employers. **Wipro** and **Metro** offer employees an option to work for half a day at half the pay. **Fakhoury Consultants** offers employees the option of working from home.
- **Barclays, Sapient** and **Morgan Stanley** have tie-ups with day care centres located close to their workplaces to facilitate child-care even after the end of the period of maternity leave.
- **Credit Suisse** has a 'Real Returns Program' targeted at female professionals who have been out of the workforce for 2 years or more on account of maternity and childcare. The program is designed as an 8 week internship model with a mix of projects. Candidates will be evaluated post the internship for full time opportunities.
- **HP** has a 'Bring Women Back to Work Program' that aims to facilitate the smooth re-integration of employees into the workforce after coming back from maternity leave.
- **BNY Mellon, Dell** and **Markit** provide for medical insurance coverage as part of their maternity benefit package, as well as provide reimbursements for medical expenses.



THE GOVERNMENT SECTOR

The maternity benefits being offered in the government sector are also far ahead of the requirements under MB Act. In fact, the maternity leave for government employees is much more beneficial than the minimum

requirements as per the ILO standards. They also have provisions on other types of leave such as paternity leave and adoption leave, which do not find a reference in the MB Act.

Maternity benefits for Government employees*

- Maternity leave up to **180 days**
- Paternity leave up to **15 days**
- Adoption leave up to **180 days** and
- Child care leave of up to **2 years** that can be availed by women employees at any time until the child reaches 18 years of age. Child care leave can be used for a variety of reasons (such as where the child is unwell, where the child has examinations, etc.). Employees have flexibility to decide the time and duration of availing this leave.

Interestingly, the Maharashtra government recently introduced 180 days of surrogacy leave for its employees (government resolution dated 20 January 2016).

*Central Civil Services, All India Services and Railways.

WHERE IS THE LAW HEADED?

Over the last year, discussions around increasing benefits under the MB Act have been gaining momentum:

- The Ministry of Labour and Employment initially suggested extending maternity leave under the MB Act from the current standard of 12 weeks to 24 weeks.
 - The Ministry of Women and Child Development, on the other hand, suggested an increase from 12 weeks to 32 weeks.
- **12 weeks** of maternity leave to women using a surrogate to have a child and women adopting a baby.
 - Making it mandatory for companies having a workforce strength of over 50 people in an office to have a **crèche within the office or a 1 kilometre radius from the office.**
 - Introducing an option for the employee to **work from home** after she has used up her maternity leave.

The most recent iteration of the proposal to amend the MB Act includes the following changes

- Increase in the maternity leave under the MB Act from 12 weeks to **26 weeks.**

12  **26**
WEEKS WEEKS.

The increased maternity leave being proposed is far higher than the requirement under the ILO standards i.e. C183. This proposal is along the same lines as a number of policies and practices that various companies have adopted, and includes a provision allowing for work from home, which is very relevant in present times. The proposal also attempts to incorporate other types of leave such as surrogacy leave and adoption leave. Unfortunately

however, there are still no discussions on introducing statutory paternity leave.

While there are challenges that would need to be addressed before the proposed changes are introduced, this is certainly a step in the right direction. The increasing focus on maternity benefits demonstrates the growing awareness of the need for diversity and inclusion in the workplace.

The proposed changes to the MB Act discussed in this report have been collated from newspaper reports.

DISCLAIMER

The contents of this report are privileged and not to be disseminated without prior permission. This report is meant for informational purposes and does not constitute a legal opinion or advice. This report is based on information as of March, 2016.

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MATERNITY BENEFIT ACT, 1961

(MB ACT) A READY RECKONER

TYPES OF LEAVE

Leave	Duration	Additional Comments
Maternity leave	12 weeks	At least 6 weeks must be taken immediately after childbirth.
Miscarriage or Medical Termination of Pregnancy	6 weeks	Period immediately following the day of the miscarriage or medical termination of pregnancy.
Tubectomy Operation	2 weeks	Period immediately following the day of the operation.
Illness	1 month	An additional benefit in cases of illness arising out of pregnancy, delivery, premature birth of child, miscarriage or medical termination of pregnancy or tubectomy operation.

OTHER BENEFITS

Leave	Description	Additional Comments
Medical Bonus	A one-time monetary payment of INR 3,500.	Applicable only if no pre-natal confinement and post-natal care is provided for by the employer free of charge.
Nursing Breaks	2 breaks of 15 minutes* each in the course of daily work for nursing the child.	Applicable until the child attains the age of 15 months. Can be extended by up to 15 minutes per break to allow the employee to travel to the place where the child is left.

*The requirements on nursing breaks and form numbers vary from State to State. The information provided here relates to Karnataka.

GENERAL DUTIES OF THE EMPLOYER

Duty	Additional Comments
Restriction on Employment	<ul style="list-style-type: none"> No employee can work, or be knowingly employed, during the period of 6 weeks immediately following the day of her delivery or miscarriage or medical termination of pregnancy. A pregnant woman employee cannot be required to do arduous work or work that involves standing for long hours or work that will interfere with her pregnancy during the period of 10 weeks prior to delivery.
Dismissal to be Unlawful	<ul style="list-style-type: none"> A dismissal of an employee during the period of maternity leave will be deemed to be unlawful. Exception: can be dismissed for a prescribed gross misconduct during pregnancy, without the payment of maternity benefit or medical bonus or both.

MAINTENANCE OF RECORDS AND REGISTERS

Legal Compliance	Frequency	Form	Additional Comments
Annual Return	Annual	Form U under the Karnataka Shops and Commercial Establishments Act	Information for the past year including the number of women employees, claims made, claims paid or rejected, dismissals of women employees etc.
Muster Roll	Ongoing	Form A	Particulars of the women employees in the establishment, including information related to maternity leave availed, the relevant dates on which the leave was availed, the wages paid, the nominees of the employee, etc.
Display abstract of the MB Act and rules	Ongoing	Form J	To be displayed prominently on the premises in a manner prescribed by the authority.
Supply forms free of cost to the employees upon request	Event based	Forms B, C, D, E, G and H	The forms are to be used by employees to give notice to the employer for the payment of maternity benefit, for producing the relevant medical certificates, etc.

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