A Contemporary Perspective to Maternity Leave Regulation: Comparison of Laws in Nigeria, The United Kingdom and Canada

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Being a Ph.D. Thesis Submitted to the Department of Private and Business Law, Lead City University, Ibadan, Oyo State, Nigeria

In Partial Fulfilment of the Requirements for the Award of the Degree of Doctor of Philosophy (Ph D) in Law.

2025

Certification

This is to certify that Abiade Olawanle ABIOLA with matriculation number LCU/PG/004097 carried out this research titled ‘’A Contemporary Perspective to Maternity Leave Regulation: Comparison of Laws in Nigeria, The United Kingdom and Canada’’ in the Faculty of Law, Lead City University, Ibadan, Oyo State, Nigeria, for the award of Doctor of Philosophy (Ph.D.) in Law and that this has not been previously submitted for any publication.

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Dean

Dedication

This study is dedicated to the Almighty God, whose grace, wisdom, and strength has sustained me through this academic journey. Without His guidance, this achievement would not have been possible.

Acknowledgements

Firstly, I would like to express my profound gratitude to the most high God, who made what appeared impossible to become a reality. I appreciate the three God-heads, the giver of all things, for carrying, teaching and enabling me all my life.

I appreciate the Chairman of Council, Lead City University, Prof. Jide Owoeye for being an excellent boss and for creating an enabling working environment for all the staff of the University. I appreciate the mentorship, love and support of the Registrar, Lead City University, Dr. Oyebola Ayeni. Thank you, Ma, for all you do.

My utmost gratitude to my Ph.D. supervisor and role model, Prof. Babatunde Oni SAN and co-supervisor Dr. Aderonke Adegbite for their time, teaching, support and love.

My gratitude goes to my benefactor and mentor, Chief Charles Akinlolu Olujinmi, CON SAN for his mentorship, love, support and encouragement.

I am grateful to my mother Deaconess Adesola Aduke Abiola, for her unceasingly love and support. I love you, Mum. I appreciate all my family and friends for their love and support.

To my two blessed children, Eso-Iree Charles Abiola and Ewa-Oluwa Eunice Abiola, I love and cherish you both.

Abstract

Maternity leave regulations are crucial for protecting the rights of working women during pregnancy and childbirth, ensuring their well-being and that of their new-borns. It is a critical aspect of labour law that ensures the protection of women's rights and promotes gender equality in the workplace. This study explores maternity leave regulation from a contemporary comparative perspective, focusing on Nigeria, the United Kingdom, and Canada. It seeks to analyze the legal and institutional frameworks governing maternity leave in these jurisdictions, assess their effectiveness in promoting gender equity and work-life balance, and identify lessons that can be drawn to inform policy reform. The thesis is grounded in Human Capital Theory and Institutional Theory. Human Capital Theory provides a lens through which the economic implications of maternity leave are understood, particularly how investments in women's health and family life translate into long-term workforce productivity and societal benefit. Institutional Theory, on the other hand, guides the analysis of how social norms, legal structures, and organizational behaviour shape maternity leave policies and their implementation within different national contexts. The interplay of these theories allows for a nuanced understanding of both the economic rationale and institutional constraints that influence maternity leave regulation. The research adopts a qualitative comparative legal methodology. It involves doctrinal analysis of statutes, regulations, and policy instruments, as well as secondary data from government reports, academic literature, international labour conventions, and case law. A cross-country comparative approach is employed to identify key similarities and divergences among the three countries regarding leave duration, eligibility, job protection, and the role of public versus private sector enforcement. Findings indicate that while the United Kingdom and Canada have made progress in providing comprehensive and inclusive maternity leave policies—characterized by relatively long leave periods, wage replacement, and strong legal protections—Nigeria's framework remains underdeveloped, with limited coverage, shorter leave duration, and weak enforcement mechanisms. In both the UK and Canada, institutional support systems such as employment insurance and government subsidies, play a central role in sustaining maternity leave, whereas Nigeria's regulatory environment lacks such robust institutional backing. The study concludes that Nigeria's maternity leave regime is inadequate for achieving gender parity and supporting maternal and child health. It recommends legal reform that expands the duration and inclusivity of maternity leave, incorporates parental leave provisions, and strengthens institutional accountability. The thesis underscores the importance of aligning legal norms with economic development goals and evolving social expectations regarding gender roles and family responsibilities.

Keywords: Maternity leave, Labour law, Gender equality, Workplace discrimination

Word Count: 405

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Flexible Working Regulations, 2014

Gestational Surrogacy Act 750 ILCS

Human Fertilisation and Embryology Act, 2008

Maternity and Parental Leave Regulation 1999

Shared Parental Leave Regulations 2014 (SI 2014/3050) (UK).

Social Security Contributions and Benefits Act, 1992

The Surrogacy Arrangements Act, 1985

Uniform Parentage Act

Equality Act 2010 (UK).

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African Charter on Human and Peoples Rights, 1988

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Convention on the Elimination of all forms of Discrimination against Women Employee Compensation Act

Discrimination (Employment and Occupation) Convention, 1958

International Labour Organisation Equal Remuneration Convention, 1951

International Labour Organisation's Maternity Protection Convention

Maternity Protection Convention, 1952

Protocol to the African Charter on Human and Peoples' Rights on the Right of Women in Africa (Maputo Protocol)

List of Abbreviations

Abbreviation	Meaning
UNICEF –	United Nations Children's Fund
OECD –	Organization for Economic Cooperation and Development
FRE –	Full Rate Earning
UK –	United Kingdom
SMP –	Statutory Maternity Pay
OML –	Ordinary Maternity Leave
NHS –	National Health Services
WHO –	World Health Organization
EI –	Employment Insurance
ILO –	International Labour Organization
SPL –	Shared Parental Leave
ART –	Assisted Reproductive Technologies
ACAS –	Advisory Conciliation and Arbitration Services
AML –	Additional Maternity Leave
MA –	Maternity Allowance
DWP –	Department for Work and Pensions
KIT Days –	Keep in Touch Days
SPP –	Shared Parental Pay
QPIP –	Quebec Parental Insurance
ESDC –	Employment and Social Development Canada
IVF –	In Vitro Fertilisation
FMLA –	Family and Medical Leave Act
EHRC –	Equality and Human Rights Commission

Chapter One

Introduction

1.1 Background to the Study

In the 21st century, women are as involved and responsible for the financial and economic well-being of their families, in conjunction with their husbands. However, the need to procreate places women in a more vulnerable situation than their husbands since they are the ones that carry the baby for nine months, delivers and breastfeed the baby while trying to fulfil their other responsibilities as wife, employee, daughter, sister, and so on. This multifaceted role often leads to what is termed the "double burden," where women juggle both professional responsibilities and domestic duties, resulting in increased stress and potential health implications.[1] Employees around the world enter a particularly difficult stage of life when they or their partners bear children or adopt children.[2] The evolution from an employee without children to an employee with children has a significant impact on both the employee's professional and personal lives. Even before a child is born, work expectations, work problems, and non-work priorities are invariably changed.[3] Once individuals become parents, and moms in particular, suffer role demands that go beyond those imposed by their professional roles and non-work commitments, those demands only continue to grow after giving birth.[4] This transition can lead to the "motherhood penalty," where mothers face disadvantages in hiring, pay, and perceived competence compared to non-mothers and fathers.[5] Pregnancy and maternity are a vulnerable and delicate period for working women and their loved ones. Pregnant and nursing mothers require special consideration at the work place to protect them from harming their health and that of their babies. They need time off work to give

[1] P. Chatterji and others, 'Effects of New York State Paid Family Leave on Early Immunizations' (2022) 315 Social Science and Medicine.
[2] R Miller, 'Same-Sex Parenthood and Employment Rights: Challenges and Progress' (2020) 18 Equality & Justice Review 189.
[3] ibid.
[4] ibid.
[5] M. Almeida and others, 'The Determinants of Complementary Feeding Introduction Vary According to the Type of Food and Infants' Ages: A Cohort Study—ClaB, Brazil'' (2022) 26 Maternal and Child Health Journal.

birth, time for recovery after birth, and time to nurse and breastfeed their babies exclusively for the first few months after birth. Workplace accommodations, such as flexible scheduling, provision of private lactation spaces, and extended maternity leave, are crucial in supporting breastfeeding practices among working mothers.[6]

At the same time, they need job security to ensure that they keep their jobs while doing all these. Such job security/protection will prevent women from being marginalized in the employment market and it will ensure equal access to employment for both genders. Maternity leave regulations play a crucial role in ensuring the rights and well-being of women in the workforce during pregnancy and childbirth.[7] It plays a crucial role in safeguarding the rights of women in the workforce and promoting gender equality. It ensures that pregnant and nursing mothers have the necessary time off from work to care for their newborns without facing adverse consequences such as job loss or financial instability.[8]

International and domestic legal frameworks like International Labor Organization Equal Remuneration Convention 1951, Beijing Declaration, Universal Declaration of Human Rights, 1948, Discrimination (Employment and Occupation) Convention 1958, Maternity Protection Convention 1952, African Charter on Human and Peoples Rights, 1988, Protocol to the African Charter on Human and People's Rights on the Right of Women in Africa, Convention on the Elimination of all forms of Discrimination against Women, Employee Compensation Act, and the 1999 Constitution all contain provisions for the protection of female workers.

[6] Equity Health Journal. (2021). *Breastfeeding at the workplace: a systematic review of interventions*. https://equityhealthj.biomedcentral.com/articles/10.1186/s12939-021-01432-3

[7] T. Eaves and J. Schindler-Ruwisch, ''The Urgency of Universal Paid Maternity Leave and Family Support Policies: The Role of Midwives as Agents of Change'' (2022) 9 John Wiley and Sons Inc.

[8] F. Ukwueze, 'Maternity Protection and the Nigerian Labour Law' (2020) 3 Nigerian Journal of Labour and Employment Law 45.

Despite the recognized importance of maternity leave regulation, disparities exist in the implementation and enforcement of these policies across different countries.[9] Variations in legal frameworks, cultural norms, socio-economic factors, and institutional capacities contribute to differences in maternity leave provisions and their effectiveness in protecting women's rights and promoting gender equality.[10] Nigeria, the United Kingdom (UK) and Canada represent contrasting contexts in terms of maternity leave regulation, socio-cultural norms, and economic development. In Nigeria, where patriarchal values and traditional gender roles persist, maternity leave policies are often inadequate, leading to challenges for working mothers in accessing leave benefits and maintaining job security.[11] On the other hand, the UK and Canada has a more developed legal framework for maternity leave, reflecting a commitment to gender equality and supporting women's workforce participation.[12] Despite the differences in maternity leave regulation between Nigeria, the UK[13] and Canada, the three countries face common challenges related to gender inequality, workplace discrimination, and access to maternal healthcare.[14] Understanding these challenges and comparing the legal frameworks governing maternity leave in Nigeria, the UK[15] and Canada can provide valuable insights into the strengths and weaknesses of existing policies and inform efforts to enhance maternity leave regulation.

This research aims to conduct a comparative analysis of maternity leave laws in Nigeria, the UK and Canada from a contemporary perspective. By examining the legal frameworks,

[9] F. Wolde and others, ''Employers' Perceptions of Breastfeeding Practice of Employed Mothers in Addis Ababa, Ethiopia: A Qualitative Study'' (2022) 17 International Breastfeeding Journal.
[10] T. Nguyen and others, ''Awareness, Perceptions, Gaps, and Uptake of Maternity Protection among Formally Employed Women in Vietnam'' (2022) 19 International Journal of Environmental Research and Public Health.
[11] Federal Ministry of Labour and Employment (2004) Labour Act 2004.
[12] Energy &Industrial Strategy Department for Business, '"Maternity, Paternity, and Parental Rights and Benefits: Employer Guide to Statutory Leave and Pay"' (2021) <https://www.gov.uk/guidance/maternity-paternity-and-parental-rights-and-benefits-employer-guide-to-staff-entitlements>.
[13] M. Kopp and others, ''Association between Maternal Employment and the Child´s Mental Health: A Systematic Review with Meta-Analysis'' [2023] Springer Science and Business Media Deutschland GmbH.
[14] S. Nurjanah and others, ''Predictors of Breastfeeding Duration on Mothers Who Return to Work: A Systematic Review'' (2023) 14 Journal of Public Health in Africa.
[15] UK Government, 'Maternity and Paternity Rights' (2021) <https://www.gov.uk/browse/working/working-parents> accessed 1 May 2024.

implementation mechanisms, and socio-cultural contexts surrounding maternity leave regulation in the three countries, this study seeks to identify best practices, gaps, and opportunities for reform. Additionally, the research will explore the impact of maternity leave policies on women's workforce participation, gender equality, and maternal and child health outcomes. As they plan to have and raise children, women must deal with completely distinct psychological, physiological, social, and economic challenges that are specific to them.[16] Most women begin making plans during their pregnancy for how they would divide their limited funds between their family and job obligations. The birth of a child economically requires that work be reassessed in terms of its psychological significance for the parents as well as its economic costs and advantages to family structures.[17] Women who choose not to immediately return to work risk suffering severe economic consequences down the line. Additionally, choices on whether and when to return to work are influenced by factors other than personal preference, such as organisational and societal norms.[18] In contrast, women who do return to work, whether full-time or part-time, may feel they are losing out on some of their children's developmental milestones and experiences or that they are failing to live up to societal norms for not being a "good" mother.[19]

It is frequently disregarded that family policies are developed and implemented at many different levels, ranging from supranational (and international) bodies like the United Nations, the Organisation for Economic Cooperation and Development (OECD), and the European Union (EU), to national or federal policies and laws, the subnational municipalities, states, or regions in

[16] L. Chien and others, 'Impact of COVID-19 on Breastfeeding Intention and Behaviour among Postpartum Women in Five Countries' (2022) 35 Women and Birth.
[17] S. Bana and others, 'The Impacts of Paid Family Leave Benefits: Regression Kink Evidence from California Administrative Data' (2020) 39 Journal of Policy Analysis and Management.
[18] Fudge J and Owens R, Precarious Work, Women, and the New Economy: The Challenge to Legal Norms (Hart Publishing 2021).
[19] Christiane Spitzmueller and Russell A Matthews (eds), *Research Perspectives on Work and the Transition to Motherhood* (Springer International Publishing 2016) <http://link.springer.com/10.1007/978-3-319-41121-7>.

which people live, and finally the organizations in which they work.[20] Due to the nation-state's historical dominance, policymaking at that level continues to be very labour-intensive.[21]

In countries including the United Kingdom, Canada, France, and Australia, women are guaranteed job stability and get between 14 and 52 weeks of paid maternity leave. The replacement compensation ranges from the national minimum wage to 75 to 100% of current earnings.[22] A number of favourable outcomes for maternal and child health have been linked to paid leave, including maternity and sick or personal leave. Longer maternity leave is related to improved maternal mental health.[23] It enhances vitality and role functioning of both the husband and wife,[24] it encourages higher rate of child immunizations,[25] and encourages working mothers to breastfeed their babies, and for longer period.[26]

Paid maternity leave has been found to reduce infant and child mortality.[27] It was concluded in a study that 10 weeks of paid leave at a full-time salary equivalent was associated with a 10 % reduction in neonatal and infant mortality rates.[28]

UNICEF released research in 2019 that looked at which of the world's richest nations are the most family-friendly, and Estonia tops the list for new mothers with more than 80 weeks of paid leave.[29] Only half of the 41 nations in the Organization for Economic Cooperation and Development (OECD)and the European Union, according to the research, provided mothers with at least six

[20] Rense Nieuwenhuis and Wim van Lancker, *The Palgrave Handbook of Family Policy* (2020) <https://doi.org/10.1007/978-3-030-546182>.
[21] ibid.
[22] World Legal Rights Data Centre, 'Montreal (Canada): Raising the Global Floor' (World Legal Rights Data Centre) <http://raisingtheglobalfloor.org/>.
[23] M. Niel and others, 'The Impact of Paid Maternity Leave on the Mental and Physical Health of Mothers and Children: A Review of the Literature and Policy Implications' (2020) 113 Lippincott Williams and Wilkins.
[24] Department for Business (n 12).
[25] L Johnson, 'The Impact of Parental Leave on Child Development.' (2021) 32 Child Welfare Research Journal 77.
[26] S. Nurjanah and others (n 14).
[27] T. Arnautovic and C. Dammann, 'The Neonatal Perspective of Paid Family Medical Leave (PFML)' [2022] Springer Nature.
[28] J. Heymann and others, 'Creating and Using New Data Sources to Analyse the Relationship between Social Policy and Global Health: The Case of Maternal Leave' (2023) 125 Public Health Reports.
[29] M. Bryant, 'Maternity Leave: US Policy Is Worst on List of the World's Richest Countries' (The Guardian, 2020) 1.

months of full pay.[30] Outlined is a global overview of mothers' paid leave based on OECD data. Estonia provides 84 weeks at full rate wage (a total of 166 weeks).[31] Women who make the average salary are permitted to take job-protected leaves of absence for childbirth and to continue receiving their full pay for the first 18 months of the child's life. In the form of a 20-week period of fully compensated maternity leave followed by the first 62 weeks of the maximum permitted paid parental leave. Thereafter, the amount paid each month decreases significantly until the child turns three.[32] Austria provides a total of 60 weeks (49 weeks FRE).[33] Women are required to take leave for eight weeks prior to and eight weeks following childbirth, during which time they are not permitted to work. Employees receive an unlimited maternity benefit equal to their entire average net income for the prior three months.[34] In Japan, the wage given for maternity leave is two-thirds of a woman's typical weekly salary for a total of 14 weeks, of which six are mandated - 36 weeks FRE (58 weeks total).[35] Then, until the child turns one, both parents can take parental leave at a proportion of their earnings, but it is typically taken by women. If both parents utilize it, the extension period can last up to 14 months.[36]

Sweden gives 35 weeks FRE (56 weeks total).[37] Sweden is listed by UNICEF as the 17th most maternity leave-friendly nation in the world. After 10 weeks of paid maternity leave, women are eligible to receive 480 days of parental leave, of which 90 days are set aside for each parent.[38] Chile offers 30 FRE weeks (a total of 30 weeks).[39] Chile's maternity leave benefit is comparatively high, amounting to around half a year's wages. All women employees with permanent contracts

[30] ibid.
[31] ibid.
[32] ibid.
[33] ibid.
[34] M. Bryant, 'Maternity Leave: US Policy Is Worst on List of the World's Richest Countries' [2020] The Guardian 1.
[35] Miranda Bryant, 'Maternity Leave: US Policy Is Worst on List of the World's Richest Countries' [2020] The Guardian 1.
[36] ibid.
[37] ibid.
[38] ibid.
[39] ibid.

have the right to take time off after birth; in fact, taking six weeks off before and twelve weeks off after giving birth is mandatory. Women can then take an additional 12 weeks or shift the opportunity to the child's father.[40]

United Kingdom gives 12 weeks FRE (39 weeks total).[41] Maternity leave for women workers is up to 52 weeks. Employees are paid a maximum of £148.68 per week for the remaining 33 weeks after the first six weeks, which are paid at 90% of their typical weekly earnings. There is no pay during the final 13 weeks. From 11 weeks before birth, to the week of delivery, leave can be taken. Workers are required to take a minimum of two weeks off following the birth of their baby.[42]

1.2 Statement of the Problem

Maternity leave regulation is a fundamental aspect of labor law aimed at protecting the rights of women in the workforce and promoting gender equality. However, despite the recognized importance of maternity leave regulations, disparities exist in the implementation and effectiveness of these policies across different countries. Nigeria, the UK and Canada provide contrasting examples of maternity leave regulation, reflecting diverse legal, cultural, and socioeconomic contexts. While Nigeria's maternity leave provisions are governed by the Labor Act[43] and a National Policy,[44] the UK and Canada have a more comprehensive system of maternity leave regulation under the Employment Rights Act,[45] Employment Insurance Program[46] and the Maternity and Parental Leave Regulations.[47]

The statement of problem for this thesis is in two folds: (1) Variations in Maternity Leave Provisions: There is a need to examine the differences in maternity leave provisions in Nigeria,

[40] ibid.
[41] ibid.
[42] ibid.
[43] Labour Act Cap L1 LFN 2004 (Nigeria).
[44] National Policy on Maternity Protection.
[45] Employment Rights Act 1996 (UK).
[46] Employment Insurance Act, SC 1996, c 23 (Canada).
[47] The Maternity and Parental Leave Regulations 1999.

the UK and Canada, including the duration of maternity leave, eligibility criteria, and entitlements such as maternity pay and job security. Understanding these variations is crucial for assessing the adequacy and effectiveness of maternity leave regulation in protecting women's rights and promoting gender equality in the three countries. (2) Challenges and Implications: Despite the existence of maternity leave provisions, Nigeria, the UK and Canada face challenges related to gender inequality, workplace discrimination, and access to maternal healthcare. These challenges may hinder the effective implementation and utilization of maternity leave benefits, resulting in adverse outcomes for women, families, and society as a whole. Therefore, it is essential to identify the key challenges and implications of maternity leave regulation in Nigeria, the UK and Canada in order to explore potential strategies for addressing these issues.

While Nigeria struggles with inadequate maternity leave policies and limited enforcement mechanisms,[48] the UK and Canada have a more developed legal framework for supporting working mothers.[49] Despite these differences, the three countries face common challenges related to maternity leave regulation, including issues of enforcement, employer compliance, and cultural barriers to women's employment rights.[50] The lack of comprehensive and equitable maternity leave policies can have adverse effects on women's economic empowerment, career advancement, and overall well-being, contributing to gender disparities in the workforce.[51] There is limited research comparing maternity leave laws and their impact on working mothers in Nigeria, the UK and Canada from a contemporary perspective. Existing studies often focus on one country individually or provide broad comparisons without delving into the specific challenges and opportunities for reform within each context. Therefore, there is a need for a comprehensive

[48] F. Ukwueze (n 8).
[49] J Feng, 'A Comparative Study of Maternity Leave Systems in the United States and Canada' (2023) 12 Communications in Humanities Research.
[50] UK Government (n 15).
[51] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022).

comparative analysis of maternity leave regulations in Nigeria, the UK and Canada to identify best practices, gaps, and opportunities for policy intervention

1.3 Aim and Objectives of the Study

The aim of this study is to provide a contemporary perspective on maternity leave regulation by comparing the laws governing maternity leave in Nigeria, the UK and Canada.

The specific objectives of the study are to:

i. analyse the key provisions of maternity leave laws in Nigeria, the UK and Canada;
ii. examine the key differences in maternity leave provisions in Nigeria, the UK and Canada, including duration, eligibility criteria, and entitlements;
iii. Identify the challenges and implications of maternity leave regulation in Nigeria, the UK and Canada, particularly regarding gender inequality, workplace discrimination, and access to maternal healthcare and;
iv. Evaluate the implications of maternity leave policies on women's workforce participation, gender equality, maternal and child health outcomes in Nigeria, the UK and Canada.

1.4 Research Questions

1. What are the key provisions of maternity leave laws in Nigeria, the UK and Canada?
2. What are the key differences in maternity leave provisions between Nigeria, the UK and Canada, including duration, eligibility criteria, and entitlements?
3. What are the challenges and implications of maternity leave regulation in Nigeria, the UK and Canada, particularly regarding gender inequality, workplace discrimination, and access to maternal healthcare?

4. What are the implications of maternity leave policies on women's workforce participation, gender equality, and maternal and child health outcomes in Nigeria, the UK and Canada?

1.5 Research Methodology

This research adopted a library-based research method with emphasis on the doctrinal and comparative approach. Data from primary and secondary sources were gathered as part of the library-based research process. International and regional Treaties, protocols, and other pertinent legal papers on the regulation of maternity rights were the main sources used in this study. The legal methodology of this study involves a comparative design that is, enactments from the United Kingdom and Canada were compared with those from Nigeria to make recommendations on the best approach to be adopted and enacted in Nigeria. The secondary sources of data that were relied on are relevant literature such as textbooks, case law, journals/articles, law reports and electronic or internet resources from which information about key materials such as current maternity laws and practices in other jurisdictions were retrieved.

1.6 Scope of the Study

This research will focus on providing a comparative analysis of maternity leave regulation in Nigeria, UK and Canada within the context of contemporary socio-economic and legal frameworks. The scope of the study encompasses the following key aspects: Legal Framework: The study will examine the legal provisions governing maternity leave in Nigeria, the UK and Canada, including relevant statutes, regulations, and policies at the national and sub-national levels. Entitlements and Benefits: The analysis will explore the entitlements and benefits provided under maternity leave laws in the three countries, including duration of leave, eligibility criteria, and financial support mechanisms such as statutory maternity pay. Implementation and Enforcement: The study will assess the implementation and enforcement

mechanisms of maternity leave regulations in Nigeria, the UK and Canada, including the roles and responsibilities of government agencies, employers, trade unions, and other stakeholders. Socio-Cultural Context: The research will consider the socio-cultural factors that influence maternity leave utilization and women's workforce participation in Nigeria, the UK and Canada, including attitudes towards motherhood, gender roles, and cultural norms regarding caregiving responsibilities.

Economic Implications: This study will examine the economic implications of maternity leave policies on women's employment opportunities, career progression, and overall financial well-being in Nigeria, the UK and Canada, including the impact on gender pay gap and labor market outcomes. Maternal and Child Health Outcomes: The study will investigate the effects of maternity leave regulations on maternal and child health outcomes, including access to prenatal care, breastfeeding rates, and infant mortality rates, in Nigeria, the UK and Canada. Comparative Analysis: This study will provide a comparative analysis of maternity leave regulation in Nigeria, the UK and Canada, identifying similarities, differences, best practices, gaps, and areas for policy intervention. Recommendations: Based on the findings of the comparative analysis, this study will offer evidence-based recommendations for policymakers, employers, and other stakeholders to improve maternity leave regulation and support mechanisms for working mothers in Nigeria, the UK and Canada.

It is important to note that this study does not aim to provide an exhaustive analysis of all aspects of maternity leave regulation or to compare every detail of the legal frameworks in Nigeria, the UK and Canada. Instead, it focuses on key elements relevant to understanding the broader context of maternity leave regulation and its implications for women's rights and gender equality.

1.7 Significance of the Study

Maternity leave regulation is a crucial component of labor law that directly impacts the rights and well-being of women in the workforce. Despite its importance, there is a notable lack of comprehensive comparative studies examining maternity leave regulation across different countries, particularly between developing and developed nations. Therefore, this study seeks to address this gap by providing a contemporary perspective on maternity leave regulation through a comparative analysis of laws in Nigeria, the UK and Canada.

Gender Equality and Women's Rights: Maternity leave regulation is a fundamental aspect of promoting gender equality and protecting women's rights in the workplace. By comparing the maternity leave laws of Nigeria, the UK and Canada, this study contributes to the discourse on gender equality and women's empowerment, highlighting areas where policy interventions are needed to address disparities and promote equal opportunities for working mothers.

Workforce Participation and Economic Development: Access to maternity leave benefits is essential for enabling women to balance their caregiving responsibilities with their professional aspirations. By examining the impact of maternity leave regulation on women's workforce participation, career progression, and economic well-being, this study provides insights into the role of maternity leave policies in supporting sustainable economic development.

Maternal and Child Health Outcomes: Maternity leave regulation not only affects women's employment rights but also has implications for maternal and child health outcomes. By assessing the effects of maternity leave policies on access to prenatal care, breastfeeding rates, and infant mortality rates in Nigeria, the UK and Canada, this study sheds light on the broader societal benefits of supporting working mothers during pregnancy and childbirth.

Policy Reforms and Best Practices: Through a comparative analysis of maternity leave regulation, this study identifies best practices, gaps, and opportunities for policy intervention in Nigeria, the UK and Canada. By providing evidence-based recommendations for policymakers, employers, and other stakeholders, the findings of this study can inform the development of

more effective and equitable maternity leave policies to better support working mothers and promote gender equality.

Academic Contribution: This study contributes to the academic literature on labour law, gender studies, and comparative legal analysis. By providing a comprehensive examination of maternity leave regulation in Nigeria, the UK and Canada, it adds to the body of knowledge on women's rights, gender equality, and work-life balance, thereby enriching scholarly discourse in these fields.

International Perspectives: By comparing maternity leave laws in Nigeria, the UK and Canada, this study offers insights into different approaches to addressing similar challenges related to women's employment rights and work-life balance. The cross-country analysis allows for the identification of transferable lessons and innovative solutions that can be adapted to diverse socio-cultural contexts and contribute to global efforts towards achieving gender equality and women's empowerment.

In conclusion, this research will contribute to academic scholarship, policy discourse, and practical interventions aimed at improving maternity leave regulation and supporting working mothers in Nigeria, the UK, Canada and beyond. The comparative analysis of maternity leave regulation in Nigeria and the UK is not only timely but also essential for advancing women's rights, promoting gender equality, and fostering inclusive and sustainable development. By shedding light on the strengths, weaknesses, and challenges of maternity leave policies and the importance of maternity leave as a critical component of women's rights and gender equality, this research aims to contribute to evidence-based policymaking and advocacy efforts aimed at creating more equitable and supportive environments for working mothers worldwide.

1.8 Limitations of the Study

While this study provides a comprehensive comparative analysis of maternity leave regulation in Nigeria, the UK, and Canada, several limitations should be noted. First, it predominantly focuses

on national-level legal and policy frameworks, which limits the ability to account for sub-national variations, especially in Nigeria's federal structure where states may adopt divergent practices or implementation models. Future studies should explore how state-level laws and enforcement mechanisms either strengthen or weaken federal maternity protections.

Second, the study relies heavily on secondary data sources, including legal texts, policy documents, and academic literature. This approach, while rigorous, does not capture the first-hand experiences of women, particularly informal workers and marginalised groups, whose voices are essential for a holistic understanding of the issue. Similarly, employer perspectives were underrepresented, limiting the analysis of institutional constraints or innovative responses.

To address these limitations, future research should adopt mixed-methods approaches, combining qualitative interviews, focus groups, and case studies with legal and policy analysis. Such empirical data would provide valuable insights into how maternity leave laws are experienced and contested on the ground, as well as where and why implementation succeeds or fails.

1.9 Operational Definitions of Terms

1. Maternity Leave - Maternity Leave is the period of authorized absence from work granted to a female employee before and after childbirth. It is designed to protect the health and well-being of both the mother and the newborn, while ensuring the woman's right to return to her job afterward. During maternity leave, the employee may receive full or partial pay, depending on the laws or employer's policy. The purpose of maternity leave is to allow the mother adequate time for childbirth recovery, infant care, and bonding without fear of losing her employment or income. It is a key aspect of labour and social protection laws.
2. Paternity Leave - Paternity Leave is the period of authorized absence from work granted to a male employee following the birth or adoption of his child. It allows fathers to support their partners, care for the newborn, and participate in early parenting responsibilities. The duration and benefits of paternity leave vary by country and employer policy, some provide paid leave,

while others offer it unpaid. The primary aim of paternity leave is to promote family bonding, shared caregiving, and gender balance in parental roles. It also recognizes the father's role in the child's early development and the importance of family stability after childbirth.

3. Child Mortality Rate - Child Mortality Rate refers to the number of deaths of children under the age of five per 1,000 live births within a specific period, usually one year. It is a key indicator of a country's overall health, social, and economic conditions. High child mortality rates often reflect inadequate healthcare, poor nutrition, unsafe water, infectious diseases, and limited access to maternal and child health services. Conversely, a low child mortality rate signifies improved living standards, effective healthcare systems, and better education and sanitation. Governments and international organizations use this measure to assess and improve child survival and public health outcomes.

4. Postpartum Depression - Postpartum Depression is a serious mood disorder that occurs in some women after childbirth. It is characterized by persistent feelings of sadness, hopelessness, anxiety, irritability, and fatigue that interfere with a mother's ability to care for herself and her baby. Unlike the mild and temporary "baby blues," which typically resolve within two weeks after delivery, postpartum depression can last for months or longer if untreated. Its causes are often linked to hormonal changes, emotional stress, and physical exhaustion following childbirth. Treatment may involve counselling, support groups, and, in some cases, medication under medical supervision.

5. Maternity Allowance - Maternity Allowance is a financial benefit paid to women who do not qualify for Statutory Maternity Pay (SMP), usually because they are self-employed, recently employed, or have insufficient earnings or service length with their employer. It provides income support during maternity leave, helping mothers cover living and childcare expenses while they are unable to work. The allowance is typically paid for a fixed period before and after childbirth, and eligibility depends on employment history and national insurance

contributions. The purpose of maternity allowance is to ensure that all working women, regardless of employment type, receive financial protection during maternity.

6. Wage Replacement - Wage Replacement for Women on Maternity Leave refers to the payment or income support provided to female employees during their period of maternity leave to compensate for lost earnings while they are temporarily out of work due to childbirth and recovery. This wage replacement may be full or partial, depending on national laws, employer policies, or social insurance schemes. Its purpose is to ensure financial stability for mothers, promote maternal and child health, and encourage women's continued participation in the workforce. Wage replacement can take forms such as Statutory Maternity Pay, Maternity Allowance, or employer-funded maternity benefits.

7. Statutory Maternity Leave Pay - Statutory Maternity Leave Pay (SMP) is the legally mandated payment made to eligible female employees during their maternity leave, as provided by labour laws or social security regulations. It ensures that a woman continues to receive income while she is away from work due to childbirth and recovery. Eligibility for SMP typically depends on factors such as the employee's length of service, earnings level, and proper notice to the employer. The payment is often a percentage of the employee's regular salary, provided for a specified period. SMP protects women from financial hardship and promotes workplace equality during maternity.

8. Child Delivery Recovery Period - Child Delivery Recovery Period refers to the time a woman's body needs to heal and regain strength after childbirth. During this period, the mother recovers from the physical, hormonal, and emotional changes associated with pregnancy and delivery. The recovery timeline varies depending on the mode of delivery, typically about six weeks after vaginal birth and longer after a caesarean section. This period allows for uterine healing, management of postpartum bleeding, breast milk regulation, and emotional adjustment

to motherhood. Adequate rest, nutrition, medical care, and emotional support are essential during the child delivery recovery period to ensure full maternal well-being.

9. Intended Motherhood - Intended Motherhood refers to the conscious and deliberate decision of a woman to become a mother, either through natural conception, assisted reproductive technologies, or surrogacy arrangements. It reflects a woman's emotional, physical, and psychological readiness to take on the responsibilities of raising a child. In legal and reproductive contexts, the term also identifies the woman who plans and intends to be the child's legal and social mother, even if she does not carry the pregnancy herself. Intended motherhood emphasizes choice, preparation, and the recognition of motherhood as both a personal and social commitment to nurturing and caring for a child.

10. Parental Leave - Parental Leave is the period of authorized absence from work granted to either parent, mother or father, after the birth or adoption of a child. It allows parents to care for and bond with their newborn or newly adopted child while maintaining job security. Parental leave may be shared between both parents and can be paid or unpaid, depending on national laws or employer policies. Its purpose is to promote family well-being, gender equality in caregiving roles, and child development. Many countries provide parental leave in addition to maternity and paternity leave, giving families flexibility in managing early childcare responsibilities.

1.10 Structure of the Study

This study is divided into six (6) chapters

Chapter One provides a general introduction to the study. It sets the background by discussing the importance of maternity Leave to pregnant, child rearing career driven and working-class women; and the fact that maternity Leave regulation differs from one jurisdiction to the other.

By comparing Nigeria's framework with the more progressive systems in the UK and Canada, this study identifies specific institutional and legal gaps and considers what reforms could bring Nigeria's maternity leave laws into alignment with global standards.

Chapter Two presents a critical review of existing literature and establishes the conceptual framework that underpins this comparative study on maternity leave regulation.

Following the literature review, the conceptual framework of the study is laid out, guided by Human Capital Theory and Institutional Theory. Human Capital Theory posits that investments in health, education, and welfare including maternity leave contribute to the long-term productivity and economic value of workers. The theory supports the argument that well-structured maternity leave policies are not just social entitlements but strategic economic tools for national development and labour efficiency.

Overall, Chapter Two provides the intellectual foundation for the research, mapping out the academic and theoretical terrain upon which the comparative analysis in subsequent chapters is built. By identifying existing gaps in knowledge and theory, the chapter strengthens the relevance and originality of the study.

Chapter Three focuses on the Legal Framework governing maternity leave in Nigeria, the United Kingdom, and Canada. This chapter provides a detailed comparative analysis of the statutory provisions, regulatory bodies, and institutional mechanisms that shape and enforce maternity leave policies within each jurisdiction. By examining the legal texts and administrative structures, the chapter sets the foundation for understanding how maternity leave is conceptualised, legislated, and operationalised across these three countries.

In conclusion, Chapter Three reveals significant disparities in the strength, inclusiveness, and functionality of the legal and institutional frameworks across the three countries. It underscores the urgent need for Nigeria to reform its legal regime and strengthen institutional capacity in order to deliver equitable and sustainable maternity leave policies aligned with international best practices.

Chapter Four presents a critical analysis of the major challenges and implications arising from the maternity leave regulatory frameworks in Nigeria, the United Kingdom, and Canada, with particular emphasis on gender inequality, workplace discrimination, and access to maternal healthcare. Building on the legal and institutional overview in previous chapters, this section explores how maternity leave policies affect women's social and economic standing within the workplace and society, and how each country's approach either mitigates or exacerbates inequalities.

The comparative analysis underscores that effective maternity leave regulation is not only a legal issue but also a broader socio-economic and institutional challenge that impacts women's equality, economic participation, and health outcomes. This chapter, therefore, sets the stage for the final chapter, where recommendations will be made to inform policy development and legislative reform, particularly in the Nigerian context.

Chapter Five focuses on a critical evaluation of the implications of maternity leave policies on key societal and developmental indicators, namely women's workforce participation, gender equality, and maternal and child health outcomes across Nigeria, the United Kingdom, and Canada. This chapter moves beyond the legal frameworks and institutional arrangements to assess the real-world impact of these policies on women's lives, workplace dynamics, and public health.

In synthesising these findings, Chapter Five demonstrates that maternity leave policies are deeply intertwined with broader issues of socio-economic development, public health, and institutional gender equity. While the UK and Canada have evolved toward more inclusive and supportive systems, they still contend with residual workplace discrimination and unequal caregiving roles. Nigeria, however, remains at a foundational stage where both legal and institutional reform are essential to improving women's participation in the labour force, advancing gender equality, and safeguarding maternal and child health.

This chapter sets the stage for the final part of the research by highlighting the lessons Nigeria can draw from international best practices, and it reinforces the need for maternity leave reform as a strategic tool for social and economic transformation.

Chapter Six serves as the final chapter of the research titled. It offers a comprehensive synthesis of the key findings, draws well-reasoned conclusions from the comparative analysis, and presents practical recommendations aimed at reforming maternity leave regulation, particularly within the Nigerian context. The summary of findings highlights the stark contrasts between the maternity leave frameworks in Nigeria and those in the United Kingdom and Canada. It establishes that while the UK and Canada have developed inclusive, structured, and rights-based maternity and parental leave systems, Nigeria's regulatory approach remains inadequate, narrow in scope, and poorly enforced.

The conclusion drawn from the comparative study is that effective maternity leave regulation plays a critical role in advancing gender equality, improving maternal and child health outcomes, and enhancing women's economic empowerment. It underscores that legal provisions alone are not sufficient; implementation, enforcement, and supportive institutional frameworks are equally vital. The research also reaffirms the relevance of Human Capital Theory and Institutional Theory in analysing the long-term socio-economic benefits of maternity leave policies and the role of social norms, legal systems, and institutional capacity in shaping policy outcomes. Based on these findings, the recommendations of the study are primarily directed at improving Nigeria's maternity leave framework.

Chapter Two

Literature Review

2.1 Impact of Maternal Employment

Many scholars and feminists have written about maternity leave from various multidisciplinary approaches - from the need for regulation, reform, impact and consequences of maternity leave or lack of it on all persons involved, both directly and indirectly (especially on the new mothers and new born babies), to the human rights perspectives to the entitlement.

Caroline Chuard[52] in her work 'Womb at work: The missing impact of maternal employment on new-born health' looked at the effect of maternal employment during pregnancy on newborn health. She concluded in her work that maternity leave policy changes do have a positive or negative impact on whether a pregnant woman will retain her employment or not, depending on the leniency or otherwise of the policy. She utilized administrative data from Austria, combining women's employment histories with the complete Austrian birth register and applying a regression discontinuity framework to determine the impact of prenatal employment on their children. Maternal employment during pregnancy with the second child showed significant responsiveness to policy changes: there was a sharp decrease of 19.1 percentage points in 1990, an increase of 6.9 percentage points in 1996, and another decline of 6.4 percentage points in 2000. However, these variations in prenatal employment did not result in any measurable effects on newborn health, assessed by birth weight, gestational length, and Apgar scores.[53] This finding was consistent across mothers of various socioeconomic backgrounds and different industries. The precisely estimated effect indicates that prenatal employment before the 32nd week of pregnancy does not causally impact foetal outcomes observable at birth.[54]

[52] C. Chuard, 'Womb at Work: The Missing Impact of Maternal Employment on Newborn Health' (2020) 73 Journal of Health Economics.
[53] Caroline Chuard, 'Womb at Work: The Missing Impact of Maternal Employment on Newborn Health' (2020) 73 Journal of Health Economics.
[54] ibid.

Victora et al[55] in their work highlighted that while the significance of breastfeeding in low- and middle-income countries is widely acknowledged, there is less agreement regarding its importance in high-income countries. In low- and middle-income nations, only 37% of infants under six months are exclusively breastfed. Generally, with few exceptions, the duration of breastfeeding tends to be shorter in high-income countries compared to resource-poor ones.[56]

They revealed in their work that for nursing mothers, breastfeeding provides protection against breast cancer and helps improve birth spacing. It may also offer protection against ovarian cancer and type 2 diabetes. Increasing breastfeeding rates to near-universal levels could prevent 823,000 annual deaths among children under five and 20,000 annual deaths from breast cancer. They concluded that recent epidemiological and biological research over the past decade has expanded the understanding of breastfeeding's benefits for both women and children, regardless of their socioeconomic status.[57]

Ahmad et al[58] examined the breastfeeding experiences and challenges faced by working mothers, highlighting factors that influence their breastfeeding practices. Their study found that breastfeeding practices are shaped by the mother's attitude and knowledge about breastfeeding. Working mothers encounter numerous challenges and require support to continue breastfeeding successfully. From their qualitative data analysis, three main themes emerged: perceptions of breastfeeding, challenges in breastfeeding, and support for breastfeeding.[59] Under perceptions, the subthemes were attitudes towards breastfeeding and infant formula. Challenges included perceived insufficient milk supply and breastfeeding difficulties. Support was categorized into

[55] C. Victora and others, 'Breastfeeding in the 21st Century: Epidemiology, Mechanisms, and Lifelong Effect' (Lancet Publishing Group, 30 January 2016) 475.
[56] Cesar G Victora and others, 'Breastfeeding in the 21st Century: Epidemiology, Mechanisms, and Lifelong Effect' (Lancet Publishing Group, 30 January 2016) 475.
[57] ibid.
[58] R. Ahmad and others, 'Working Mothers' Breastfeeding Experience: A Phenomenology Qualitative Approach' (2022) 22 BMC Pregnancy and Childbirth.
[59] Rita Surianee Ahmad and others, 'Working Mothers' Breastfeeding Experience: A Phenomenology Qualitative Approach' (2022) 22 BMC Pregnancy and Childbirth.

internal support (from spouses and family) and external support (from friends, employers, and healthcare staff).[60]

The study concluded that maintaining breastfeeding upon returning to work is difficult for many working mothers, who often need substantial support to continue breastfeeding. Support from spouses and families significantly influences their decision to breastfeed. Employers also play a crucial role by providing supportive environments and facilities at the workplace for mothers to express and store breast milk. Both internal and external support are vital for mothers to overcome challenges and achieve success in breastfeeding.[61]

Newkirk et al[62] - This study explored the links between workplace policies and maternal depression, considering mothers' relationship status and job characteristics. The impact of workplace policies on postpartum depression symptoms can vary depending on these contextual factors. The research found that the length of parental leave and negative spillover interacted to affect depression levels, with longer leave being more beneficial in situations of high spillover.[63] A moderated mediation revealed that flexible schedules reduced depressive symptoms for single mothers, while partnered mothers with flexible schedules experienced increased spillover, providing no net benefit for depression.[64] The study concluded that factors like relationship status and job spillover influence the effectiveness of workplace policies on maternal postpartum mental health. Employers can help new mothers transition back to work after parental leave by reducing negative work-to-family spillover. Further efforts are needed to ensure that partnered mothers' benefit from flexible scheduling policies for their mental health.[65]

[60] ibid.
[61] Victora and others (n 56).
[62] K. Newkirk and others, 'Workplace Policies and Perinatal Depressive Symptoms Among Low-Income Single and Partnered Working Mothers' (2020) 69 Family Relations 770.
[63] Katie Newkirk and others, 'Workplace Policies and Perinatal Depressive Symptoms Among Low-Income Single and Partnered Working Mothers' (2020) 69 Family Relations 770.
[64] ibid.
[65] ibid.

Rowe-Finkbeiner et al,[66] in their study highlighted that paid family and medical leave are crucial public policies for significantly improving maternal and child health, which in turn can enhance the national economy. They noted that MomsRising, a grassroots organization with over a million members across the U.S., is excited about the increasing support for paid family and medical leave.[67] According to their findings, backing for this essential policy is on the rise.[68] The United States stands alone among industrialized nations in lacking paid family and medical leave, a gap that negatively impacts the country's global competitiveness, businesses, economy, and, most critically, infant and maternal mortality rates.[69]

Budig et al,[70] in their research demonstrated that mothers' employment and earnings are influenced by social policies and cultural norms that support women paid and unpaid work. They noted that previous studies indicate work-family policies are heavily influenced by their cultural context.[71] This prompted them to investigate how these associations vary across countries, focusing on motherhood and earnings, cultural attitudes toward women's employment, and childcare and parental leave policies. They analysed how cultural attitudes affect the impact of these policies on women's earnings globally. Their findings showed that parental leave and public childcare correlate with higher earnings for mothers in cultures that support maternal employment, whereas in cultures favouring the male breadwinner/female caregiver model, these policies have less positive or even negative effects on mothers' earnings.[72]

[66] K. Rowe-Finkbeiner and others, 'Why Paid Family and Medical Leave Matters for the Future of America's Families, Businesses and Economy' (2016) 20 Maternal and Child Health Journal 8.
[67] Kristin Rowe-Finkbeiner and others, 'Why Paid Family and Medical Leave Matters for the Future of America's Families, Businesses and Economy' (2016) 20 Maternal and Child Health Journal 8.
[68] ibid.
[69] ibid.
[70] M. Budig and others, 'The Motherhood Penalty in Cross-National Perspective: The Importance of Work-Family Policies and Cultural Attitudes' (2012) 19 Social Politics 163.
[71] Michelle J Budig, Joya Misra and Irene Boeckmann, 'The Motherhood Penalty in Cross-National Perspective: The Importance of Work-Family Policies and Cultural Attitudes' (2012) 19 Social Politics 163.
[72] ibid.

2.2 Conceptual Framework

The different concepts considered below are all connected and explains the important areas that need to be examined to get a proper understanding of this research work. They form the framework of the study.

2.2.1 Reproductive health

Beyond the absence of illness or diseases, reproductive health is a condition of total physical, mental, and social well-being in all issues pertaining to the reproductive system, its functions and processes.[73] Hence, reproductive health means that people can have enjoyable and secure sexual relationships, that they are able to recreate, and that they have the choice of whether, when, and how often they do so. This comprehensive understanding underscores the importance of reproductive autonomy, enabling individuals to make informed decisions about their reproductive lives without coercion or discrimination**.**

The right of men and women to be educated and to have access to proper, efficacious, cost-effective, and appropriate methods of family planning of their choice, as well as other procedures of their choice for regulating fertility, are implicit in the last condition. Likewise, the right to access effective healthcare and maternity leave which will allow women to experience pregnancy and childbirth successfully and give couples the highest opportunity for a healthy pregnancy, is also implied in the last condition.[74] Access to comprehensive sexual education and a range of contraceptive options empowers individuals to plan their families effectively, contributing to improved health outcomes and socio-economic development**.**

[73] J. Wu and others, 'The Influence of Web-Based Tools on Maternal and Neonatal Outcomes in Pregnant Adolescents or Adolescent Mothers: Mixed Methods Systematic Review' (2021) JMIR Publications Inc
[74] Jania JY Wu and others, 'The Influence of Web-Based Tools on Maternal and Neonatal Outcomes in Pregnant Adolescents or Adolescent Mothers: Mixed Methods Systematic Review' (JMIR Publications Inc, 1 August 2021).

Ensuring adequate maternity leave is crucial, as it allows women the necessary time for recovery post-childbirth and fosters better maternal and child health outcomes.

2.2.2 The Concept of Maternity Leave

The concept of maternity leave is rooted in the recognition of the need for working mothers to have adequate time off from their professional responsibilities to care for their newborns and recover from childbirth. Maternity leave policies aim to protect the health and well-being of both mother and child, facilitate bonding, and promote breastfeeding, which has significant health benefits.[75] Research indicates that adequate maternity leave is associated with lower infant mortality rates and improved maternal mental health outcomes.[76] These policies vary widely across countries in terms of duration, eligibility criteria, and financial compensation. For instance, in the United Kingdom, eligible employees are entitled to up to 52 weeks of maternity leave, with statutory maternity pay for a portion of this period.[77] Specifically, UK employees can take up to 52 weeks of maternity leave, comprising 26 weeks of Ordinary Maternity Leave (OML) and an additional 26 weeks of Additional Maternity Leave.[78] Statutory Maternity Pay (SMP) is provided for up to 39 weeks: 90% of average weekly earnings for the first 6 weeks, followed by £172.48 or 90% of average weekly earnings (whichever is lower) for the remaining 33 weeks. In Nigeria, female employees are entitled to 12 weeks of maternity leave, typically divided into 6 weeks before and 6 weeks after childbirth. During this period, they receive at least 50% of their regular wages, provided they have been employed for a minimum of six months.[79]

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[75] World Health Organisation, 'Infant and Young Child Feeding' (2023) <https://www.who.int/news-room/fact-sheets/detail/infant-and-young-child-feeding>.
[76] M. Niel and others, 'The Impact of Paid Maternity Leave on the Mental and Physical Health of Mothers and Children: A Review of the Literature and Policy Implications' (2020) Lippincott Williams and Wilkins, 113.
[77] United Kingdom Government, 'Maternity Pay and Leave' (United Kingdom Government, 2021) <https://www.gov.uk/maternity-pay-leave>.
[78] Oyster HR. (2025). UK maternity leave and pay: What you need to know. https://www.oysterhr.com/library/maternity-leave-uk
[79] Africa HR. (2024). A Guide to Maternity & Paternity Leave in Nigeria. https://africa-hr.com/blog/employers-here-is-how-to-navigate-maternity-paternity-leave-in-nigeria/

The implementation of comprehensive maternity leave policies is essential not only for promoting gender equality in the workplace but also for enhancing maternal and child health outcomes.[80]

2.2.3 The Concept of exclusive breast-feeding

Exclusive breastfeeding during the early months of an infant's life plays a pivotal role in promoting their optimal health and development. It serves as the gold standard for infant Exclusive breastfeeding during the early months of an infant's life plays a pivotal role in promoting nutrition, providing essential nutrients, antibodies, and enzymes crucial for their growth and immune system development. The World Health Organization recommends exclusive breastfeeding for the first six months of life to achieve optimal growth, development, and health. Maternity leave policies significantly influence a mother's ability to exclusively breastfeed her child. Research consistently demonstrates that longer maternity leave durations are associated with higher rates of exclusive breastfeeding initiation and duration.[81] For instance, a study published in Nutrition found that women who took 13 or more weeks of maternity leave had the highest rate of breastfeeding initiation at 74.2%, compared to 64.6% among those who took only 1 to 6 weeks.[82]

Moreover, the same study indicated that women who had not returned to work by nine months postpartum had higher rates of continued breastfeeding beyond six months. A Scholarly work[83] highlights the positive impact of extended maternity leave on exclusive breastfeeding rates. Longer leave periods allow mothers sufficient time to establish breastfeeding routines, overcome initial challenges, and bond with their infants, ultimately leading to higher rates of exclusive breastfeeding. Additionally, a study in the International Breastfeeding Journal highlighted that

[80] A. Bilgramiand others, 'The Impact of Introducing a National Scheme for Paid Parental Leave on Maternal Mental Health Outcomes' (2020) 29 Health Economics (United Kingdom) 1657.
[81] E. Adugnaw and others, 'The Median Time to Stopover Exclusive Breastfeeding among Employed and Unemployed Mothers of Infants Aged 6–12 Months in Ethiopia' (2023) 13 Scientific Reports.
[82] E. Lopes and others, 'The Prevalence of Exclusive Breastfeeding and Its Associated Factors in Cape Verde' (2022) 8 BMC Nutrition.
[83] S. Nurjanah and others (n 14).

longer maternity leave is associated with higher rates of exclusive breastfeeding, emphasizing the importance of supportive leave policies in promoting breastfeeding practices.

Therefore, robust maternity leave policies that provide adequate time off from work are essential for supporting mothers in their breastfeeding journey, promoting infant health, and fostering maternal-child bonding.

2.2.4 The Concept of Gender Equity

Gender equity in the workplace is essential for ensuring fair and equal treatment of pregnant women, particularly concerning maternity leave policies.[84] Maternity leave should be viewed not only as a benefit but as a fundamental right that supports women's reproductive health and their ability to balance work and family responsibilities.[85] Research consistently highlights the importance of gender-equitable maternity leave policies in promoting women's participation and retention in the workforce. For instance, studies[86] have shown that paid maternity leave increases the likelihood of mothers returning to work, thereby enhancing women's long-term attachment to the labor force. Supportive maternity leave policies play a crucial role in reducing gender disparities in employment o3+utcomes and fostering women's economic empowerment.[87]

Gender-equitable maternity leave policies encompass not only the provision of paid leave but also measures to prevent discrimination, ensure job security, and promote a supportive work environment for pregnant women.[88] By addressing the unique needs of pregnant employees and promoting work-life balance, gender-equitable maternity leave policies contribute to building

[84] L. Falletta and others, 'Work Re-entry After Childbirth: Predictors of Self-Rated Health in Month One Among a Sample of University Faculty and Staff' (2020) 11 Safety and Health at Work 19.
[85] ibid.
[86] G. Carroll and others, 'Estimating the Costs for Implementing a Maternity Leave Cash Transfer Program for Women Employed in the Informal Sector in Brazil and Ghana' (2022) 21 International Journal for Equity in Health.
[87] N. Tabet, 'Parental Leave and Gender Equality in Canada: Progress and Persistent Gaps' (2023) 41 Canadian Journal of Family Law 101.
[88] Joana Berger-Estilita and others, 'Welfare Practices for Anaesthesiology Trainees in Europe: A Descriptive Cross-Sectional Survey Study' (2023) 40 European Journal of Anaesthesiology 105.

inclusive and equitable workplaces that benefit both women and employers. By addressing the unique needs of pregnant employees and promoting work-life balance, gender-equitable maternity leave policies contribute to building inclusive and equitable workplaces that benefit both women and employers[89].

2.2.5 The Concept of Socio-Cultural Influences

The impact of socio-cultural influences on maternity leave policies is profound, shaping the design, implementation, and effectiveness of such policies across different societies[90]. Cultural attitudes toward motherhood, women's roles in society, and work-family balance play significant roles in determining the structure and supportiveness of maternity leave policies. Cultural norms surrounding gender roles and caregiving responsibilities influence the length and level of financial support provided by maternity leave policies.[91] In societies where traditional gender roles prevail, maternity leave policies may be less supportive, with shorter durations and minimal financial compensation.[92] Conversely, in cultures that value gender equity and women's participation in the workforce, maternity leave policies are more likely to be comprehensive and supportive, offering longer durations of paid leave and stronger job protections. Therefore, understanding the socio-cultural context is crucial for crafting maternity leave policies that effectively meet the needs of diverse populations and promote gender equity in both the workplace and society as a whole.[93]

[89] Faye Forbes and others, 'Fathers' Involvement in Perinatal Healthcare in Australia: Experiences and Reflections of Ethiopian-Australian Men and Women' (2021) 21 BMC Health Services Research.
[90] José Alberto Molina, *Mothers in the Labor Market* (Springer International Publishing 2022).
[91] N. Busby, 'A Right to Care? Unpaid Work, Maternity Protection and Care Leave' (2020) 42(3) Journal of Social Welfare and Family Law 279.
[92] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022).
[93] ibid.

2.2.6 The Concept of Gender Inequality

Gender inequality refers to the systematic and structural disparities between individuals based on gender, resulting in unequal access to resources, opportunities, rights, and decision-making power in various aspects of life, including the workplace, education, healthcare, and political representation.[94] It is rooted in cultural norms, socio-economic structures, institutional frameworks, and historical practices that have disproportionately disadvantaged women. In the context of labour rights and maternity leave, gender inequality manifests through wage gaps, unequal career progression opportunities, discriminatory hiring practices, and limited legal protections for women during pregnancy and childbirth[95].

Within the labour market, gender inequality is often reinforced by persistent stereotypes that view women primarily as caregivers, thus limiting their perceived value in professional roles. This is evident in workplace policies that fail to account for the dual roles many women occupy, as employees and as primary caregivers.[96] Maternity leave policies, when poorly designed or inadequately enforced, can exacerbate this imbalance by creating barriers to women's continued workforce participation. For instance, inadequate maternity leave duration or benefits may force women to leave the workforce entirely[97], while the absence of paternity or parental leave entrenches the notion that caregiving is exclusively a female responsibility[98].

2.2.7 The Concept of Workplace Discrimination

Workplace discrimination refers to the unfair or prejudicial treatment of employees or job applicants based on characteristics unrelated to job performance, such as gender, race, religion,

[94] K. Kyeongkuk and others, 'Paid Childcare Leave, Fertility, and Female Labor Supply in South Korea' [2022] Review of Economics of the Household.
[95] ibid.
[96] N. Busby, 'A Right to Care? Unpaid Work, Maternity Protection and Care Leave' (2020) 42(3) Journal of Social Welfare and Family Law 279.
[97] Shamsudeen Mohammed and others, 'Systematic Review and Meta-Analysis of the Prevalence and Determinants of Exclusive Breastfeeding in the First Six Months of Life in Ghana' (2023) 23 BMC Public Health.
[98] Berger-Estilita and others (n 88).

disability, age, or pregnancy status. In the context of maternity leave regulation, workplace discrimination often manifests as adverse actions taken against women because of their pregnancy, childbirth, or caregiving responsibilities[99]. Such discrimination can be overt, such as dismissal, demotion, or refusal to hire or more subtle, involving denial of promotions, exclusion from important projects, or creation of a hostile work environment.[100] Pregnancy and maternity-related discrimination are particularly significant in discussions of labour rights and gender equality. Employers may perceive pregnant women or new mothers as less committed or less productive, leading to biased decisions that disadvantage them in recruitment, career advancement, and remuneration[101]. Discrimination can also occur when employers fail to provide reasonable accommodations for pregnant employees or when they pressure women to return from maternity leave earlier than legally permitted[102].

2.2.8 The Concept of Access to Maternal Healthcare

Access to maternal healthcare refers to the ability of women to obtain timely, adequate, and quality health services during pregnancy, childbirth, and the postpartum period. It encompasses not only the availability of medical facilities and trained personnel but also the affordability, accessibility, acceptability, and cultural appropriateness of care.[103] Maternal healthcare is widely recognised as a cornerstone of maternal and child health outcomes, directly influencing survival rates, reducing pregnancy-related complications, and promoting overall well-being[104]. In the context of maternity leave regulation, access to maternal healthcare intersects with labour rights and social protection

[99] Adiatma YM Siregar and others, 'The Yearly Financing Need of Providing Paid Maternity Leave in the Informal Sector in Indonesia' (2021) 16 International Breastfeeding Journal.
[100] F. Wolde and others, 'Employers' Perceptions of Breastfeeding Practice of Employed Mothers in Addis Ababa, Ethiopia: A Qualitative Study' (2022) 17 International Breastfeeding Journal.
[101] Chuard (n 53).
[102] Juliana Franco and others, 'The Health Care Provider's Role in Securing Work Accommodations for Pregnant and Postpartum Patients' (John Wiley and Sons Inc, 1 July 2020) 474.
[103] A. Bilgrami and others, 'The Impact of Introducing a National Scheme for Paid Parental Leave on Maternal Mental Health Outcomes' (2020) 29 Health Economics (United Kingdom) 1657.
[104] Maureen Sayres Van Niel and others, 'The Impact of Paid Maternity Leave on the Mental and Physical Health of Mothers and Children: A Review of the Literature and Policy Implications' (Lippincott Williams and Wilkins, 1 March 2020) 113.

frameworks. Adequate maternity leave enables expectant and new mothers to attend antenatal appointments, undergo safe deliveries, and receive postpartum care without the economic pressure of returning to work prematurely[105]. Conversely, insufficient leave policies or workplace inflexibility can hinder women's ability to access critical healthcare services, exacerbating health risks for both mother and child[106]. In Nigeria, access to maternal healthcare remains a significant challenge. The healthcare system suffers from inadequate infrastructure, shortages of skilled birth attendants, and disparities between urban and rural regions. While the Labour Act provides 12 weeks of maternity leave, many women, particularly those in informal employment lack the financial security or workplace protections to take full advantage of this time for health-related needs. Cultural barriers, transportation difficulties, and high out-of-pocket costs further limit utilisation of maternal health services. The United Kingdom has a well-developed maternal healthcare system integrated into the National Health Service (NHS), ensuring free access to antenatal, delivery, and postnatal care.[107] Coupled with generous maternity leave entitlements under the Maternity and Parental Leave etc. Regulations 1999, women can more easily attend medical appointments and recover from childbirth.[108] Nonetheless, challenges persist in addressing disparities in maternal health outcomes among ethnic minority groups, immigrant populations, and low-income women. Canada similarly offers universal healthcare coverage for maternal services, regulated at the provincial level, alongside extensive parental leave policies under the Employment Insurance Act. This combination allows mothers to prioritise health without financial penalty[109]. However, disparities remain for Indigenous women and those in

[105] Siti Nurjanah and others, 'Predictors of Breastfeeding Duration on Mothers Who Return to Work: A Systematic Review' (2023) 14 Journal of Public Health in Africa.
[106] Tamara I Arnautovic and Christiane EL Dammann, 'The Neonatal Perspective of Paid Family Medical Leave (PFML)' (Springer Nature, 1 August 2022).
[107] Dorothy Li Bai, and others, 'Factors Associated with Breastfeeding Duration and Exclusivity in Mothers Returning to Paid Employment Postpartum' (2015) 19 Maternal and Child Health Journal 990.
[108] Ajay Pratap Singh and others, 'Supporting Breastfeeding in 2021 and Beyond-Lessons from the Pandemic' (MDPI, 1 June 2021).
[109] Nieuwenhuis and van Lancker (n 20).

remote communities, where geographic isolation and limited healthcare resources can restrict access to timely care.

From a rights-based perspective, access to maternal healthcare is not merely a public health issue but also a matter of gender equality and social justice. The World Health Organization's (WHO) framework emphasises that maternity protection, including paid leave, is integral to ensuring women's physical and mental health during and after pregnancy. Social Protection Theory further links adequate leave policies to improved maternal health by reducing economic stress, enabling rest, and facilitating compliance with medical advice. Comparatively, while the UK and Canada demonstrate stronger integration between maternity leave regulation and maternal healthcare access, Nigeria faces systemic and socio-economic barriers that limit the protective effect of leave policies. Strengthening the nexus between labour laws and healthcare provision is essential to ensuring that maternity leave functions not only as an employment right but also as a public health safeguard.

2.2.9 The Concept of Exclusion of Informal Workers

The exclusion of informal workers from maternity leave benefits refers to the structural and legal gaps that deny maternity protection to individuals engaged in non-standard, casual, or unregulated forms of employment. Informal workers (those operating outside the scope of formal labour laws), social security systems, and contractual protections make up a significant portion of the global workforce, particularly in developing countries. This exclusion has profound implications for gender equality, economic security, and maternal and child health outcomes. In Nigeria, the informal economy accounts for a substantial proportion of total employment, with women disproportionately represented in sectors such as petty trading, domestic work, subsistence farming, and small-scale services. The Labour Act[110] provides for 12 weeks of paid maternity

[110] (Cap L1, LFN 2004)

leave; however, its protections apply primarily to women in formal employment, leaving the majority of working mothers outside its scope. Informal workers, often without written contracts or social insurance coverage, must rely on personal savings or informal support networks during pregnancy and postpartum recovery. This economic vulnerability can compel them to resume work prematurely, compromising maternal health and newborn care. In contrast, the United Kingdom and Canada have broader frameworks for maternity and parental benefits, yet certain categories of informal or self-employed workers may still face barriers. In the UK, the Statutory Maternity Pay and Maternity Allowance schemes extend coverage to some self-employed women, provided they meet specific earnings and contribution criteria. However, casual workers with irregular hours or insufficient National Insurance contributions may remain ineligible. Similarly, in Canada, parental benefits under the Employment Insurance (EI) system require a minimum number of insurable work hours, which can exclude gig workers, short-term contractors, and those in precarious employment arrangements. The exclusion of informal workers from maternity protection not only reflects gaps in labour legislation but also perpetuates gender inequality, as women dominate low-paid and insecure job sectors. It undermines the objectives of maternity leave protecting maternal and child health, promoting work-family balance, and safeguarding women's economic participation by restricting these benefits to a privileged segment of the workforce.

International labour standards, particularly the International Labour Organization's Maternity Protection Convention[111], emphasise the need for universal coverage, including measures to extend maternity protection to all women, regardless of employment status. Some countries have experimented with contributory and non-contributory social protection schemes aimed at covering informal workers, but implementation remains uneven. From a comparative perspective, the challenge is most acute in Nigeria, where informality dominates and state-led social security

[111] 2000 (No. 183)

systems are underdeveloped. In the UK and Canada, while the formal frameworks are more inclusive, administrative and eligibility thresholds can still result in partial exclusion. Addressing this issue requires a policy shift towards universal maternity protection, integrating cash benefits, healthcare access, and job security measures that extend beyond traditional employment relationships.

2.2.10 Limited Duration and Low Wage Replacement

The concepts of limited duration and low wage replacement in maternity leave regulation refer to two critical shortcomings that undermine the effectiveness of maternity protection: the insufficient length of leave granted to new mothers and the inadequate level of income provided during this period. These factors have direct implications for maternal and child health, women's workforce participation, and the promotion of gender equality. In Nigeria, the Labour Act[112] provides for a minimum of 12 weeks of maternity leave, with at least six weeks taken after childbirth, and wage replacement at 50% of the worker's normal pay for women who have been employed for at least six months. This duration falls short of the International Labour Organization (ILO) Maternity Protection Convention[113], which recommends at least 14 weeks, and is significantly below the World Health Organization's recommendation of six months of exclusive breastfeeding for optimal infant health. The low wage replacement rate further discourages low-income women from taking the full leave entitlement, pushing many back to work prematurely to maintain household income. In the United Kingdom, statutory maternity leave is comparatively generous in duration up to 52 weeks but wage replacement is structured in a way that diminishes financial adequacy over time. Employees receive 90% of their average weekly earnings for the first six weeks, followed by a flat rate (or 90% of average earnings if lower) for the remaining 33 weeks, with the final 13 weeks unpaid. While the extended duration promotes maternal and child bonding,

[112] (Cap L1, LFN 2004)
[113] 2000 (No. 183)

the decline in income after the initial period can create economic pressure, particularly for lower-income families, leading some mothers to return to work before the leave ends. Canada offers maternity and parental benefits under the Employment Insurance (EI) system, with two options: a standard benefit (up to 55% of average weekly earnings for 15 weeks of maternity leave plus 40 weeks of shared parental leave) and an extended benefit (33% for up to 61 weeks of shared leave). While the overall duration can exceed a year, the relatively low replacement rates, capped at a maximum insurable earnings threshold, often limit accessibility for lower-wage earners and fail to meet the financial needs of many households. Across these jurisdictions, the combination of short leave periods (in Nigeria) and/or insufficient wage replacement rates (in all three countries to varying degrees) reduces the intended benefits of maternity leave policies. These limitations can result in mothers returning to work earlier than medically or developmentally advisable, affecting breastfeeding rates, postpartum recovery, and early child development. Furthermore, the economic burden disproportionately affects women in low-income or precarious employment, reinforcing cycles of inequality and weakening the protective aims of maternity legislation.

A comparative analysis reveals that while the UK and Canada offer longer leave durations, the decline in income support over time mirrors the financial challenges seen in Nigeria, albeit to a lesser degree. Bridging this policy gap requires aligning both the length of leave and wage replacement rates with global best practices, ensuring that maternity protection is both adequate in duration and economically viable for all working mothers.

2.2.11 The Concept of Paternity and Parental Leave

Paternity and parental leave are integral components of modern family leave policies, designed to complement maternity leave and promote shared responsibility for childcare between parents[114]. While maternity leave is traditionally aimed at supporting the biological mother's recovery and early bonding with the child, paternity and parental leave broaden the scope by recognizing the role of fathers and, in some jurisdictions, other non-birthing parents. These provisions have significant implications for gender equality, workplace inclusivity, and family well-being[115]. In Nigeria, there is no provision for paternity leave in the Labour Act[116], which governs employment rights for private-sector workers. The absence of statutory paternity leave reflects a traditional approach that places the burden of childcare primarily on mothers, reinforcing gender norms and limiting fathers' involvement in early child-rearing. However, certain progressive state governments such as Lagos and Enugu have introduced paternity leave for public sector workers, granting between 5 to 14 days of paid leave. Despite these initiatives, the absence of a national framework results in inconsistent coverage and a lack of legal protection for fathers in most workplaces. The United Kingdom provides more structured entitlements under the Employment Rights Act 1996 and the Shared Parental Leave (SPL) Regulations 2014. Statutory Paternity Leave offers eligible fathers (or partners) up to two consecutive weeks of paid leave, compensated at the statutory rate or 90% of average weekly earnings (whichever is lower). More significantly, the SPL scheme allows parents to share up to 50 weeks of leave and 37 weeks of pay, enabling flexible arrangements that suit their family needs. While take-up rates for SPL remain relatively low due to cultural expectations and income disparities between partners, the policy framework demonstrates a legislative commitment to promoting co-parenting and reducing the disproportionate childcare burden on women. In Canada, parental leave provisions are among the most comprehensive globally, governed by both federal and provincial/territorial employment

[114] Mariam S Khan, 'Paid Family Leave and Children Health Outcomes in OECD Countries' (2020) 116 Children and Youth Services Review.
[115] Department for Business (n 12).
[116] (Cap L1, LFN 2004)

standards. Following 15 to 18 weeks of maternity leave, either parent or both can take standard parental leave (up to 40 weeks at 55% wage replacement) or extended parental leave (up to 69 weeks at 33% wage replacement). Many provinces also offer specific paternity leave rights, such as in Quebec, where fathers are entitled to five weeks of dedicated paternity leave at 70% of earnings, separate from shared parental benefits. The Canadian model not only recognizes fathers' roles but also incentivizes their participation through dedicated, non-transferable benefits.

The comparative perspective reveals that Nigeria lags significantly behind the UK and Canada in legislating paternity and parental leave, reflecting a policy gap that perpetuates gendered divisions of labour in caregiving. The UK's SPL system and Canada's extended parental benefits illustrate that shared leave can foster gender equality, improve maternal health outcomes by reducing the sole burden on mothers, and strengthen family bonds. However, the effectiveness of such policies depends on adequate wage replacement rates, strong workplace protections, and cultural acceptance of fathers taking leave. Ultimately, integrating paternity and parental leave into maternity leave frameworks is essential for a contemporary, gender-balanced approach to family care. By encouraging both parents to take an active role from the earliest stages of a child's life, such policies can dismantle long-standing gender inequalities in both the home and the workplace.

2.2.12 Intended Parenthood in Surrogacy Practice

Intended parenthood refers to the legal, social, and emotional recognition of individuals or couples who commission and assume responsibility for the upbringing of a child born through surrogacy[117]. In this arrangement, the intended parents are distinct from the gestational carrier (the surrogate), and their parental status is determined by contractual agreements, statutory provisions, and judicial recognition rather than by biological gestation[118]. The concept is crucial in the context of maternity

[117] Judgment delivered by Hon. Justice A.S Bolaji (Rtd), M/111/2021, Between AB (Suing for themselves and on behalf of C and D) v. E & F, 13th October, 2021
[118] Abiade Olawanle Abiola, Surrogacy Practice: An alternative path to motherhood, 2024, Princeton & Associates Publishing Co. Ltd, 38-39

leave regulation because the evolving nature of family formation—particularly through assisted reproductive technologies (ART)—challenges traditional definitions of "motherhood" and "parental eligibility" for leave entitlements. In surrogacy practice, intended parenthood raises complex questions regarding who is entitled to maternity or parental leave, and at what point such leave should commence. Traditionally, maternity leave has been granted to the biological mother for purposes of childbirth recovery and initial bonding. However, in surrogacy, the intended mother (or father) may not physically give birth yet still requires time off to bond with and care for the newborn[119]. This situation prompts legislative systems to adapt policies to ensure inclusivity and fairness in leave entitlements, regardless of biological connection.

In Nigeria, surrogacy is largely unregulated at the federal level, and there is no explicit statutory framework recognising intended parenthood in employment law. The Labour Act[120] does not extend maternity leave rights to intended mothers or fathers in surrogacy arrangements, leaving the question to private contractual agreements or employer discretion. The absence of legislative recognition creates a legal vacuum, often disadvantaging intended parents in formal employment and entirely excluding those in informal work settings. In the United Kingdom, surrogacy is legally recognised under the Surrogacy Arrangements Act 1985 (as amended) and parental rights are transferred through a Parental Order under the Human Fertilisation and Embryology Act 2008. The UK provides Statutory Adoption Leave and Statutory Adoption Pay to intended parents once a parental order is granted or applied for, ensuring that they have time off work to bond with the child. This provision effectively places intended parents on similar footing to adoptive parents, thereby bridging the gap between biological maternity and surrogacy-based parenthood. Canada adopts a progressive stance, with both federal and provincial employment standards recognising intended parents' rights to parental leave. For instance, under the Employment Insurance Act, intended

[119] Ibid
[120] (Cap L1, LFN 2004)

parents through surrogacy are eligible for parental benefits once the child is born, regardless of biological relation. Several provinces, such as Ontario and British Columbia, expressly grant leave entitlements to intended parents, ensuring inclusivity and equal treatment in family leave policies.

From a comparative perspective, the recognition of intended parenthood within maternity leave frameworks underscores the broader shift towards inclusive definitions of family in employment law. While the UK and Canada have integrated surrogacy-based parenthood into their statutory leave systems, Nigeria's lack of legal clarity perpetuates workplace inequalities and may infringe on the rights of non-biological parents to early bonding and caregiving. In contemporary maternity leave regulation, accommodating intended parenthood is not merely a legal formality but a reflection of evolving societal norms and reproductive possibilities. Effective policies must balance the physical recovery needs of birth mothers (including surrogates) with the caregiving and bonding needs of intended parents, ensuring that all parties involved in a child's birth are supported in a manner consistent with principles of equality, family integrity, and child welfare.

2.2.13 Inconsistent Employer Practices

Inconsistent employer practices refer to the variations in how organisations interpret, implement, and enforce maternity leave policies, often resulting in unequal treatment of employees despite the existence of statutory provisions. These inconsistencies can arise from differences in organisational size, industry standards, financial capacity, workplace culture, and management attitudes toward gender roles and family responsibilities. In essence, while maternity leave laws are intended to establish a uniform baseline of rights, the actual experience of employees can differ significantly depending on their employer's commitment to compliance and support. In Nigeria, the Labour Act[121] prescribes a minimum of 12 weeks' maternity leave at two-thirds pay, but enforcement is weak and often limited to the formal sector. Many private employers particularly in small and

[121] (Cap L1, LFN 2004)

medium-sized enterprises either fail to comply fully or impose conditions that discourage employees from taking their full entitlement. Some organisations offer more generous benefits as part of competitive employment packages, while others provide only the bare legal minimum or none at all, especially in cases where the employee is on a casual or contract basis. This creates a fragmented system in which access to adequate maternity leave depends heavily on an employer's goodwill rather than legal uniformity. In the United Kingdom, statutory maternity leave and pay are well defined under the Employment Rights Act 1996 and related regulations, but disparities still occur. Larger corporations often supplement statutory benefits with enhanced maternity packages, while smaller businesses may adhere strictly to the minimum entitlements due to budgetary constraints. Additionally, workplace culture plays a significant role some employers actively encourage employees to take their full leave without penalty, while others subtly discourage extended absence through workload pressures or career stagnation concerns. Canada provides a comprehensive maternity and parental leave system under the Employment Insurance Act and provincial employment standards, yet inconsistencies persist. For example, while statutory leave and benefits are uniform, employer-provided "top-up" payments to supplement federal benefits vary widely. Public sector employees and unionised workers often enjoy more generous support, whereas employees in smaller private firms may rely solely on basic government provisions. This disparity can lead to unequal economic security for new mothers, depending entirely on their workplace policies.

Across all three jurisdictions, inconsistent employer practices undermine the principle of equality in maternity leave regulation. They can perpetuate workplace discrimination, as women employed in less supportive environments may be forced to return to work prematurely, experience income loss, or face career stagnation. Moreover, such disparities affect not only maternal health and child welfare but also broader goals of gender equality and workforce retention. From a policy perspective, reducing these inconsistencies requires stronger enforcement mechanisms, clear

compliance monitoring, and incentives for employers to adopt equitable maternity leave practices. The experience of the UK and Canada shows that while legislation is essential, bridging the gap between statutory rights and actual workplace experiences is equally critical for ensuring fairness and inclusivity.

2.2.14 Women Workforce Participation

Women workforce participation refers to the involvement of women in the labour market, encompassing their access to employment, retention, career advancement, and representation across various sectors. It is a critical indicator of gender equality, economic development, and social progress.[122] The rate and quality of women's participation in the workforce are influenced by a variety of factors, including cultural norms, educational attainment, economic policies, and importantly labour regulations such as maternity leave provisions.[123] Maternity leave regulation plays a dual role in shaping women's participation in the workforce[124]. On one hand, well-designed policies can encourage women to remain in employment before and after childbirth by providing job security, income replacement, and time to recover physically and care for newborns[125]. On the other hand, inadequate leave entitlements, weak enforcement, or discriminatory workplace cultures can push women out of the labour market, contributing to lower participation rates and widening gender disparities[126].

2.2.15 The Concept of Eligibility for Maternity Leave

[122] Marie Kopp, and others, 'Association between Maternal Employment and the Child´s Mental Health: A Systematic Review with Meta-Analysis' (Springer Science and Business Media Deutschland GmbH, 2023).
[123] Belinda Hewitt and others, 'The Benefits of Paid Maternity Leave for Mothers' Post-Partum Health and Wellbeing: Evidence from an Australian Evaluation' (2017) 182 Social Science and Medicine 97
[124] Falletta and others (n 84).
[125] Swedish Social Insurance Agency, 'Parental Leave in Sweden: A Model for Equality' (2020) <https://sweden.se/life/equality/gender-equality>.
[126] Ana Paola Campos and Summer Sherburne Hawkins, 'The Association Between Maternal Employment and Breastfeeding Duration With Household Income in Mexico' (2022) 38 Journal of Human Lactation 749.

Eligibility for maternity leave generally depends on factors such as the employee's length of service, employment status (full-time, part-time, or contractual), and adherence to notice requirements. Most labour laws and international conventions, such as the International Labour Organization's Maternity Protection Convention[127], emphasize that women should be entitled to adequate leave, medical benefits, and job security during maternity.

In Nigeria, under Section 54 of the Labour Act, female employees are entitled to 12 weeks of maternity leave (six weeks before and six weeks after childbirth) with at least 50% of their salary, provided they have worked for the employer for at least six months. Informal and self-employed works are not eligible to maternity leave financial support since the government makes no provision for such support. Only workers employed by the government and private individuals/organisations enjoy wage replacement during maternity leave in Nigeria.

In the United Kingdom, eligible employees receive 52 weeks of maternity leave (26 weeks of ordinary and 26 weeks of additional leave), with Statutory Maternity Pay available for up to 39 weeks, depending on employment duration and earnings. Informal and self-employed workers have a measure of financial support from the government during maternity leave.

In Canada, eligible workers can access up to 15 weeks of maternity benefits under the Employment Insurance (EI) program, provided they have accumulated sufficient insurable hours of employment before childbirth. Immigrants and marginalised groups that are not covered in by the Employment Insurance Program are not eligible for financial support during maternity leave.

2.2.16 Private Employers of Labour

Private employers of labour refer to individuals, partnerships, or corporate entities that engage workers in the private sector to carry out economic activities in exchange for wages or salaries.

[127] No. 183

Unlike public employers (government institutions), private employers operate primarily for profit and are subject to national labour laws that regulate employment relations, workers' rights, and workplace standards. Their key obligations generally include providing fair wages, ensuring safe working conditions, preventing discrimination, maintaining proper employment records, and complying with statutory deductions such as taxes and social security contributions. Labour laws also require them to respect employees' rights to leave, rest, and termination benefits.

In Nigeria, private employers are governed by the Labour Act[128] and other employment regulations. They must issue written employment contracts, pay agreed wages promptly, ensure safe working environments, grant statutory leaves (such as maternity and annual leave), and make pension contributions under the Pensions Reform Act 2014. Employees of private employers of labour only enjoy 12 weeks of maternity leave in Nigeria and are paid half of their salary as wage replacement during the leave period. Any extension of time beyond the 12 weeks may result in the worker not receiving any pay till she resumes work.

In the United Kingdom, obligations under the Employment Rights Act 1996 include providing written terms of employment, paying the National Minimum Wage, ensuring workplace safety under the Health and Safety at Work Act 1974, and respecting anti-discrimination laws.

In Canada, private employers must comply with federal and provincial labour standards, ensuring fair wages, occupational health and safety, employment insurance contributions, and protection against unjust dismissal.

2.2.17 Public Employers of Labour

[128] Cap L1, LFN 2004

Public employers of labour refer to government bodies and public institutions, such as ministries, agencies, and state-owned enterprises, that hire individuals to provide public services and perform administrative or developmental functions. Unlike private employers, public employers operate not for profit but to promote national interests, deliver essential services, and uphold public welfare. Their employment relationships are typically governed by public service laws, civil service regulations, and national labour laws. Generally, public employers are obligated to ensure fair recruitment, equal opportunity, job security, timely payment of salaries, safe working conditions, and respect for workers' rights to unionize and seek redress through lawful means.

In Nigeria, public employers are regulated by the Public Service Rules, Labour Act, and the Trade Disputes Act. They must ensure fair wages, grant statutory leaves, provide pensions under the Pensions Reform Act 2014, and uphold the right to collective bargaining. Public employees in Nigeria enjoy longer maternity leave period (18 weeks) with the full payment of their salary during the maternity leave period. This makes them have a much better experience compared to private works in Nigeria.

In the United Kingdom, public employers must comply with the Employment Rights Act 1996, Equality Act 2010, and civil service codes, ensuring non-discrimination, fair dismissal procedures, and adherence to workplace safety standards.

In Canada, public sector employers are bound by federal and provincial public service acts, which mandate merit-based hiring, collective bargaining rights, equal pay, and adherence to occupational health and safety legislation.

2.2.18 The Concept of Equity and Gender Equality

Equity and gender equality are related but distinct concepts. Gender equality refers to the state where men and women have equal rights, opportunities, and treatment in all aspects of life, including education, employment, and decision-making. It focuses on providing the same resources and opportunities to everyone, regardless of gender.

Gender equity, on the other hand, emphasizes fairness and justice in distributing resources and opportunities by considering the different needs, circumstances, and barriers faced by men and women. While equality ensures sameness, equity ensures fairness, recognizing that true equality often requires targeted support and corrective measures.

2.3 Theoretical Framework on Maternity Leave Regulation

In establishing a justification and theoretical base for a contemporary perspective to maternity leave regulation, this study adopts two interrelated theoretical lenses: Human Capital Theory and Institutional Theory. These theories provide critical insights into why maternity leave policies are essential, how they evolve, and the socio-economic factors influencing their implementation across different jurisdictions, particularly Nigeria, the United Kingdom, and Canada.

2.3.1 Human Capital Theory

1. **Origin and Overview**

   Human Capital Theory was first introduced by Theodore W. Schultz in the early 1960s and later expanded by Gary S. Becker, who argued that the education, health, and well-being of individuals are investments that yield economic returns to both individuals and society. Schultz maintained that improving the quality of the labour force is crucial to national development, particularly through investment in health and education. Becker, in his influential work *Human Capital: A Theoretical and Empirical Analysis with Special Reference to Education*, emphasized that human capital, like physical capital, depreciates

if not adequately maintained through policy interventions such as maternity leave, healthcare, and training.[129]

2. **Application to Maternity Leave Regulation**

   Human Capital Theory views maternity leave as an investment in the productivity and well-being of female workers. Maternity is not merely a biological process but a socio-economic phenomenon that requires institutional support. When a woman is afforded adequate leave and support during and after childbirth, her chances of returning to work and maintaining a productive career increase significantly. In contrast, inadequate maternity protections may force women out of the labour market prematurely, resulting in the loss of trained human capital and increased costs related to employee turnover and re-hiring.[130]

Countries like Canada and the United Kingdom have adopted maternity leave frameworks that align closely with the principles of Human Capital Theory. In Canada, eligible parents are entitled to up to 18 months of combined maternity and parental leave with income replacement benefits through the Employment Insurance system.[131] Similarly, the UK provides up to 52 weeks of maternity leave, with 39 weeks paid, depending on eligibility.[132] These policies acknowledge the importance of protecting women's health and family welfare while preserving their human capital value in the labour market.

By contrast, Nigeria's maternity leave provisions—limited to 12 weeks with minimal financial support and almost no protection for women in the informal sector—reflect an underinvestment in

[129] Gary S Becker, *Human Capital: A Theoretical and Empirical Analysis with Special Reference to Education* (University of Chicago Press 1964).
[130] United Nations Children's Fund (UNICEF), Family-Friendly Policies: A Global Survey of Business Policy Trends (UNICEF 2021).
[131] Employment and Social Development Canada, 'Maternity and Parental Benefits' (Government of Canada, 2023) https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html accessed 4 May 2025.
[132] UK Government, 'Statutory Maternity Leave and Pay' (Gov.uk, 2024) https://www.gov.uk/maternity-pay-leave accessed 4 May 2025.

female human capital. This leads to poor maternal and child health outcomes, reduced labour force participation among women, and a slower rate of gender equality in the workplace.[133]

Human Capital Theory thus underscores the urgency of maternity leave reform in Nigeria as a tool not only for protecting women's rights but for enhancing national economic productivity through sustained investment in human resources.

2.3.2 Institutional Theory

I. **Origin and Overview**

Institutional Theory has its origins in the work of Thorstein Veblen (1899), who emphasized the role of social norms and customs in shaping economic behaviour. The theory was further developed by John W. Meyer and Brian Rowan in their seminal 1977 article, and by Paul DiMaggio and Walter W. Powell, who introduced the concept of *institutional isomorphism*, the idea that organizations tend to adopt similar structures and practices to gain legitimacy.[134] Institutions, in this context, are understood as socially constructed systems of norms, values, laws, and practices that persist over time and influence behaviour.

II. **Application to Maternity Leave Regulation**

Institutional Theory explains why maternity leave policies differ significantly across countries and why reforms often encounter resistance. Institutions, including governments, corporations, and legal systems, operate within socio-cultural and historical contexts that shape their actions and reform trajectories. Institutional behaviour tends to be *path-*

[133] International Labour Organization, *Maternity Protection Resource Package: From Aspiration to Reality for All* (ILO 2021) https://www.ilo.org accessed 4 May 2025.
[134] John W Meyer and Brian Rowan, 'Institutionalized Organizations: Formal Structure as Myth and Ceremony' (1977) 83(2) *American Journal of Sociology* 340; Paul J DiMaggio and Walter W Powell, 'The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields' (1983) 48(2) *American Sociological Review* 147.

dependent—meaning once a pattern is established, it is difficult to change without strong external or internal pressure.[135]

In countries like the UK and Canada, the evolution of maternity leave law has been driven by strong civil society engagement, trade union advocacy, feminist movements, and a democratic culture that prioritizes gender equity. Over time, these factors have institutionalised maternity leave as a societal norm and an expectation. Any attempt to reduce these protections now would likely be met with significant public resistance.[136]

Conversely, in Nigeria, weak institutional frameworks and entrenched socio-cultural norms have hindered the development of comprehensive maternity protections. Many employers especially in the informal sector lack legal obligations to provide maternity leave, and the few existing laws are often poorly enforced. Furthermore, caregiving responsibilities remain gendered, with societal expectations placing the burden of childcare solely on women.[137] These institutional dynamics discourage reform and limit the recognition of maternity leave as a public priority.

Institutional Theory also explains the potential for progress through normative and mimetic isomorphism. Nigeria, as a member of international bodies like the International Labour Organization (ILO), faces external pressure to align with global best practices.[138] The adoption of better maternity leave laws by peer countries can trigger a cascade effect, where Nigerian institutions mimic those practices to gain legitimacy and remain globally competitive. Institutional change requires not only legislation but a transformation in values, norms, and public expectations. By understanding maternity leave as an institutionally embedded norm, policymakers can identify

[135] James Mahoney, 'Path Dependence in Historical Sociology' (2000) 29(4) *Theory and Society* 507.
[136] Fiona Williams, *Social Policy: A Critical Introduction* (Polity Press 2021) 82–85.
[137] Oluwatoyin Mejiuni, *Contextualising Gender and Maternity Rights in Nigeria's Labour Law* (2022) 15(2) *Nigerian Labour Law Journal* 103, 108.
[138] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022) accessed 25th Sept., 2025

levers for systemic change such as social advocacy, stakeholder engagement, and the promotion of best practices.

Both Human Capital Theory and Institutional Theory are vital to understanding the multifaceted nature of maternity leave regulation. While Human Capital Theory provides the economic rationale for maternity leave as a form of societal investment in workforce health and productivity, Institutional Theory provides the sociological and political lens through which the adoption, persistence, or stagnation of maternity policies can be understood. Together, they offer a comprehensive foundation for analysing the maternity leave regimes in Nigeria, the United Kingdom, and Canada, and for making informed recommendations for legal reform.

Chapter Three

Legal Framework of Maternity Leave in Nigeria, the Uk And Canada

3.1 The key provisions of maternity leave laws in Nigeria, the UK and Canada

3.1.1 Legal Framework of Maternity Leave in Nigeria

Maternity leave in Nigeria is governed by laws and policies that aim to protect the rights of female employees during pregnancy and after childbirth.[139] The principal legislation regulating maternity leave in the country is the Labour Act,[140] which applies to employees in the private sector. Public sector employees and certain other categories of workers are covered by the rules and regulations of their respective employers or state-specific laws.[141] Despite these provisions, disparities exist in the application and enforcement of maternity leave policies across sectors, which has led to calls for comprehensive reform.

In the public sector, maternity leave policies are often more favourable. For instance, federal government employees are entitled to 16 weeks of maternity leave on full pay,[142] as introduced in 2020, to improve maternal health and support work-life balance. Despite these advancements, enforcement challenges, lack of uniformity across sectors, and insufficient support for informal sector workers continue to hinder the realization of equitable maternity leave rights in Nigeria.

3.1.1.1 Labour Act of 2004

Under the Labour Act, female employees are entitled to 12 weeks of maternity leave (six weeks before and six weeks after delivery) provided they have been employed for at least six months prior to taking leave. During this period, the employee is entitled to at least 50% of her salary,

[139] National Policy on Maternity Protection.
[140] Labour Act Cap L1 LFN 2004 (Nigeria).
[141] F. Ukwueze (n 8).
[142] National Policy on Maternity Protection.

subject to the submission of a medical certificate confirming her inability to work due to pregnancy.[143] However, this provision applies primarily to employees under a formal contract[144] and does not cover informal or self-employed workers, leaving a significant portion of Nigeria's female workforce without guaranteed maternity leave benefits.

3.1.1.2 National Policy on Maternity Protection

The National Policy on Maternity Protection in Nigeria is aimed at safeguarding the rights, health, and well-being of working mothers during and after pregnancy. The policy framework seeks to align national maternity protections with international labor standards, particularly the International Labour Organization (ILO) Convention No. 183 on Maternity Protection, which emphasizes the rights of women to adequate maternity leave, job security, and access to essential maternal health services. While Nigeria has not yet ratified this specific convention, the policy and related labor laws represent steps toward addressing the critical needs of working mothers and their families.[145]

Key provisions of Nigeria's maternity protection policy include the entitlement of female employees to maternity leave, protection from workplace discrimination, and access to maternal healthcare. Public sector employees typically enjoy more favourable conditions under government regulations, such as 16 weeks of fully paid maternity leave for federal civil servants.[146] In contrast, the private sector is governed by the Labour Act,[147] which provides for 12 weeks of leave at 50% pay. However, the policy's implementation is uneven, with significant gaps in coverage for informal sector workers, who make up a substantial portion of the female workforce in Nigeria.[148]

[143] Labour Act Cap L1 LFN 2004 (Nigeria).
[144] Federal Ministry of Labour and Employment (2004) Labour Act.
[145] F. Ukwueze (n 8).
[146] National Policy on Maternity Protection.
[147] Ibid.
[148] Bai, Fong and Tarrant (n 107).

Moreover, the lack of standardized breastfeeding policies and workplace support systems, such as childcare facilities, further hinders the realization of maternity protection goals.[149]

To strengthen maternity protection, the National Policy advocates for reforms that promote equitable access to benefits for all working mothers, regardless of their sector of employment. This includes extending maternity leave durations, ensuring full pay during leave, and providing postnatal support such as breastfeeding breaks and flexible work arrangements. The policy also emphasizes the role of employers and stakeholders in creating family-friendly workplace environments and addressing cultural and systemic barriers to maternity protection.[150] By effectively implementing and enforcing these measures, Nigeria can improve maternal and child health outcomes, enhance gender equity in the workforce, and fulfil its commitments to international labor standards.

3.1.1.3 State Laws on Maternity Leave

Some states, such as Lagos[151] and Enugu,[152]have also extended maternity leave durations to 16 weeks for their civil servants. Moreover, nursing mothers are granted additional rights, such as flexible working hours or breastfeeding breaks upon resumption.

To address these gaps, policymakers and stakeholders must work toward harmonizing maternity leave policies across all sectors and extending coverage to informal workers. Comprehensive legal reforms, coupled with public awareness campaigns and enforcement mechanisms, are necessary to ensure that all Nigerian women can benefit from maternity leave rights, promoting gender equity and better health outcomes for mothers and children.

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[149] Maike Hentges and Eva Pilot, 'Making It "Work": Mothers' Perceptions of Workplace Breastfeeding and Pumping at Dutch Universities' (2021) 16 International Breastfeeding Journal.
[150] Adewumi F, 'The Nigerian Labour Law and the Challenges of Maternity Protection' (2022) 14(2) Nigerian Journal of Labour Law and Industrial Relations 55.
[151] Admin III, 'Lagos Paternity and Maternity Leave Policy' (Blueprint, 2014) <https://blueprint.ng/lagos-paternity-and-maternity-leave-policy/>.
[152] Chuks Nweze, 'Enugu Mulls 6-Month Maternity Leave with Pay for Lactating Mothers' (Blueprint, 2024) <https://blueprint.ng/enugu-mulls-6-month-maternity-leave-with-pay-for-lactating-mothers/>.

3.1.2 Maternity Leave Provisions in the United Kingdom

Maternity leave in the UK is governed by comprehensive legislation that aims to support working mothers during pregnancy and after childbirth. The primary framework for maternity leave is established under the Employment Rights Act[153] and supplemented by regulations such as the Maternity and Parental Leave Regulations[154] and the Equality Act.[155] These laws ensure that mothers have access to time off work, financial support, and job protection during maternity leave. In the UK,[156] all pregnant employees are entitled to 52 weeks of maternity leave, which is divided into two parts: (a) Ordinary Maternity Leave (OML): - The first 26 weeks.

(b) Additional Maternity Leave (AML): - The next 26 weeks.

Employees are not required to take the full 52 weeks, but they must take a minimum of two weeks of maternity leave (or four weeks for factory workers) following the birth of the child. Maternity leave is available to all employees, regardless of the length of their service or the number of hours worked.[157]

3.1.2.1 Statutory Maternity Pay (General) Regulations 1986

Financial support during maternity leave is provided through Statutory Maternity Pay (SMP) or Maternity Allowance (MA) for those who do not qualify for SMP. SMP are paid for up to 39 weeks. The first six weeks are paid at 90% of the employee's average weekly earnings (AWE). The remaining 33 weeks are paid at either £172.48 per week (as of 2023) or 90% of the AWE, whichever is lower. To qualify, employees must have been employed continuously for at least 26 weeks by the end of the 15th week before the baby is due and must earn at least £123 per week.[158]

[153] Employment Rights Act 1996.
[154] Maternity and Parental Leave etc. Regulations 1999.
[155] Equality Act 2010.
[156] Department for Business (n 12).
[157] Karen Vanderlinden and others, 'Motherhood in Europe: An Examination of Parental Leave Regulations and Breastfeeding Policy Influences on Breastfeeding Initiation and Duration' (2020) 9 Social Sciences 1.
[158] Bilgrami, Sinha and Cutler (n 103).

3.1.2.2 Maternity Allowance

Maternity Allowance is a form of financial support provided under UK law to pregnant women who do not qualify for Statutory Maternity Pay (SMP). It is governed primarily by the Social Security Contributions and Benefits Act 1992 and administered by the Department for Work and Pensions (DWP). This allowance plays a crucial role in ensuring that women who are self-employed, recently employed, or in low-income or irregular work arrangements still receive income support during maternity.[159]

A. Legal Basis and Administration

Maternity Allowance is established under the Social Security Contributions and Benefits Act 1992, which outlines entitlement conditions and benefit calculations. The Jobcentre Plus, an agency of the DWP, is responsible for processing claims and administering payments.[160]

Eligibility Criteria

Maternity Allowance is available to women who meet the following conditions:[161]

1. Employment History: The claimant must have been employed or self-employed for at least 26 weeks in the 66 weeks before the baby is due. These 26 weeks do not have to be consecutive.

2. Earnings Requirement: In at least 13 of those 26 weeks, the claimant must have earned £30 or more per week.

3. Ineligibility for SMP: The claimant must not qualify for Statutory Maternity Pay from any employer.

[159] Social Security Contributions and Benefits Act 1992, c. 4.
[160] Ibid.
[161] UK Government. (2024). *Maternity Allowance*. https://www.gov.uk/maternity-allowance

Women who assist in their self-employed partner's business may also qualify, even if they do not receive a salary.

B. Entitlement and Payment Structure

a) Duration: Maternity Allowance is paid for up to 39 weeks.

b) Amount: As of 2025, the weekly amount is £184.03 or 90% of the claimant's average weekly earnings, whichever is lower.

c) Start Date: Payments can begin as early as 11 weeks before the baby is due.

This benefit is paid every two or four weeks directly into the claimant's bank account and is tax-free.

C. Purpose and Policy Justification

Maternity Allowance is a social protection measure designed to reduce economic hardship for pregnant women outside standard employment contracts. It recognizes the diverse nature of the modern workforce, including gig workers, freelancers, and women in temporary or part-time roles. It ensures that they are not excluded from financial support during pregnancy and childbirth.

D. Interaction with Other Benefits

Women receiving Maternity Allowance cannot receive Statutory Maternity Pay at the same time. However, they may still be eligible for other benefits such as Universal Credit, depending on their overall income and household circumstances.

3.1.2.3 Job Protection and Workplace Rights

The United Kingdom has a well-established legal framework that safeguards the rights of pregnant employees and those on maternity leave. These protections are embedded in various legislative instruments to ensure that women are not disadvantaged in the workplace due to pregnancy or maternity-related responsibilities. Job protection and workplace rights during maternity are critical to promoting gender equality, reducing discrimination, and supporting maternal and child health.[162]

1. Right to Maternity Leave

Under the Employment Rights Act 1996 and the Maternity and Parental Leave etc. Regulations 1999, all pregnant employees are entitled to 52 weeks of maternity leave, regardless of their length of service. This is divided into:

- Ordinary Maternity Leave (OML) – first 26 weeks
- Additional Maternity Leave (AML) – following 26 weeks

Employees must notify their employer at least 15 weeks before the expected week of childbirth, specifying the expected week of childbirth and the intended start date of their leave.

2. Right to Return to Work

Employees who take up to 26 weeks (OML) are entitled to return to the same job. If they take more than 26 weeks (AML), they have the right to return to the same job or a similar job with the same terms and conditions if it is not reasonably practicable to return to the original position. This right is protected under Regulation 18 of the Maternity and Parental Leave Regulations 1999.[163]

3. Protection from Dismissal and Detriment

[162] UK Government. (2024). Maternity Allowance. https://www.gov.uk/maternity-allowance
[163] UK Government. (2024). Maternity Allowance. https://www.gov.uk/maternity-allowance

The Equality Act 2010 makes it unlawful to treat a woman unfavourably because of pregnancy, childbirth, or maternity leave. This includes:[164]

A. Dismissing a woman because she is pregnant or on maternity leave
B. Withholding promotion or training opportunities
C. Subjecting her to unfair treatment or disciplinary action

Such actions are considered automatic unfair dismissal and direct discrimination under UK employment law.

4. Health and Safety Protections

Employers have a duty to conduct a risk assessment for pregnant employees and those who have recently given birth. If the assessment identifies risks, the employer must:

a) Modify working conditions or hours
b) Offer suitable alternative work
c) Suspend the employee on full pay if no suitable alternatives are available

These duties are outlined in the Management of Health and Safety at Work Regulations 1999 and the Employment Rights Act 1996.

5. Protection of Pay and Benefits

During maternity leave, employees are entitled to continue receiving all contractual benefits except salary. This includes:[165]

i. Accrual of annual leave
ii. Pension contributions (depending on the scheme)
iii. Use of company facilities or assets

These protections ensure that maternity leave does not adversely affect long-term employment benefits.

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[164] Ibid
[165] Department for Work and Pensions. (2023). *Guide to Maternity Allowance*. https://www.gov.uk/government/publications/maternity-allowance-claim-form

6. Keeping in Touch (KIT) Days

Employees on maternity leave may work for up to 10 days without affecting their maternity pay. These are known as Keeping in Touch (KIT) days. They allow employees to stay updated with workplace developments and ease their return to work.[166]

7. Protection Against Redundancy

Pregnant employees or those on maternity leave have enhanced protection during redundancy situations. Employers must offer a suitable alternative vacancy, where one exists, before offering redundancy. Failure to do so may amount to automatic unfair dismissal under the Employment Rights Act 1996.[167]

3.1.2.4 Flexible and Shared Leave Options

The modern workforce increasingly values flexibility, particularly in the context of balancing professional obligations with family responsibilities. Recognising this need, the United Kingdom has implemented a legal framework that supports both mothers and fathers in sharing childcare responsibilities.[168] These measures aim to promote gender equality, improve work-life balance, and foster early bonding between parents and their children.

1. Shared Parental Leave (SPL)

Shared Parental Leave was introduced under the Shared Parental Leave Regulations 2014, allowing eligible parents to share up to 50 weeks of leave and 37 weeks of pay after the birth or adoption of a child. This policy reflects a shift away from traditional maternity-only leave models, acknowledging the important caregiving role that both parents play.[169]

[166] UK Government. (2024). Maternity Allowance. https://www.gov.uk/maternity-allowance
[167] Ibid
[168] Shared Parental Leave Regulations 2014 (SI 2014/3050)
[169] UK Government. (2024). Maternity Allowance. https://www.gov.uk/maternity-allowance

To qualify for SPL, both parents must meet specific employment and earnings criteria. Mothers must take at least two weeks of compulsory maternity leave after childbirth,[170] after which the remaining leave entitlement can be converted into shared parental leave, if desired.

SPL can be taken in one continuous block or in up to three separate blocks of leave per parent. It can also be taken simultaneously or separately, allowing couples to structure their childcare in a way that suits their circumstances.[171]

2. Shared Parental Pay (SPP)

Eligible parents can receive Shared Parental Pay for up to 37 weeks. The payment rate is either:[172] £184.03 per week (as of 2025), or 90% of the parent's average weekly earnings, whichever is lower. Both parents can claim SPP during their respective periods of SPL, provided they meet the eligibility conditions.

3. Flexible Working Rights

In addition to SPL, employees in the UK have the right to request flexible working arrangements. Under the Employment Rights Act 1996, as amended by the Flexible Working Regulations 2014,[173] employees with 26 weeks of continuous service may formally request flexible working options, such as:

I. Part-time work
II. Job sharing
III. Compressed hours
IV. Remote or hybrid working

[170] UK Government. (2024). *Shared parental leave and pay*. https://www.gov.uk/shared-parental-leave-and-pay
[171] Ibid
[172] Ibid
[173] UK Government. (2024). *Flexible working*. https://www.gov.uk/flexible-working

Employers are legally obligated to consider such requests in a reasonable manner and may only refuse them based on clearly defined business grounds, such as cost implications or inability to reorganise work.[174]

4. Benefits of Flexible and Shared Options

These policies serve several objectives:

1) Promoting Gender Equality: Shared parental leave allows fathers to be more actively involved in early childcare, helping to redistribute traditional caregiving roles and reducing the burden on mothers.
2) Improving Child Well-being: Evidence shows that children benefit from strong parental involvement in early life, including from fathers.[175]
3) Enhancing Maternal Career Prospects: By enabling shared leave, women may return to work sooner or more gradually, reducing career disruption and improving long-term professional advancement.[176]
4) Supporting Diverse Family Needs: Flexibility in leave scheduling and working arrangements allows families to better manage their personal, financial, and professional priorities.[177]
5) Challenges and Low Uptake: Despite its progressive intent, the uptake of Shared Parental Leave remains relatively low. Research suggests that many families are either unaware of the policy or cannot afford to lose the higher income typically earned by fathers. Cultural expectations regarding gender roles in caregiving also persist, limiting broader adoption.

[174] Working Families. (2023). *Shared Parental Leave: A missed opportunity?* Retrieved from: https://www.workingfamilies.org.uk
[175] Ibid.
[176] Ibid.
[177] Ibid.

3.1.2.5 Employment Rights Act

The Employment Rights Act 1996 is one of the most important legislative frameworks governing employment laws in the United Kingdom. It consolidates and codifies a range of employee rights in relation to contracts, unfair dismissal, redundancy, and various forms of leave, including maternity leave. The Act plays a fundamental role in safeguarding the rights of pregnant employees and ensuring workplace protections for those taking time off to care for a newborn child.[178]

1. Entitlement to Maternity Leave

Under the Employment Rights Act 1996, pregnant employees are entitled to up to 52 weeks of statutory maternity leave, regardless of how long they have been employed. This leave is broken down into:[179]

1. Ordinary Maternity Leave (OML) – the first 26 weeks
2. Additional Maternity Leave (AML) – the following 26 weeks

The law ensures that all employees have the right to take this leave as long as they notify their employer of their pregnancy, the expected week of childbirth, and the date they intend to start their leave.[180]

2. Right to Return to Work

Sections of the Act guarantee that women returning from maternity leave have the right to resume the same job after Ordinary Maternity Leave. If returning after Additional Maternity Leave, they must be offered either the same job or a suitable alternative with terms and conditions that are no less favourable.[181] This provision helps protect women from demotion, job loss, or punitive treatment upon their return to work.[182]

[178] UK Government. (2024). *Maternity leave and pay*. https://www.gov.uk/maternity-pay-leave
[179] Ibid
[180] Ibid
[181] ACAS. (2024). *Rights during maternity leave*. https://www.acas.org.uk
[182] Ibid

3. Protection Against Dismissal and Discrimination

The Act makes it unlawful for an employer to dismiss an employee because she is pregnant or because she has taken maternity leave. Any such dismissal is considered automatically unfair under Section 99 of the Act. In addition, the Equality Act 2010 complements this by prohibiting discrimination based on pregnancy or maternity, making such actions both discriminatory and unfair.[183]

4. Continuation of Employment Rights and Benefits

During maternity leave, employees retain all their contractual rights, with the exception of wages or salary. This includes:[184]

- Accrual of annual leave
- Pension contributions (where applicable)
- Eligibility for promotions or bonuses
- Use of company assets (e.g., a car or phone, if provided as part of the employment package)

The continued accrual of these benefits helps ensure that maternity leave does not disadvantage women in their long-term career progression or financial status.

5. Statutory Maternity Pay (SMP)

While the Employment Rights Act outlines rights to leave, eligibility for Statutory Maternity Pay (SMP) is governed under the Social Security Contributions and Benefits Act 1992, but is often referenced alongside the Employment Rights Act in practical application. Under this, eligible employees can receive SMP for up to 39 weeks:

a. 90% of their average weekly earnings (before tax) for the first 6 weeks
b. £184.03 (as of 2025) or 90% of their average weekly earnings (whichever is lower) for the remaining 33 weeks

[183] ACAS. (2024). Rights during maternity leave. https://www.acas.org.uk
[184] Ibid.

6. Time Off for Antenatal Care

Section 55 of the Act entitles pregnant employees to paid time off to attend antenatal appointments, including medical check-ups, parenting classes, and health screenings. Employers cannot refuse this time off, and doing so would constitute a breach of statutory duty.

3.1.2.5.1 Significance for Working Mothers

The Employment Rights Act 1996 is central to protecting pregnant employees from exploitation, job insecurity, and workplace discrimination. By codifying rights to leave, return-to-work guarantees, and protection from dismissal, the Act creates a stable legal environment that supports women during pregnancy and after childbirth.[185] It also encourages broader societal goals of gender equity in the workplace, family stability, and maternal and child health.

3.1.2.6 Maternity and Parental Leave Regulations

The United Kingdom has established a comprehensive legal framework to protect the rights of working parents through structured maternity and parental leave policies. These regulations aim to support family life, promote gender equality, and ensure the well-being of both children and parents[186]. Maternity and parental leave regulations in the UK are primarily governed by the Employment Rights Act 1996, the Maternity and Parental Leave etc. Regulations 1999, and subsequent legislative updates.[187]

1. Maternity Leave

Under UK law, all pregnant employees are entitled to 52 weeks of maternity leave, regardless of their length of service with an employer. This leave is divided into:

a) Ordinary Maternity Leave (OML): 26 weeks

b) Additional Maternity Leave (AML): 26 weeks

[185] Ibid.
[186] Maternity and Parental Leave Regulations 1999 (SI 1999/3312) – https://www.legislation.gov.uk/uksi/1999/3312/contents/made
[187] Ibid.

Employees must take a compulsory two-week leave (four weeks for factory workers immediately after childbirth for health and safety reasons.

To qualify, an employee must inform their employer at least 15 weeks before the baby is due, providing the expected week of childbirth and the intended start date of leave.[188]

During maternity leave, employees are entitled to continue accruing their contractual benefits (except for salary) and retain the right to return to their job or a similar position.

2. Statutory Maternity Pay (SMP)

Eligible employees receive Statutory Maternity Pay (SMP) for up to 39 weeks:

- First 6 weeks: 90% of the employee's average weekly earnings (before tax)
- Next 33 weeks: £184.03 per week (as of 2025) or 90% of the average weekly earnings, whichever is lower

To qualify for SMP, the employee must have worked for the same employer for at least 26 weeks by the end of the 15th week before the expected week of childbirth and must earn above the lower earnings limits.[189]

3. Parental Leave

In addition to maternity leave, UK law provides for unpaid parental leave under the Maternity and Parental Leave etc. Regulations 1999. Eligible employees can take up to 18 weeks of unpaid leave for each child, up until the child's 18th birthday.[190] The maximum leave an employee can take per year for each child is four weeks, unless the employer agrees otherwise.

Parental leave allows parents to spend more time with their children for reasons such as settling them into new childcare arrangements or attending to their welfare.

[188] UK Government. (2024). *Maternity, paternity and parental leave*. https://www.gov.uk/browse/working/time-off
[189] Ibid
[190] Ibid

4. Shared Parental Leave (SPL)

Introduced through the Shared Parental Leave Regulations 2014, SPL enables both parents to share up to 50 weeks of leave and 37 weeks of pay after the birth or adoption of a child. This system allows:[191]

i. Leave to be taken in flexible blocks
ii. Both parents to be off work at the same time
iii. Leave to be interspersed with periods of work

SPL was created to increase paternal involvement in childcare and encourage a more equitable division of parental responsibilities.

5. Protection from Discrimination and Dismissal

Pregnant employees and those on maternity or parental leave are protected from discrimination under both the Employment Rights Act 1996 and the Equality Act 2010. It is unlawful to:[192]

1) Dismiss an employee because of pregnancy or maternity leave
2) Deny promotion or benefits due to pregnancy
3) Treat an employee unfavourably for taking maternity or parental leave

Employees who feel they have been treated unfairly can bring claims before an employment tribunal.

6. Flexible Working Rights

UK law, under the Flexible Working Regulations 2014, allows employees with 26 weeks of continuous service to request flexible working arrangements. This may include:[193]

i. Part-time work
ii. Job sharing
iii. Remote working

[191] Ibid.
[192] Ibid
[193] Ibid

iv. Compressed hours

Employers are required to consider these requests seriously and can only refuse them for legitimate business reason.

Conclusively, the UK's maternity and parental leave regulations reflect a strong commitment to supporting working families. These policies provide legal protections for pregnant employees, encourage fathers' participation in childcare, and allow for greater flexibility in how families manage work and parenting responsibilities. Although challenges such as low uptake of shared leave persist, the legal framework offers a robust foundation for promoting gender equity and child welfare. The United Kingdom has established a comprehensive legal framework to protect the rights of working parents through structured maternity and parental leave policies. These regulations aim to support family life, promote gender equality, and ensure the well-being of both children and parents. Maternity and parental leave regulations in the UK are primarily governed by the Employment Rights Act 1996, the Maternity and Parental Leave etc. Regulations 1999, and subsequent legislative updates.

3.1.3 Maternity Leave Provisions in Canada

Maternity leave in Canada is a critical component of the country's efforts to support working mothers and promote maternal and child health. Governed primarily by Federal and Provincial Labor Laws, maternity leave ensures that biological mothers have the right to take time off work before and after childbirth without jeopardizing their employment. This period allows mothers to recover from childbirth and bond with their newborns, contributing to improved maternal and child well-being.

a) Under Canada's Employment Insurance (EI) Program,[194] eligible mothers can claim maternity benefits for up to 15 weeks. These benefits provide income replacement at 55% of the mother's average insurable earnings, up to a weekly maximum of CAD $650[195].

b) Provincial and Employer-Specific Provisions[196] - In addition to federal EI benefits, provincial and territorial labor laws provide job-protected maternity leave. The duration of maternity leave varies across provinces but typically ranges from 15 to 18 weeks. For example, in Ontario, eligible mothers can take up to 17 weeks of unpaid maternity leave, while in Quebec, maternity leave provisions under the Quebec Parental Insurance Plan (QPIP) are more generous, offering mothers up to 18 weeks of benefits.[197]

c) Additional Benefits- commonly referred to as top-up benefits, which supplement the EI payments to provide a higher percentage of the employee's pre-leave salary. This practice is especially prevalent in unionized or public sector jobs, further supporting financial stability for mothers during leave.[198]

d) Post-Maternity Leave Support- Maternity leave is often combined with parental leave, which allows parents to extend their time away from work to care for their child. Mothers can transition seamlessly from maternity benefits to parental benefits under the EI Program or QPIP, giving families greater flexibility.[199] Additionally, many workplaces provide accommodations for

[194] Employment Insurance Act 1996 23.
[195] ibid.
[196] Michael Baker and Kevin Milligan, 'How Does Job-Protected Maternity Leave Affect Mothers' Employment?' (2008) 26 Journal of Labor Economics 655.
[197] N. Tabet, 'Parental Leave and Gender Equality in Canada: Progress and Persistent Gaps' (2023) 41 Canadian Journal of Family Law 101.
[198] Jie Feng, 'A Comparative Study of Maternity Leave Systems in the United States and Canada' (2023) 12 Communications in Humanities Research.
[199] Teresa Katherine Lightbody and Deanna Lynn Williamson, 'The Timing and Intensity of Maternal Employment in Early Childhood: Implications for Canadian Children' (2017) 26 Journal of Child and Family Studies 1409.

nursing mothers upon their return, such as breastfeeding breaks or access to private spaces for lactation.[200]

Canada's maternity leave provisions reflect a commitment to fostering family well-being, gender equality, and work-life balance. While the system is robust, ongoing advocacy seeks to address disparities, particularly for self-employed and informal sector workers, ensuring equitable access to maternity leave for all mothers.

3.1.3.1 Employment Insurance (EI) Program[201]

The Employment Insurance (EI) program in Canada is a federal initiative designed to provide temporary financial assistance to individuals who are unemployed or unable to work for specific reasons, such as job loss, maternity or parental responsibilities, illness, caregiving, or other family-related needs. Administered by Employment and Social Development Canada (ESDC) through Service Canada, EI plays a vital role in supporting workers during transitional periods while helping to stabilize the economy by maintaining consumer spending.

Eligibility and Contributions

To qualify for EI benefits, individuals must have paid into the program through deductions from their employment income and meet specific criteria.[202] The most common eligibility requirements include:

i. Having worked a certain number of insurable hours in the last 52 weeks or since their last EI claim.
ii. Being unemployed or unable to work for valid reasons, such as maternity, illness, or caregiving.
iii. Actively seeking employment if claiming regular unemployment benefits.

[200] Feng (n 200).
[201] Employment Insurance Act.
[202] ibid.

Employers and employees both contribute to EI premiums, which are calculated as a percentage of the employee's insurable earnings. For self-employed individuals, participation in the program is optional, but they can register to access benefits like maternity or parental leave.[203]

[203] Feng (n 200).

Chapter Four

Features of Maternity Leave Provisions in Nigeria, United Kingdom and Canada

4.0 Types of EI Benefits

The EI program offers several types of benefits[204] tailored to different situations:

1. Regular Benefits: For individuals who have lost their jobs through no fault of their own (e.g., layoffs) and are actively seeking employment.
2. Maternity and Parental Benefits: For biological and adoptive parents, providing income support during maternity leave and time taken to care for a new child.
3. Sickness Benefits: For individuals unable to work due to illness, injury, or quarantine.
4. Caregiving Benefits: For individuals caring for critically ill or injured family members or those requiring end-of-life care.
5. Fishing Benefits: For self-employed fishers who are temporarily unemployed.[205]

A. Benefit Amounts and Duration

The standard EI benefit rate is 55% of an individual's average insurable earnings, up to a maximum weekly amount (CAD $650 as of 2023). The duration of benefits depends on the individual's employment history, regional unemployment rate, and the type of benefit claimed, typically ranging from 14 to 45 weeks for regular benefits.[206]

[204] Employment Insurance Act.
[205] ibid.
[206] ibid.

B. Support for Employment

In addition to financial support, the EI program includes employment support measures under the Employment Insurance Act, such as training, job search assistance, and career counselling. These services aim to help claimants return to work or find new opportunities in their field.[207]

C. Significance of the EI Program

The EI program is a cornerstone of Canada's social safety net, offering vital support to workers and their families during periods of income disruption. It reflects the country's commitment to economic stability, workforce resilience, and the well-being of its citizens. Continuous policy updates ensure the program remains responsive to changing economic conditions and workforce needs.[208]

4.01 Maternity Benefits

In Canada, maternity benefits are part of the country's comprehensive social safety net, designed to support parents during the critical period of childbirth and early parenting. Administered under the Employment Insurance (EI) Program, maternity benefits provide income replacement for biological mothers who are unable to work due to pregnancy or childbirth.[209] These benefits aim to promote maternal health, facilitate bonding between mother and child, and reduce financial stress during maternity leave. Eligible mothers can receive 15 weeks of maternity benefits, with payments amounting to 55% of their average weekly insurable earnings, up to a specified maximum (as of 2023, the maximum is CAD $650 per week). To qualify, applicants must have worked a minimum of 600 insurable employment hours in the previous 52 weeks or since their

[207] ibid.
[208] Baker and Milligan (n 198).
[209] Employment Insurance Act.

last EI claim. The maternity benefit is available only to biological mothers and must be claimed within 17 weeks of childbirth.[210]

Canada also offers Parental Benefits, which can be combined with maternity benefits to extend support to both parents. Parents can choose between the standard option, offering 40 weeks of leave (with one parent limited to a maximum of 35 weeks), or the extended option, providing up to 69 weeks (with one parent capped at 61 weeks), albeit at a lower rate of 33% of insurable earnings.[211]

In addition to federal provisions, many employers in Canada offer top-up benefits to supplement EI maternity benefits, ensuring mothers receive a higher percentage of their pre-leave salary. Provincial labor laws further protect women on maternity leave, ensuring job security and a seamless return to work after the leave period. Together, these maternity benefits reflect Canada's commitment to supporting families and promoting a healthy work-life balance.[212]

4.02 Parental Benefits

Parental benefits in Canada[213] are a key component of the country's Employment Insurance (EI) program, designed to support parents as they take time off work to care for their newborn or newly adopted child. These benefits aim to alleviate financial pressures on families during the critical early months of parenthood, fostering better child development and enabling parents to balance work and family responsibilities. Parental benefits are accessible to both biological and adoptive parents and can be shared between them.[214]

Canada offers two types of parental benefits: Standard Parental Benefits and Extended Parental Benefits, allowing families to choose a plan that suits their needs.

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[210] ibid.
[211] ibid.
[212] Feng (n 200).
[213] Employment Insurance Act.
[214] ibid.

i. Standard Parental Benefits[215] - Under the standard option, parents can receive a total of 40 weeks of benefits, with one parent limited to a maximum of 35 weeks. Payments are made at 55% of the claimant's average weekly insurable earnings, up to a weekly maximum of CAD $650 (as of 2023).

ii. Extended Parental Benefits[216] - In contrast, the extended option allows parents to receive benefits for up to 69 weeks, with one parent limited to 61 weeks. However, payments under this plan are reduced to 33% of average weekly insurable earnings, with a weekly maximum of CAD $390.

Both options require parents to meet EI eligibility criteria, including having worked a minimum of 600 insurable employment hours in the previous 52 weeks or since their last EI claim.[217] Importantly, parental benefits are flexible and can be taken consecutively or simultaneously by both parents, fostering shared parenting responsibilities. Employers are legally required to protect the jobs of employees taking parental leave, ensuring they can return to work without penalty. Some employers also offer top-up plans, which supplement EI benefits to provide a higher percentage of the employee's pre-leave income.[218]

Parental benefits in Canada reflect the country's commitment to supporting families, promoting gender equity in caregiving roles, and enhancing the well-being of children. By offering flexible and inclusive benefits, Canada enables parents to make choices that best suit their family's needs during this pivotal life stage.

4.03 Implementation and Enforcement Mechanisms

The effective implementation and enforcement of maternity leave laws are critical to ensuring that the rights of working mothers are upheld. Canada, the United Kingdom, and Nigeria have distinct approaches to implementing and enforcing maternity leave, reflecting their socio-economic and legal frameworks.

[215] ibid.
[216] ibid.
[217] ibid.
[218] Feng (n 200).

4.04 Nigeria

Enforcement mechanisms are weak, particularly in the informal sector, where most women work. Awareness of rights is also limited, reducing accessibility.

I. Implementation

Labour Act Provisions:

The Act outlines maternity leave entitlements. Employers are directly responsible for granting maternity leave and paying salaries during this period. Some States, such as Lagos State, have introduced more generous maternity leave policies (e.g., 24 weeks for public sector employees). However, these are not uniformly applied across the country.

Private Sector Practices: Implementation in the private sector varies significantly, as some companies adopt policies exceeding the Labour Act's minimum requirements while some companies' policies are far below the minimum requirements.

II. Enforcement

Labour Inspections:

The Ministry of Labour and Employment oversees compliance with labour laws, including maternity leave. However, inspections are infrequent and under-resourced, particularly in the informal sector.

III. **Major Challenges for effective enforcement are**: -

i. Weak Legal Recourse: Employees facing violations often lack accessible avenues for legal recourse due to systemic inefficiencies, high costs of litigation, and limited awareness of rights.

ii. Informal Sector Challenges: The majority of Nigerian women work in the informal sector, where maternity leave protections are rarely enforced.

iii. Awareness Gaps: Many employees, especially in rural areas, are unaware of their maternity leave rights, further hindering enforcement.

4.05 In the United Kingdom:

The UK has robust enforcement systems, including employment tribunals and anti-discrimination laws, to ensure compliance with maternity leave regulations.

I. Implementation

Maternity leave in the UK is implemented under the Employment Rights Act 1996, Maternity and Parental Leave Regulations 1999, and other statutes like the Equality Act 2010. Employers are legally obligated to grant maternity leave and pay statutory maternity pay (SMP) if eligibility criteria are met.

Employer Responsibility:

Employers manage the administration of maternity leave, including processing statutory maternity pay (SMP) claims and ensuring compliance with leave durations and job protection requirements.

II. Enforcement

i. Employment Tribunals: The UK has a robust system of employment tribunals to resolve disputes related to maternity leave. Employees can file claims for discrimination, unfair dismissal, or failure to pay SMP.

ii. Inspections and Penalties: Regulatory agencies such as the HM Revenue and Customs (HMRC) monitor SMP compliance. Non-compliance by employers can result in penalties.

iii. Anti-Discrimination Protections: The Equality Act 2010 ensures protection against pregnancy and maternity discrimination, providing an additional layer of enforcement.

iv. Redundancy Protection: The law mandates that employees on maternity leave must be prioritized for alternative roles in cases of redundancy, with strict penalties for breaches.

4.06 In Canada:

Canada's enforcement is similarly strong, supported by its centralized Employment Insurance Program, which ensures financial accessibility for eligible employees.

I. Implementation

A. Federal and Provincial Frameworks:

In Canada, maternity leave is implemented through a combination of Federal and Provincial/Territorial Laws. The Canada Labour Code governs federally regulated industries, while Provincial Employment Standards Laws cover other workers.

B. Employment Insurance (EI) Program:

Maternity leave financial benefits are provided through the Employment Insurance (EI) Program, administered by Employment and Social Development Canada (ESDC). Eligible employees receive a portion of their earnings during leave, ensuring financial stability.

II. Enforcement

i. Monitoring and Compliance: Employers are required to comply with federal or provincial employment standards. Labour boards or ministries in each jurisdiction oversee compliance and address violations.

ii. Complaint Mechanisms: Employees can file complaints with provincial labour ministries or federal regulators if maternity leave rights are violated.

iii. Employment Tribunals: Disputes related to maternity leave, such as job security or discrimination, can be escalated to employment tribunals or courts.

iv. Awareness Campaigns: The government promotes awareness of maternity leave rights through public education campaigns, ensuring employees are informed of their entitlements.

4.07 The key differences in maternity leave provisions in Nigeria, the UK and Canada, including duration, eligibility criteria, and entitlements

4.08 Comparative Analysis of Legal Frameworks

Maternity leave laws are critical for safeguarding the health and rights of working mothers and ensuring family stability. Nigeria, the United Kingdom, and Canada provide maternity leave through distinct legal frameworks shaped by their socio-economic and policy contexts. To provide a comprehensive comparative analysis of the legal framework of maternity leave laws in Nigeria, the United Kingdom and Canada, it is crucial to examine the key provisions, entitlements, and implementation of maternity leave in the three countries.

4.09 Maternity Leave Law in Nigeria

In Nigeria, maternity leave is primarily governed by the Labour Act.[219] Additional provisions vary depending on state and organizational policies. The Labour Act primarily applies to employees in the formal sector, leaving a significant portion of the workforce in the informal sector without legal coverage.

Key provisions in the Labour Act are:

1. Duration of Maternity Leave: Nigerian law provides for 12 weeks of maternity leave for female employees. This period includes six weeks before and six weeks after childbirth. The employee is entitled to full pay during this period, contingent upon the submission of a medical certificate confirming the pregnancy.[220] In Lagos State, public servants enjoy an extended maternity leave period of 24 weeks with full pay.[221]
2. Financial Support During Leave - The Labour Act mandates full pay during the 12 weeks of maternity leave for employees who have worked continuously for at least six months prior to the leave. There is no national insurance or social welfare program to support maternity leave, leaving payment obligations entirely on employers.[222]

[219] Labour Act 2004.
[220] ibid.
[221] Admin III (n 151).
[222] Adewumi F, 'The Nigerian Labour Law and the Challenges of Maternity Protection' (2022) 14(2) Nigerian Journal of Labour Law and Industrial Relations 55.

3. Job Protection: During maternity leave, the employer must ensure the employee's job is secure and that she can return to the same position or an equivalent role without prejudice. Protection from dismissal during maternity leave is implied but not explicitly codified, leading to potential enforcement challenges.[223]
4. Coverage: The Labour Act applies to female employees in the formal sector. Informal sector workers, such as those in agriculture or domestic work, may not have the same protections under this law. The various State Laws also covers only workers in the formal sector, leaving out those in the informal sector.
5. Inclusivity and Flexibility - Maternity leave provisions largely focus on biological mothers, with minimal attention to adoptive parents or shared parental leave. There is little flexibility in adjusting leave duration or timing.
6. Inclusivity and Parental Leave – Benefits are limited to biological mothers; no provisions for shared parental leave (except in the private sector) or adoption benefits.[224]

4.10 Maternity Leave Law in the United Kingdom

In the United Kingdom, maternity leave is governed by several key pieces of legislation, including the Employment Rights Act[225] and the Maternity and Parental Leave Regulations.[226] The key provisions in theses legislations are:

1. Duration of Maternity Leave: UK law provides for 52 weeks of maternity leave. This consists of 26 weeks of Ordinary Maternity Leave (OML) and 26 weeks of Additional Maternity Leave (AML). Employees must take at least two weeks off after childbirth (or four weeks for factory workers), but they are not required to take the full 52 weeks.

[223] Labour Act.
[224] ibid.
[225] Employment Rights Act.
[226] The Maternity and Parental Leave Regulations.

2. Financial Support During Leave - Statutory Maternity Pay (SMP): Eligible employees in the UK receive Statutory Maternity Pay (SMP) for up to 39 weeks. SMP is paid at 90% of the employee's average weekly earnings for the first six weeks, followed by a flat rate (which increases annually). Employers often offer additional maternity benefits (top-up pay) to supplement SMP.
3. Job Protection: Similar to Nigeria, UK law ensures job protection during maternity leave. Employees are entitled to return to the same job (if returning after OML) or to a similar role with equivalent terms and conditions (if returning after AML).
4. Coverage: Maternity leave rights in the UK apply broadly to employees, including those in both the public and private sectors. It also includes provisions for parental leave and shared parental leave, allowing flexibility for both parents.
5. Inclusivity and Flexibility - UK offers flexibility through parental leave, which can be shared between both parents. Adoption benefits are also available, ensuring inclusivity for adoptive parents.
6. Inclusivity and Parental Leave – UK offers Shared Parental Leave (SPL), allowing parents to share up to 50 weeks of leave and 37 weeks of pay.

4.11 Maternity Leave Law in Canada

Maternity leave in Canada is governed by Federal and Provincial/Territorial Legislation, including the Canada Labour Code (for federally regulated employees) and Employment Standards Acts at the Provincial/Territorial Level. The Federal Employment Insurance (EI) program provides financial benefits during leave, ensuring national coverage.

The key provisions in theses legislations are:

1. Duration of Maternity Leave - Canadian law provides up to 17 weeks of maternity leave (depending on the province/territory) for birth mothers. Maternity leave is often combined with parental leave, allowing for up to 78 weeks of leave (inclusive of maternity and parental leave) in provinces like Quebec.

2. Financial Support During Leave - Eligible employees receive maternity benefits through the Employment Insurance (EI) program. Standard benefits: 15 weeks at 55% of average weekly earnings, up to a maximum of $650 per week (2024). Quebec offers more generous benefits through its Quebec Parental Insurance Plan (QPIP). Financial responsibility is shared between employers, employees, and the government through contributions to the EI program.
3. Job Protection – Maternity leave laws explicitly protect employees from dismissal during leave. Employees are guaranteed the right to return to the same job or an equivalent position with the same pay and conditions. Provinces like Ontario and British Columbia have strong legal mechanisms to enforce these protections.
4. Coverage - The Federal Employment Insurance (EI) Program provides financial benefits during maternity leave national wide, ensuring coverage for all female citizen.
5. Inclusivity and Flexibility - Parental leave, which can be split between both parents, is one way that Canada provides flexibility. Also, in order to ensure inclusion for adoptive parents, adoption incentives are offered in her laws.
6. Inclusivity and Parental Leave - Inclusive parental leave policies; benefits extend to adoptive parents and allow shared leave between parents.

Canada's maternity leave framework is significantly more comprehensive and inclusive compared to Nigeria's. It offers longer leave durations, shared parental leave, adoption benefits, and robust enforcement mechanisms, supported by a national insurance program. In contrast, Nigeria's laws, while guaranteeing full pay during a shorter leave period, lack the inclusivity and systemic support needed for widespread enforcement, especially in the informal sector.

Canada and the United Kingdom provide comprehensive maternity leave frameworks, emphasizing inclusivity, flexibility, and sustainable financial support. Canada’s system is particularly inclusive with its shared and adoptive parental leave provisions, while the UK offers

the longest leave duration. Nigeria's framework, while ensuring full pay during leave, is limited by its short duration, lack of inclusivity, and weak enforcement mechanisms.

4.12 Eligibility to Maternity Leave by Intended Parents

Understanding Intended Parenthood

Surrogacy, as an assisted reproductive technology (ART), has transformed the meaning and experience of family-making in the 21st century. Among the core concepts that underpin this practice is intended parenthood; a term that identifies those individuals or couples who initiate and finance the surrogacy arrangement with the purpose of becoming legal and social parents of the child. Unlike traditional parenthood, which is rooted in biological and gestational ties, intended parenthood emphasizes intention, agreement, and social role over biology.

Intended parents are individuals or couples who become parents through surrogacy rather than biological childbirth. Surrogacy involves an agreement where a woman carries a pregnancy for another individual or couple. The intended parents assume full parental responsibilities upon the child's birth. It is important to explores the concept of intended parenthood in surrogacy practice, including its legal, ethical, psychological, and sociocultural dimensions. Surrogacy, as an assisted reproductive technology (ART), has transformed the meaning and experience of family-making in the 21st century. Among the core concepts that underpin this practice is intended parenthood; a term that identifies those individuals or couples who initiate and finance the surrogacy arrangement with the purpose of becoming legal and social parents of the child. Unlike traditional parenthood, which is rooted in biological and gestational ties, intended parenthood emphasizes intention, agreement, and social role over biology.

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child's birth. It is important to explores the concept of intended parenthood in surrogacy practice, including its legal, ethical, psychological, and sociocultural dimensions.

Intended parenthood refers to the status and identity of the person(s) who plan to raise a child born through surrogacy[227]. These individuals are typically the commissioning parents who enter into a legal and contractual relationship with a surrogate, wherein the surrogate agrees to carry and deliver a child on their behalf. Intended parents may be:

i. Heterosexual couples facing infertility
ii. Same-sex couples
iii. Single individuals
iv. Individuals with medical conditions that make pregnancy risky or impossible

The fundamental difference between intended parents and other participants in surrogacy (i.e., the surrogate and gamete donors) is their intent to parent, which is recognized by most surrogacy agreements and increasingly supported by legal systems around the world[228].

In Nigeria, intended parenthood, especially through surrogacy, is not fully regulated by law. The Nigerian legal system does not have clear guidelines about surrogacy, leaving many intended parents uncertain about their legal rights[229]. Surrogacy arrangements often face significant cultural and religious opposition, and while IVF is becoming more accessible, surrogacy remains a grey area legally and socially. In some cases, intended parents might struggle to establish legal parentage, especially if the surrogacy arrangement is not formalized[230].

[227] Abiade Olawanle Abiola and others, 'Perspectives on Surrogacy Practices and Law in Nigeria: A Call for Policy Intervention' (2024) 11 Women's Reproductive Health 988 <https://doi.org/10.1080/23293691.2024.2369551>.
[228] Abiade Olawanle Abiola, Surrogacy Practice: An alternative path to motherhood, 2024, Princeton & Associates Publishing Co. Ltd, 100-105
[229] Okafor, S. (2015). Cultural Barriers and the Legal Landscape of Surrogacy in Nigeria. Journal of African Family Law, 18(2), 76–92
[230] Ibid

In the United Kingdom, surrogacy is governed by a more uniform legal framework compared to the fragmented approach seen in countries like the United States. While surrogacy is legal, commercial surrogacy is prohibited under the Surrogacy Arrangements Act 1985, meaning that intended parents and surrogates may only enter into altruistic arrangements. Legal parenthood in the UK does not automatically transfer to the intended parents at birth; instead, they must apply for a parental order through the courts after the child is born. This process can create delays and uncertainty, particularly if the surrogate withdraws consent, as UK law prioritizes the rights of the birth mother until the parental order is granted. Although the UK provides a clearer national legal structure, complexities around parental orders and consent still pose challenges for intended parents seeking legal recognition and custody[231].

In Canada, the legal approach to intended parenthood is more unified, but still complex. Surrogacy is allowed, though commercial surrogacy is prohibited.[232] Intended parents in Canada are typically required to enter into formal agreements with surrogates, which are legally binding to ensure that parental rights are clearly defined. However, the process can still be challenging, as intended parents need to navigate both legal and medical regulations to secure parental rights. The legal framework aims to protect both the surrogate and the intended parents, but issues can arise, especially when there are disputes over the child's custody or when international surrogacy is involved[233].

In all three countries, intended parenthood raises significant legal, ethical, and social questions, particularly when it involves ART like surrogacy. Intended parents often face difficulties in establishing clear legal recognition of their parental rights, and cultural views on ART and surrogacy can impact how these rights are perceived and enforced. Furthermore, the lack of

[231] UK Government. (1985). Surrogacy Arrangements Act 1985. Retrieved from https://www.legislation.gov.uk/ukpga/1985/49
[232] Sophia Fantus, 'A Report on the Supports and Barriers of Surrogacy in Canada' (2020) 42 Journal of Obstetrics and Gynaecology Canada 803 <https://doi.org/10.1016/j.jogc.2020.01.016>.
[233] Ibid.

universal regulations or clarity in some countries means that intended parents may face uncertainty or challenges in enjoying the full rights that biological parents have[234].

4.13 The Basis of Parenthood in Surrogacy: Intention vs. Biology

Traditionally, parenthood has been biologically defined. Those who contribute the sperm or egg, or carry the pregnancy, are considered the parents of the child. However, surrogacy challenges this notion by introducing multiple contributors to the process:

1) Genetic parents: These are the people whose sperm and egg were used in forming the embryo (egg and sperm donors). Their identity is usually anonymous/ unknown as dictated by law[235].
2) Gestational carrier: This is the surrogate mother that carries the baby to term after being formed via IVF. She is also referred to as the biological mother of the surrogate child[236].
3) Intended parents: These are the ones who commission and raise the child as their own. One or both of them can be genetically connected to the surrogate child or not, which will make them genetic parent(s) of the child. They are also referred to as the social parents of the child[237].

In surrogacy, especially gestational surrogacy (where the surrogate has no genetic tie to the child), the intended parents may or may not have a genetic connection to the child, but they assume full legal and parental responsibility. The concept of intent-based parenthood prioritizes the person(s) who have planned, financed, and will raise the child over those who biologically contribute to the

[234] Ibid
[235] Heather Sharon Hodgson, Abigail Nye and Fiona Finlay, 'Consent for Babies Born Following Surrogate Pregnancies' (2021) 106 Archives of Disease in Childhood 186.
[236] Annie Yau and others, 'Medical and Mental Health Implications of Gestational Surrogacy' [2021] American Journal of Obstetrics and Gynecology 1 <https://doi.org/10.1016/j.ajog.2021.04.213>.
[237] Hodgson, Nye and Finlay (n 237).

conception of the child[238]. This framework of parenthood based on intent rather than biology has significant legal and ethical implications, especially in disputes over custody or parental rights[239].

4.14 Legal Recognition of Intended Parenthood

Legal Complexities and Jurisdictional Variations: The legal recognition of intended parenthood varies widely across the globe. In countries such as the United States (in certain states), Canada, and the United Kingdom (with post-birth parental orders), laws[240][241][242][243] exist to transfer parental rights from the surrogate to the intended parents. In contrast, many countries either prohibit surrogacy entirely or fail to provide a clear legal framework, leaving intended parents in a precarious position[244]. The legality of the parentage of surrogate children in such jurisdictions (Nigeria included) is therefore based totally on the agreement of parentage as stated in the Surrogacy Agreement[245].

4.15 Pre-Birth and Post-Birth Legal Mechanisms

In jurisdictions where surrogacy is legal, intended parents can secure their legal rights through mechanisms such as:

a. Pre-birth orders, which recognize the intended parents as legal parents before the child is born.
b. Post-birth adoption or parental orders, which transfer parental rights after birth.

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[238] Sara Tonolo, 'Adoption v. Surrogacy: New Perspectives on the Parental Projects of Same-Sex Couples' (2021) 1 The Italian Review of International and Comparative Law 132.

[239] Baby M Johnson v Calvert (1988) 109 N.J. 396, 411
[240] Human Fertilisation and Embryology Act (HFEA) 2008
[241] Uniform Parentage Act (New York)
[242] Gestational Surrogacy Act, 750 ILCS xx 47/1-47/800 (current through 2019 REGULATION. Sess.) (Illinois)
[243] Children's Law Reform Act, R.S.O. 1990, c. C. 12 (Ontario)
[244] Abiola and others (n 229).
[245] Abiade Olawanle Abiola, Surrogacy Practice: An alternative path to motherhood, 2024, Princeton & Associates Publishing Co. Ltd, 66

Without clear legal processes, intended parents may face custody battles, citizenship issues, and legal voids that complicate the child's identity and well-being.

4.16 Ethical Considerations of Intended Parenthood

A. Autonomy and Informed Consent

The ethical legitimacy of intended parenthood hinges on informed consent between all parties, especially the surrogate[246]. Surrogacy arrangements must ensure that the surrogate fully understands and voluntarily agrees to relinquish parental claims[247]. When this occurs ethically, intended parenthood becomes a consensual and collaborative outcome, not an exploitative one.

B. Exploitation and Power Dynamics

Critics argue that intended parenthood, especially in transnational or commercial surrogacy, can involve elements of coercion or exploitation[248]. Wealthier intended parents from developed countries may commission surrogates from economically disadvantaged regions, raising concerns about unequal bargaining power and commodification of motherhood[249]. Ensuring ethical surrogacy means recognizing intended parenthood not only as a legal arrangement but also as a relationship that must respect the surrogate's dignity and autonomy[250].

C. Emotional Preparedness and Attachment

[246] Swati Gola, 'One Step Forward or One Step Back? Autonomy, Agency and Surrogates in the Indian Surrogacy (Regulation) Bill 2019' (2021) 17 International Journal of Law in Context 58.
[247] Hodgson, Nye and Finlay (n 237).
[248] Hao Zheng, 'Shared Motherhood or Free Surrogacy?: Risks and Vulnerabilities in a Chinese Lesbian's Family-Making' (2021) 00 Journal of Homosexuality 1 <https://doi.org/10.1080/00918369.2021.1923281>.
[249] Hodgson, Nye and Finlay (n 237).
[250] Susan L Crockin, Meagan A Edmonds and Amy Altman, 'Legal Principles and Essential Surrogacy Cases Every Practitioner Should Know' (2020) 113 Fertility and Sterility 908 <https://doi.org/10.1016/j.fertnstert.2020.03.015>.

For intended parents, the journey through surrogacy is often fraught with emotional highs and lows. From failed embryo transfers to long-distance pregnancies, the process can be stressful and disempowering. Yet, most intended parents develop a strong attachment to the child, beginning during the surrogacy process and continuing after birth.[251] Research shows that children born through surrogacy thrive emotionally and socially when raised in loving, intentional families[252]. The early emotional bonds formed between intended parents and their children can be just as strong as those formed through biological parenthood[253].

D. Identity and Disclosure

Another important psychological aspect is how intended parents handle disclosure—whether and how to tell their children about their origins. Studies suggest that open, age-appropriate disclosure helps children develop a positive identity and relationship with their family history. Intended parents must navigate this aspect thoughtfully, balancing transparency, cultural norms, and the child's emotional maturity.

4.17 Sociocultural Perspectives on Intended Parenthood

Redefining Family Structures: Intended parenthood represents a shift from traditional, heteronormative family models toward more diverse, intentional family structures. It accommodates single parents, co-habiting couples and married couples with infertility, redefining what it means to be a parent and what constitutes a family.

In some societies, however, intended parenthood is still met with scepticism or stigma, particularly when it involves non-traditional configurations or challenges gender roles. Acceptance often depends on cultural, religious, and legal contexts. Nigerians can be said to have mixed reactions on

[251] Hodgson, Nye and Finlay (n 237).
[252] Crockin, Edmonds and Altman (n 252).
[253] Abiade Olawanle Abiola, Surrogacy Practice: An alternative path to motherhood, 2024, Princeton & Associates Publishing Co. Ltd, 100 -114

this issue, with the elites being more receptive and accepting of intended parenthood and the religious and traditional populace more conservative and sceptical.

4.18 Cultural Differences in Parenthood Definitions

Cultural perspectives on parenthood vary. In some cultures, the woman who gives birth is automatically seen as the mother, regardless of intent or genetics. This creates tension when surrogates are expected to relinquish the child, and can lead to custody conflicts. In contrast, Western legal systems increasingly prioritize intent and contractual agreements in determining parenthood. Understanding intended parenthood requires sensitivity to these cultural differences and efforts to reconcile them in surrogacy policy and practice.

4.19 Medical and Technological Contributions

I. Assisted Reproductive Technologies (ARTs)

Technological advances in ART such as in vitro fertilization (IVF), egg/sperm donation, and embryo freezing have made intended parenthood possible for individuals who could not otherwise conceive[254]. These technologies allow intended parents to have genetic children, even without carrying the pregnancy[255]. In gestational surrogacy, where the embryo is created from the gametes of the intended parents or donors and implanted into a surrogate, the intended parents may have no biological tie but are still legally and emotionally the child's parents[256].

[254] Susan L Crockin, Amy B Altman and Meagan A Edmonds, 'The History and Future Trends of ART Medicine and Law' (2021) 59 Family Court Review 22.
[255] Bonginkosi Shozi, 'Something Old, Something New: Applying Reproductive Rights to New Reproductive Technologies in South Africa' (2020) 36 South African Journal on Human Rights 1 <https://doi.org/10.1080/02587203.2020.1776632>.
[256] Tonolo (n 240).

II. Medical Ethics and Counselling

Ethical medical practice requires that all parties, intended parents, surrogates, and donors receive adequate counselling about the risks, rights, and expectations involved[257]. Clinics and professionals play a critical role in ensuring that intended parenthood is facilitated responsibly and ethically[258].

4.20Legal Reform toward Uniform Legal Standards

Given the variation in laws, there is growing advocacy for International Surrogacy Regulations that recognize the rights of intended parents while protecting surrogates and children[259]. Legal reform should:

1) Prioritize the best interests of the child
2) Ensure informed consent
3) Clarify parental rights through pre-birth orders
4) Prohibit exploitative practices[260]

4.21 Inclusive Policies

Policymakers must ensure that intended parenthood is recognized regardless of marital status, sexual orientation, or biological connection. Laws should reflect the evolving nature of families and acknowledge the legitimacy of intent-based parenthood.

[257] Sharmin Islam and others, 'Ethics of Surrogacy: A Comparative Study of Western Secular and Islamic Bioethics' (2013) 44 Journal of the Islamic Medical Association of North America <http://jima.imana.org/article/view/5920>.
[258] ibid.
[259] Paola Frati and others, 'Bioethical Issues and Legal Frameworks of Surrogacy: A Global Perspective about the Right to Health and Dignity' (2021) 258 European Journal of Obstetrics and Gynecology and Reproductive Biology 1 <https://doi.org/10.1016/j.ejogrb.2020.12.020>.
[260] ibid.

4.22 Future of Intended Parenthood in Surrogacy

As society becomes more accepting of diverse family forms and as reproductive technologies continue to evolve, intended parenthood will likely become more normalized. Efforts to legitimize and protect intended parents, while respecting the rights of surrogates and donors, are essential to the future of ethical surrogacy[261]. The conversation is shifting toward child-centred frameworks that view intended parenthood not just as a right of adults to have children but as a responsibility to ensure those children are raised in secure, loving environments. The future of surrogacy lies in finding that ethical balance[262].

Understanding intended parenthood in surrogacy practice involves looking beyond biology and toward intention, responsibility, and care. Intended parents are those who purposefully and legally commit to raising a child born through surrogacy, often overcoming medical, legal, and social hurdles to do so. Their role is increasingly acknowledged in legal systems, medical practices, and societal narratives, though challenges remain, particularly in terms of legal recognition, ethical safeguards, and equitable access[263].

As surrogacy continues to evolve globally, so too must our understanding of what makes someone a parent. Intended parenthood offers a compelling model for inclusive, compassionate, and intentional family-making in a world where traditional norms are giving way to more diverse

[261] Aliya Yanvarbekovna Mussayeva and others, 'An Agreement as a Legal Mechanism Regulating Property and Non-Property Relations within a Family' (2021) 24 Journal of Legal, Ethical and Regulatory Issues 1.
[262] Rupali Gandhi and others, 'Health Care Surrogacy Laws Do Not Adequately Address the Needs of Minors' (2020) 50 Hastings Center Report 16.
[263] MS. Ake, M.O, Oseji, 'Social and Ethical Considerations of Gestational Surrogacy in Nigeria. In Science, Technology and Development' [2019] Springer, Cham 369.

realities[264]. Recognizing and supporting intended parents, while safeguarding the dignity and rights of surrogates and children, is crucial to the future of reproductive justice and family life[265].

4.23 Intended Mothers and their Right to Maternity Leave

Despite fulfilling the same parental roles as biological parents, intended parents in some jurisdictions do not receive maternity leave, forcing them to return to work immediately after their child arrives. In Nigeria, intended mothers in the formal sector are not entitled to maternity leave both at the federal and state levels. This disparity creates significant challenges for the well-being of both parents and children.

4.24 Some Countries/Jurisdictions That Discriminate Against Intended Parents

Several countries and regions have outdated maternity leave laws that do not recognize non-traditional paths to parenthood. Nigeria is one of such countries. While some of these countries recognize and provide limited maternity benefits to intended mothers, others, like Nigeria, are yet to legally recognize and grant maternity benefits to intended mothers. This legal gap in Nigeria reflects broader societal and cultural attitudes that continue to prioritize biological motherhood over non-traditional forms of parenting, such as surrogacy. As a result, intended mothers in Nigeria face legal uncertainty regarding their parental rights and lack essential support during the critical early months of child-rearing. This exclusion can also result in unequal treatment in the workplace, hindering their ability to fully participate in both family life and the workforce. Globally, some progressive jurisdictions have expanded maternity benefits to include intended parents, recognizing

[264] Abiade Olawanle Abiola, Surrogacy Practice: An alternative path to motherhood, 2024, Princeton & Associates Publishing Co. Ltd, 100-114
[265] Hodgson, Nye and Finlay (n 237).

that the need for parental leave transcends biological ties and is crucial for the well-being of both parents and children.

1) Nigeria – There is no legal framework for the regulation of Surrogacy Practice in Nigeria, neither is there any recognition of the concept of 'Intended Motherhood' under the Labour Act (the principal instrument that regulate maternity leave in Nigeria).
2) United States – The Family and Medical Leave Act (FMLA) provides unpaid parental leave, but it does not mandate paid maternity leave for intended parents. Some employers refuse to extend maternity leave benefits to parents of children born via surrogacy, citing a lack of biological childbirth as the basis for exclusion.
3) United Kingdom – While adoptive parents are entitled to adoption leave, intended parents through surrogacy do not always receive equal maternity leave, depending on employer policies and legal interpretation.
4) European Union (EU) – Some EU nations provide maternity leave only to biological mothers, excluding intended parents who welcome children through surrogacy.
5) India – The Maternity Benefit (Amendment) Act, 2017 grants maternity leave only to biological mothers, leaving intended parents without job-protected leave.

4.25 Legal and Social Implications of Discrimination

a) Violation of Parental Rights: By denying maternity leave to intended parents, jurisdictions fail to recognize their legal and emotional responsibilities. This discrimination disregards the parental role of individuals who do not give birth but assume full childcare duties from birth.
b) Harm to Child Welfare: Newborns require continuous care and bonding in their early months. Denying maternity leave to intended parents forces them to return to work prematurely, limiting their ability to provide essential care and attention to their child.

c) Gender and Family Structure Discrimination: Many intended parents include single parents, and individuals with fertility challenges. Excluding them from maternity leave reinforces systemic biases against diverse family structures.
d) Workplace Inequality: Inconsistent parental leave policies create disparities between biological parents and intended parents, affecting workplace equality and employee satisfaction.

The denial of maternity leave to intended parents in certain jurisdictions represents a significant form of discrimination that undermines parental rights, child welfare, and workplace equality. This exclusion not only marginalizes non-traditional families but also perpetuates outdated notions of parenthood rooted solely in biology. As family structures continue to evolve through assisted reproductive technologies such as surrogacy, adoption, and egg or embryo donation, legal and institutional frameworks must keep pace. Denying intended parents access to maternity leave deprives them of the crucial early bonding period with their newborns an experience essential for the emotional, psychological, and developmental well-being of both parent and child. It also creates unequal burdens in the workplace, disproportionately affecting women in surrogacy arrangements and reinforcing gender-based disparities in caregiving. Inclusive parental leave policies should be based on caregiving responsibilities rather than genetic links, recognizing the legitimacy of all paths to parenthood. By extending maternity leave benefits to intended parents, societies can promote fairness, support diverse family models, and affirm the universal right of every child to early parental care. Implementing such reforms is not only a matter of equity, but also a step toward fulfilling international human rights standards and achieving genuine gender equality in both family life and the workforce.

Chapter Five

Challenges and Implications of Maternity Leave Regulation

5.1 The Interconnection of Paid Maternity Leave and the Mental and Physical Health of Mother and Child

Paid maternity leave is a critical social and economic policy that enables working mothers to take time off from their jobs to give birth and care for their newborns without suffering financial hardship. While debates surrounding the economic costs and benefits of such policies continue to persist, there exists a robust and growing body of evidence affirming the unequivocal health advantages that paid maternity leave confers upon both mothers and their children.[266] The positive ramifications extend far beyond immediate financial concerns, encompassing critical improvements in maternal mental and physical health, as well as enhancing the overall well-being, developmental trajectories, and survival rates of infants.

One of the most immediate and visible benefits of paid maternity leave is its substantial contribution to improving maternal mental health.[267] The postpartum period is universally acknowledged as a time of considerable physiological and psychological upheaval, characterized by intense hormonal fluctuations, chronic sleep deprivation, and the profound

[266] Van Niel and others (n 104).
[267] ibid.

adjustment to the responsibilities of motherhood. These factors collectively increase the susceptibility of women to postpartum mental health conditions, notably postpartum depression (PPD) and anxiety disorders. For mothers who lack access to paid maternity leave, the pressure to return to the workforce prematurely can exacerbate stress levels, thereby heightening the risk of developing or worsening these mental health issues.[268]

Extensive research conducted across various developed nations such as the United States, Canada, and the United Kingdom consistently demonstrates that longer durations of paid maternity leave correlate with significantly reduced rates of postpartum depression. A study[269] revealed that each additional week of maternity leave corresponded with a meaningful decrease in depressive symptoms among new mothers.[270] By providing mothers with both the time and financial security needed to recuperate from childbirth, engage in essential bonding activities with their infants, and adjust to new caregiving roles, paid maternity leave acts as a critical buffer against the onset of mental health disorders.[271]

Furthermore, paid maternity leave serves to mitigate the psychological burden associated with financial stress, a frequently overlooked yet significant determinant of maternal mental health. Mothers who are compelled to take unpaid leave, or worse, who cannot afford to take any leave at all, often experience considerable anxiety related to lost income, job security, and the affordability of infant care.[272] By guaranteeing a period of paid leave, policies alleviate these economic pressures, allowing mothers to prioritize their own health and the needs of their newborns during this vulnerable phase.

Beyond mental health considerations, paid maternity leave exerts a profound influence on the physical well-being of mothers. Childbirth, while a natural biological process, frequently

[268] Bilgrami, Sinha and Cutler (n 103).
[269] Franco and others (n 102).
[270] ibid.
[271] Chuard (n 53).
[272] Tanika Eaves and Jennifer Schindler-Ruwisch, 'The Urgency of Universal Paid Maternity Leave and Family Support Policies: The Role of Midwives as Agents of Change' (John Wiley and Sons Inc, 1 January 2022) 9.

results in an array of short-term and potentially long-term physical challenges, including profound fatigue, pain, and complications such as infections, haemorrhaging, or surgical wounds.[273] The prevalence of caesarean sections, which are becoming increasingly common worldwide, adds another layer of complexity. Without adequate recovery time, mothers are at risk of enduring prolonged or worsening physical ailments.

Paid maternity leave ensures that mothers receive the necessary respite to heal effectively and access requisite postnatal medical attention. In the absence of such leave, women, particularly those employed in physically demanding occupations may be compelled to resume work prematurely, increasing the likelihood of aggravating injuries or complications.[274]

Conclusively, the interconnection between paid maternity leave and the mental and physical health of both mother and child is undeniable and multifaceted. Through providing financial security and time for recovery, paid maternity leave plays an indispensable role in safeguarding maternal mental health, reducing postpartum depression, alleviating economic anxieties, and promoting physical healing.[275]

5.2 Paid Maternity Leave

Paid maternity leave is defined as a designated period of absence from employment that is formally granted to a new mother, during which she continues to receive all or a portion of her salary or wages. This financial compensation can be provided through various mechanisms, including direct payments from the employer, government-administered social insurance programs, or often a combination of both sources.[276]

[273] Triya Chakravorty, 'The Role of Specialist Perinatal Psychiatrists in Modern Medicine' (2022) 50 Journal of Perinatal Medicine 1168.
[274] Falletta and others (n 84).
[275] Van Niel and others (n 104).
[276] ibid.

The provision of paid maternity leave is widely recognized not only as a labor right but also as a critical component of broader social policy. From a public health perspective, paid maternity leave represents an essential social investment, facilitating improved health outcomes for both mothers and their children during the vulnerable postpartum period.[277]

Moreover, paid maternity leave plays a vital role in promoting workforce stability. It enables mothers to maintain their employment status and labor market attachment, reducing turnover and promoting long-term career continuity. Employers benefit from reduced recruitment and training costs.[278]

From a gender equality standpoint, paid maternity leave serves as a key mechanism for addressing structural inequalities in the workplace. By institutionalizing paid maternity leave, societies can promote greater gender parity in employment and income, helping to close the persistent gender pay gap.[279]

Internationally, the length and generosity of paid maternity leave policies vary significantly. The International Labour Organization (ILO) recommends a minimum of 14 weeks of paid maternity leave, ideally with benefits at full or near-full wage replacement.[280] These variations reflect differing cultural attitudes towards family roles, economic capacities, and social welfare philosophies.

In summary, paid maternity leave is a multifaceted policy instrument that serves not only as a financial support system for new mothers but also as a strategic investment in public health, labor market sustainability, and gender equality.[281]

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[277] Deena R Zimmerman and others, 'Breastfeeding Challenges and Support in a High Initiation Population' (2022) 11 Israel Journal of Health Policy Research.
[278] Ahmad and others (n 59).
[279] Claire Fennell and Isabel Menendez, 'Paid Maternity Leave and the Gender Pay Gap' (2020) *Gender & Development* 28(3) 479.
[280] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022).
[281] Youngcho Lee, 'Is Leave for Fathers Pronatalist? A Mixed-Methods Study of the Impact of Fathers' Uptake of Parental Leave on Couples' Childbearing Intentions in South Korea' (2022) 41 Population Research and Policy Review 1471.

5.3 Variations in Paid Maternity Leave

The length and compensation of paid maternity leave vary significantly across countries. These variations are influenced by factors such as national economic policies, labor laws, social security systems, and cultural attitudes toward family and work-life balance.[282] These policies reflect a societal commitment to supporting families during the critical perinatal period, recognizing the importance of both maternal recovery and early child development.

A. Generous Paid Maternity Leave Policies: Some countries offer extended paid maternity leave with high wage replacement rates. Example includes:

i. Sweden: Offers an exceptionally progressive policy with a total of 480 days of paid parental leave, which parents can share between them, enabling flexibility and shared caregiving responsibilities. This leave is compensated at a high percentage of the employee's wage, thereby reducing financial pressure and encouraging fathers' involvement in childcare.[283]

ii. Norway: Provides mothers with up to 49 weeks of fully paid maternity leave or alternatively 59 weeks at a reduced pay rate. This policy aims to balance economic sustainability with adequate recovery time, ensuring mothers have the opportunity to rest and nurture their infants while maintaining a reasonable income.[284]

iii. Bulgaria: Stands out for one of the longest maternity leave periods globally, granting 410 days of leave with wage compensation at 90% of the mother's salary. This extended duration underscores the country's prioritization of maternal and child health, facilitating comprehensive postpartum care and bonding time.[285]

[282] Dixon Whitney and others (2023). Length of maternity leave impact on mental and physical health of mothers and infants: A systematic review and meta-analysis. *Maternal and Child Health Journal*, *27*(8), 1308–1323.
[283] Department for Business (n 12).
[284] ibid.
[285] Johnson (n 25).

These countries exemplify how robust maternity leave systems can be designed to promote both public health outcomes and gender equity by offering financial security and extended caregiving periods.

B. Moderate Paid Maternity Leave Policies: Many developed nations provide paid maternity leave of moderate duration, typically ranging from three to six months, with varying degrees of salary compensation. These policies often combine statutory maternity leave with optional parental leave, allowing some flexibility for families to tailor caregiving arrangements to their needs. Examples include:

i. Germany: Mandates 14 weeks of paid maternity leave at full salary, comprising six weeks before and eight weeks after childbirth, complemented by additional parental leave benefits that can be shared between parents. This system facilitates maternal recovery and supports early infant care while encouraging shared parental responsibility.[286]

ii. Canada: Offers up to 15 weeks of maternity benefits, which are often followed by extended parental leave at reduced wage replacement rates. This phased approach allows parents to extend their time off while balancing financial considerations.[287]

iii. United Kingdom: Mothers are entitled to up to 39 weeks of paid maternity leave, with full pay for the initial weeks followed by reduced payments. This policy aims to provide mothers with a meaningful period for recovery and child bonding while maintaining a link to the workforce.[288]

These moderate policies strike a balance between economic feasibility and adequate support, reflecting pragmatic approaches to maternity leave in many industrialized countries.

[286] OECD, Parental Leave Systems: Country Notes 2022 (OECD Publishing 2022).
[287] Ewerlin D and Hegewisch A, 'Maternity, Paternity, and Parental Leave in the Post-Pandemic Labour Market' (2023) International Journal of Comparative Labour Law and Industrial Relations 39(2) 145.
[288] Goodman (n 184)

i. Minimal or No Paid Maternity Leave Policies: In contrast, some countries offer limited or no mandated paid maternity leave, a situation that poses significant risks to maternal and child well-being. The absence/inadequacy of paid leave often reflects economic constraints, informal labor markets, or limited social protection systems. Examples include:

ii. United States: The country is known for lacking in federal mandate for paid maternity leave. While the Family and Medical Leave Act (FMLA) provides up to 12 weeks of unpaid leave for eligible employees, paid leave is left to the discretion of individual states and employers, resulting in considerable variability and often inadequate support.[289]

iii. India**:** The government legislates 26 weeks of paid maternity leave, but this benefit applies only to women employed in the formal sector, leaving millions of women working in the informal economy without any maternity benefits. This division highlights the challenges of extending social protections across diverse labor markets.[290]

iv. South Africa: four months of maternity leave, yet wage replacement is partial and primarily funded through government-administered social insurance schemes, which may not cover all workers equally.[291]

Nigeria provides paid maternity leave 6 weeks before and 6 weeks after delivery. The Federal government provides for 28 weeks paid maternity leave. However, these provisions are only enjoyed by women in the formal sector, leaving women in the informal sector with no support or benefits.[292]

[289] Son, K. (2022). *Ship of Theseus: From ILO Standards to Outcome of Maternity Protection Policy*. *Journal of Social Policy*, 53(1), 189–217.
[290] Vegas (n 185)
[291] Henrick (n 186)
[292] Probst (n 182)

Consequently, many women in the informal sector lack access to any maternity leave benefits or social safety nets, leaving them vulnerable to financial hardship and health risks during the postpartum period.[293]

Paid maternity leave is a crucial social and economic policy that supports working mothers and promotes child well-being. The global variations in maternity leave highlight the need for continued advocacy to ensure fair and adequate support for working mothers in Nigeria.[294] These disparities in maternity leave coverage and compensation underscore the critical need for ongoing policy reform and advocacy to ensure that all working mothers, regardless of sector or socioeconomic status, receive adequate protection and support.

The global landscape of paid maternity leave is marked by significant variation in both duration and wage replacement. These differences reflect not only economic capabilities but also societal values and priorities concerning family welfare and gender roles. The variations highlight an urgent imperative to harmonize maternity leave policies to promote equitable health outcomes and economic security for mothers and children worldwide. For countries like Nigeria, this entails addressing the gap in protections for informal sector workers and expanding the scope of maternity benefits to align with international best practices.

5.4 The Impact of Paid Maternity Leave on Maternal and Child Health

Paid maternity leave is a critical social policy that enables working mothers to take time off from their jobs to give birth and care for their newborns without suffering financial hardship. While the economic implications of such policies are often debated, the health benefits for both mothers and their children are unequivocal. Research consistently shows that paid maternity leave has profound positive effects on maternal mental and physical health, as well

[293] Nigeria Labour Act, *Maternity Leave Provisions*, 2020.
[294] Madeline Dixon Whitney and others, 'Length of Maternity Leave Impact on Mental and Physical Health of Mothers and Infants, a Systematic Review and Meta-Analysis' (Springer, 1 August 2023) 1308.

as on the overall well-being, development, and survival of children.[295] This study explores the multifaceted impact of paid maternity leave on the health of both mother and child, drawing on empirical evidence and international case studies to underscore its importance.[296]

I. Maternal Mental Health Benefits

One of the most immediate and observable impacts of paid maternity leave is the improvement in maternal mental health. Childbirth and the postpartum period are accompanied by intense hormonal changes, sleep deprivation, and a significant adjustment to new responsibilities, all of which can contribute to postpartum depression (PPD) and anxiety. Women who do not have access to paid maternity leave often return to work prematurely, compounding their stress levels and increasing their risk for mental health issues.[297]

Studies[298] from various countries, including the United States, Canada, and the United Kingdom, have shown that longer durations of paid leave are associated with lower rates of postpartum depression. A study[299] found that each additional week of maternity leave was associated with a significant decrease in depressive symptoms among new mothers.[300] Paid leave provides the time and financial security necessary for mothers to recover from childbirth, bond with their infants, and adjust to their new roles, all of which are protective factors against mental health problems. Moreover, paid leave reduces the psychological burden of financial stress. Mothers who are forced to take unpaid leave—or who cannot afford to take any leave at all—often experience anxiety over lost income, job security, and the affordability of infant

[295] McColgan A, 'Family-Friendly Rights and Women's Equality in the UK Labour Market' (2021) 50 Industrial Law Journal 123.
[296] Sayers, M., Johnson, L., & Patel, R. (2020). *The impact of paid maternity leave on the mental and physical health of mothers and children: A review of the literature and policy implications*. Ovid Technologies, 113–116.
[297] Whitney and others (n 296).
[298] Ewerlin D and Hegewisch A, 'Maternity, Paternity, and Parental Leave in the Post-Pandemic Labour Market' (2023) International Journal of Comparative Labour Law and Industrial Relations 39(2) 145.
[299] Pinka Chatterji and Sara Markowitz, 'Family Leave after Childbirth and the Mental Health of New Mothers' (2012) 15 Journal of Mental Health Policy and Economics 61.
[300] Hewitt, B, Strazdins, L and Martin, B, `The Benefit of Paid Maternity Leave for Mothers: Postpartum Health and Wellbeing – Evidence from an Australian Evaluation

care. Paid maternity leave alleviates these pressures and allows women to focus on their health and their newborns during a critical period of adjustment.[301]

II. Maternal Physical Health Benefits

In addition to mental health, paid maternity leave has a significant impact on a mother's physical well-being. Childbirth can result in various short-term and long-term physical challenges, including fatigue, pain, and complications such as infections or haemorrhaging. Recovery from caesarean sections, which are becoming increasingly common globally, requires extended rest and follow-up medical care. Paid maternity leave ensures that mothers have adequate time to heal and seek necessary postnatal care. When women are forced to return to work too soon—particularly in physically demanding jobs—they risk worsening their conditions or facing complications from untreated issues. A healthier mother is not only more capable of caring for her child, but she is also more likely to return to the workforce in a productive and sustainable manner, benefiting employers and the economy at large.[302]

III. Benefits to Child Health and Development

The benefits of paid maternity leave are equally, if not more, significant for children. One of the most documented advantages is the increased likelihood and duration of breastfeeding. The World Health Organization recommends exclusive breastfeeding for the first six months of life due to its unmatched health benefits. Breastfeeding strengthens the immune system, reduces the risk of infections, and has been linked to higher cognitive development scores later in life. Paid maternity leave directly correlates with higher breastfeeding rates because it allows mothers the time to establish and maintain breastfeeding routines. In contrast, early return to work,

[301] Hendricks, K `Challenges Newly Arrived Migrant Women Face When Needing Maternity Care: Health Professionals Perspective

[302] Goodman, J. M., Kinney, H. C., & Thorp, J. M. (2017). Antenatal maternity leave and childbirth using the First Baby Study: A propensity score analysis. *Journal of Maternity Health*, *27*(1), 50–59.

especially without workplace accommodations, leads to early cessation of breastfeeding or complete avoidance of it altogether.[303]

Beyond nutrition, paid maternity leave fosters better mother-infant bonding. During the early months of life, secure attachment is critical for a child's emotional and social development. When mothers are present, emotionally available, and less stressed, children are more likely to form strong bonds and develop secure attachment styles, which contribute to better mental health and interpersonal relationships throughout life. Additionally, paid leave improves infant survival rates. Several studies have linked paid maternity leave to lower infant mortality. For instance, research published in The Lancet found that each 10-week increase in paid leave was associated with a 10% reduction in neonatal and infant mortality rates in low- and middle-income countries.[304] The ability of mothers to provide consistent care during the vulnerable first months of life, including attending regular medical checkups and ensuring safe environments, plays a critical role in this outcome.[305]

IV. Long-Term Developmental Advantages

The long-term effects of paid maternity leave on children extend well beyond infancy. Numerous longitudinal studies have demonstrated that children whose mothers had access to paid maternity leave perform better on cognitive, behavioural, and educational outcomes. A study conducted in Norway, where paid maternity leave was extended in the 1970s, found that children exposed to longer periods of maternal leave had higher educational attainment and earnings as adults.[306]

[303] Aitkens (n 195)
[304] Ibid.
[305] Ship of Theus (n 190)
[306] Vargas-Prada and others, `Influence of Paid Maternity Leave on Return to Work after Childbirth'

These outcomes are likely the result of multiple factors, including better maternal mental and physical health, improved parent-child interactions, and early developmental stimulation. Paid maternity leave lays a foundational environment of stability and security, which is essential for healthy brain development during early childhood. Paid maternity leave is far more than a labor policy; it is a foundational public health intervention with demonstrable benefits for mothers, children, families, and society. By protecting maternal mental and physical health, supporting infant nutrition and survival, and fostering early childhood development, paid maternity leave serves as an investment in future generations. As such, strengthening and expanding paid maternity leave policies—especially in countries where access remains limited—should remain a central priority for governments and advocates committed to promoting health equity and social justice.

5.5 The Impact of Unpaid Maternity Leave on Maternal and Child Health

Unpaid maternity leave refers to a policy arrangement wherein a mother is granted time off work to care for her newborn without receiving wages or salary during the leave period. While such leave may offer job protection allowing the mother to return to her previous role after the absence it places the full financial responsibility of the leave on the family. This arrangement, though often presented as a form of workplace flexibility, raises significant concerns regarding economic inequality, access, and public health outcomes.

1) **Economic Implications for Families**

The most immediate consequence of unpaid maternity leave is the financial strain it imposes on households. In countries lacking universal paid maternity leave policies such as the United States

families must often choose between income stability and maternal-child bonding time.[307] For low-income households in particular, the loss of wages during maternity leave can result in financial insecurity, delayed bill payments, food insecurity, and even housing instability.[308]

Research shows that women who take unpaid leave are more likely to shorten their leave duration, return to work sooner than medically recommended, or forgo leave entirely due to economic necessity. This premature return can have adverse consequences for maternal health and infant development, as it disrupts postpartum recovery and caregiving routines. Unpaid leave thereby transforms what should be a period of nurturing and healing into a stressful financial juggling act, disproportionately affecting the most economically vulnerable mothers.

2) Accessibility and Socioeconomic Disparities

Unpaid maternity leave policies, while seemingly neutral on the surface, are accessible in practice only to those who can afford to take time off without pay. This leads to stark inequalities in leave utilization across income, racial, and occupational lines. For instance, high-earning mothers with supportive partners or savings may be able to manage the financial hit, whereas low-wage workers particularly those in part-time, temporary, or informal employment may be unable to take any leave at all.[309] As a result, unpaid leave effectively becomes a privilege for the financially secure, undermining the principle of equal access to maternal health support. This systemic barrier exacerbates existing disparities in maternal and child health, educational attainment, and long-term socioeconomic mobility.

[307] U Boushey and J Glynn, 'There Are Significant Business Costs to Replacing Employees' (Center for American Progress, 2012) https://www.americanprogress.org/article/there-are-significant-business-costs-to-replacing-employees/ accessed on 28 May 2025.

[308] A. Laughlin, 'Unpaid Leave as a Barrier to Maternal Recovery', *Journal of Family Issues*, vol. 38, no. 6, 2017, pp. 812–832.

[309] McColgan A, 'Family-Friendly Rights and Women's Equality in the UK Labour Market' (2021) 50 Industrial Law Journal 123.

3) Impact on Maternal and Child Health

Unpaid maternity leave is not simply an economic issue, it is a public health concern. The inability to take adequate time off after childbirth has been linked to increased rates of postpartum depression, insufficient breastfeeding duration, and reduced uptake of essential infant health services.[310] Unlike paid leave, which supports maternal recovery and strengthens mother-infant bonding, unpaid leave often forces mothers to resume work during a period when they are still physically and emotionally vulnerable. Infants, particularly in the first three to six months of life, require consistent care, feeding, and medical attention. When mothers return to work early due to unpaid leave constraints, infants may be placed in suboptimal childcare settings or experience less consistent care, potentially impacting early cognitive and emotional development. Additionally, studies show that paid leave not unpaid has a stronger correlation with increased immunisation rates and reduced infant mortality.[311] In this way, unpaid leave may offer job security in form, but not in substance; it fails to protect maternal and child health when it matters most.

4) Impacts on Workforce Participation and Gender Equality

The limitations of unpaid maternity leave also have implications for long-term workforce participation and gender equality. Women who are unable to afford taking unpaid leave may exit the workforce entirely, resulting in career interruptions that diminish future earnings, retirement savings, and professional advancement opportunities.[312] Over time, these interruptions contribute to the persistent gender wage gap, as women disproportionately bear the costs of caregiving without institutional support.

[310] Busby N, 'A Right to Care? Unpaid Work, Maternity Protection and Care Leave' (2020) 42(3) Journal of Social Welfare and Family Law 279.
[311] Bilgrami, Sinha and Cutler (n 103).
[312] Chuard (n 53).

Furthermore, the absence of wage replacement during maternity leave disincentivises paternal involvement. In contexts where only unpaid leave is available, fathers are even less likely to take leave, reinforcing traditional gender roles and perpetuating unequal parenting norms. In contrast, countries with robust paid leave policies for both parents have seen positive shifts in gender equality both at home and in the workplace.

Therefore, while unpaid maternity leave may superficially address the need for maternal absence from work, it falls far short in supporting the holistic well-being of mothers, children, and families. The lack of income replacement during this critical period turns maternity leave into an economic gamble rather than a guaranteed right. It disproportionately penalises low-income families, widens existing inequalities, and jeopardises maternal and infant health outcomes. To ensure that maternity leave serves its intended purpose protecting and nurturing the next generation it must be accompanied by wage replacement, accessible infrastructure, and inclusive policy design.

5.6 Understanding the Differences Between Paid and Unpaid Maternity Leave.

Maternity leave is a critical employment right that allows mothers the necessary time to recover from childbirth and nurture early bonding with their newborns. It supports not only physical recovery but also mental health, family cohesion, and, by extension, societal well-being. Despite its importance, there is wide variability in maternity leave policies across countries, sectors, and workplaces. One of the most fundamental distinctions in these policies is whether maternity leave is paid or unpaid—a difference that has profound legal, economic, psychological, and social implications.

A. Legal and Structural Differences

The legal framework surrounding maternity leave often reflects a nation's commitment to social welfare and gender equality. Paid maternity leave is typically underpinned by national labour laws or social insurance schemes that ensure wage replacement during the leave period. Countries like

Sweden, Norway, and the United Kingdom offer extensive paid leave, supported by public funding or employer mandates, recognising childcare as a shared social responsibility.[313]

In contrast, unpaid maternity leave may provide job protection but no income support. In the United States, for example, the Family and Medical Leave Act (FMLA) guarantees up to 12 weeks of unpaid, job-protected leave—but only for eligible employees in certain organisations. This leaves millions of workers, particularly in low-wage or part-time roles, without access to any form of maternity leave.[314] The result is a fragmented and unequal system where the ability to take leave is contingent not on need, but on employment status and location.

B. Economic Implications

From an economic perspective, the difference between paid and unpaid maternity leave can determine whether a mother can afford to stay home with her child. Paid leave cushions families against income loss, enabling mothers to recover physically and emotionally without the added pressure of financial insecurity. It also supports long-term labour market participation by reducing turnover, increasing job retention, and boosting employee satisfaction.[315]

In contrast, unpaid leave places the financial burden entirely on families. Mothers in low- and middle-income brackets are particularly affected, often returning to work earlier than recommended or foregoing leave altogether. This can lead to a cycle of workforce instability, with long-term implications for earnings, career advancement, and even retirement savings.[316] Employers, too, may

[313] International Labour Organization, *Maternity and Paternity at Work: Law and Practice Across the World*, ILO, 2022.
[314] U.S. Department of Labor, *FMLA Survey Report* (2020) https://www.dol.gov/agencies/whd/fmla/survey accessed 28 May 2025
[315] OECD, *Parental Leave Systems*, OECD Family Database (2021)
[316] Tadele A, 'Maternity Leave and Women's Rights in Africa: A Comparative Assessment of ILO Standards and Domestic Laws' (2022) 30(1) African Journal of International and Comparative Law 87.

suffer from the hidden costs of absenteeism, lost productivity, and recruitment challenges when mothers leave the workforce entirely due to unsupportive leave policies.

C. Psychological and Health Outcomes

The difference between paid and unpaid maternity leave is not merely financial, it deeply affects mental health and maternal-infant outcomes. Studies consistently show that paid leave is associated with lower rates of postpartum depression, longer breastfeeding durations, and better child health outcomes.[317] Paid leave allows mothers the time and mental space to recover from childbirth, bond with their infant, and establish caregiving routines without the stress of economic hardship.

On the other hand, unpaid leave can heighten psychological stress, especially when mothers are forced to return to work earlier than desired. Financial pressure, coupled with the physical demands of postnatal recovery, often exacerbates maternal anxiety, reduces emotional availability to the child, and increases the risk of developmental challenges for the infant.[318] In extreme cases, lack of support during this period may contribute to long-term mental health issues that affect not only the mother, but the entire family dynamic.

D. Social Justice and Inequality

The paid vs. unpaid maternity leave divide also raises significant concerns around equity and social justice. Access to paid leave is often stratified by class, occupation, and geography. White-collar workers in formal employment are far more likely to benefit from paid leave than those in informal or precarious jobs, where no legal protections exist. This perpetuates cycles of inequality by reinforcing economic and health disparities along socioeconomic lines.[319]

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[317] Nurjanah and others (n 105).
[318] Johnson (n 25).
[319] Tuan T Nguyen and others, 'Awareness, Perceptions, Gaps, and Uptake of Maternity Protection among Formally Employed Women in Vietnam' (2022) 19 International Journal of Environmental Research and Public Health.

Moreover, unpaid leave often assumes that households have a second income or safety net to fall back on an assumption that does not hold true for single mothers, migrant families, or those living pay check to pay check. Thus, while unpaid leave may technically be available, it is not equitably accessible. By contrast, universal paid leave policies have the power to level the playing field, ensuring all mothers, regardless of their job type or income, can prioritise health and family without risking destitution.

E. Broader Societal Implications

At the societal level, the choice between paid and unpaid maternity leave reflects broader cultural values. Countries that institutionalise paid leave not only support working families but also promote gender equality, child development, and economic productivity. In contrast, where maternity leave remains unpaid or under-supported, the consequences are evident: higher child poverty rates, reduced female workforce participation, and persistent gender gaps in earnings and leadership roles. Employers also stand to gain from investing in paid leave schemes. Contrary to the myth that leave policies are a financial burden, organisations that offer paid maternity leave report higher employee loyalty, reduced absenteeism, and improved morale.[320] In this light, maternity leave is not a cost but a strategic investment in human capital and social cohesion.

5.7 Defining Paid and Unpaid Maternity Leave

Paid maternity leave refers to a period of absence from work granted to a new mother during which she continues to receive all or a portion of her salary or wages. The payment may come from the employer, government social insurance programs, or a combination of both. Paid maternity leave is often seen as a social investment in public health, workforce stability, and gender equality.

[320] Feng (n 200).

In contrast, unpaid maternity leave allows a mother to take time off from work without receiving any income during her absence. The job may still be protected meaning the employee can return to her position after the leave but without pay, the financial burden of the leave falls entirely on the family.

i. Economic Implications

The most immediate consequence of unpaid maternity leave is the financial strain it imposes on households. In countries lacking universal paid maternity leave policies such as the United States families must often choose between income stability and maternal-child bonding time.[321] For low-income households in particular, the loss of wages during maternity leave can result in financial insecurity, delayed bill payments, food insecurity, and even housing instability.[322]

Unpaid leave, on the other hand, presents a difficult trade-off. Families may face a significant reduction or complete loss of household income during the leave period. This financial strain often forces mothers to cut short their recovery time and return to work prematurely.[323] In many cases, women may forego maternity leave altogether if they cannot afford to go without pay, despite the potential health risks for both themselves and their infants.[324]

Moreover, low-income workers, single mothers, and those in the informal economy are disproportionately affected by unpaid leave. While higher-income professionals may have savings or employer benefits to rely on, economically vulnerable women often have no safety net, widening socioeconomic and health disparities.[325]

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[321] Wolde, Haidar and Getnet (n 100).
[322] Eaves and Schindler-Ruwisch (n 274).
[323] Van Niel and others (n 104).
[324] Sally Kendall and others, 'Becoming Breastfeeding Friendly in Great Britain—Does Implementation Science Work?' (2023) 19 Maternal and Child Nutrition.
[325] Carme Borrell and others, 'Influence of Macrosocial Policies on Women's Health and Gender Inequalities in Health' (2014) 36 Epidemiologic Reviews 31.

ii. **Health and Well-being**

Another major difference lies in the health outcomes associated with paid versus unpaid leave. Paid maternity leave is strongly correlated with positive maternal and child health outcomes. Mothers who receive paid leave are more likely to breastfeed, attend postnatal checkups, and take the time needed to recover physically and emotionally from childbirth.[326] Paid leave has also been shown to reduce rates of postpartum depression and anxiety by alleviating the financial stress associated with unpaid time off.[327]

For the child, paid leave means more time with the mother during the critical first months of life. This fosters better bonding, enhances emotional security, and promotes healthy development.[328] It also increases the likelihood of timely immunizations and early medical care. In contrast, the pressure to return to work early due to unpaid leave can disrupt this crucial bonding period[329][330]. It may also hinder the mother's physical recovery and reduce the quality of childcare if alternatives are hurriedly arranged. The long-term developmental consequences for children, including behavioural and cognitive delays, are more common when maternity leave is inadequate or cut short[331].

iii. **Workforce Participation and Gender Equity**

Paid maternity leave encourages workforce retention and promotes gender equity. When women have access to paid leave, they are more likely to return to their jobs after childbirth,

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[326] Debela Daba Jebena and Mesfin Wogayehu Tenagashaw, 'Breastfeeding Practice and Factors Associated with Exclusive Breastfeeding among Mothers in Horro District, Ethiopia: A Community-Based Cross-Sectional Study' (2022) 17 PLoS ONE.
[327] Pia Tohme and Rudy Abi-Habib, 'Correlates of Work Productivity and Maternal Competence after Having a Baby: The Roles of Mother-Infant Bonding and Maternal Subjective Experiences' (2022) 22 BMC Women's Health.
[328] Mohammed M Alhaji and others, 'Paid Maternity Leave Extension and Exclusive Breastfeeding Practice: Evidence from Brunei' (2017) 11 Asian Biomedicine 435.
[329] Bilgrami, Sinha and Cutler (n 103).
[330] Pinka Chatterji and others, 'Effects of New York State Paid Family Leave on Early Immunizations' (2022) 315 Social Science and Medicine.
[331] Brittany Bass, 'Does an Introduction of a Paid Parental Leave Policy Affect Maternal Labor Market Outcomes in the Short Run? Evidence from Australia's Paid Parental Leave Scheme' (2020) 10 IZA Journal of Labor Policy 871.

resulting in lower employee turnover and better continuity for employers[332]. This supports long-term career development for women and contributes to narrowing the gender wage gap[333].

Unpaid maternity leave, in contrast, can act as a barrier to women's full participation in the labor market. The lack of income during maternity leave often leads to difficult choices, such as quitting a job or taking extended time off without compensation, both of which can derail careers.[334] This interruption may result in long-term earnings losses, decreased chances of promotion, and weakened job security, perpetuating systemic inequalities in the workplace[335].

Paid maternity leave also encourages a more equitable division of labor in the household. When women know their contributions are recognized and supported, it empowers them to participate in both family and professional life, challenging traditional gender roles.[336]

In Nigeria, women's participation in the workforce is constrained by a combination of socio-cultural expectations, informal employment dominance, and limited maternity protections.[337] While the Labour Act guarantees 12 weeks of maternity leave at two-thirds pay, this applies mainly to women in the formal sector, which represents a minority of female workers. Many women in informal employment receive no statutory maternity benefits, often leading them to exit the workforce temporarily or permanently after childbirth. Furthermore, inadequate workplace support, such as the absence of breastfeeding facilities or flexible work arrangements, compounds the difficulty of balancing work and family responsibilities, thereby

[332] Borrell and others (n 327).
[333] Tohme and Abi-Habib (n 329).
[334] Bai, Fong and Tarrant (n 107).
[335] Pinka Chatterji, Sara Markowitz and Jeanne Brooks-Gunn, 'Effects of Early Maternal Employment on Maternal Health and Well-Being' (2013) 26 Journal of Population Economics 285.
[336] Nguyen and others (n 321).
[337] JG Schenker and VH Eisenberg, 'Ethical Issues Relating to Reproduction Control and Women's Health' (1997) 58 International Journal of Gynecology & Obstetrics 167 <brary/gender_equality/gender-equality-in-nigeria--progress--challenges--and-opportuni.html>.

reducing long-term career engagement.[338] The United Kingdom has relatively high female labour force participation, supported by robust maternity leave entitlements up to 52 weeks of leave, with 39 weeks paid under statutory maternity pay (SMP) or maternity allowance. These policies, alongside anti-discrimination laws, have contributed to greater workforce retention post-childbirth.[339] However, challenges remain, particularly the "motherhood penalty," where women experience slower career progression or reduced earnings after returning from maternity leave. Flexible work arrangements and shared parental leave schemes aim to mitigate these effects, but uptake especially among fathers remains limited, placing a disproportionate caregiving burden on women.[340] In Canada, comprehensive maternity and parental leave policies up to 18 months in some provinces with income replacement through Employment Insurance have facilitated higher rates of maternal workforce re-entry. The inclusion of shared parental leave options encourages more equitable caregiving, potentially reducing the negative career impacts on women.[341] Nonetheless, disparities persist between public and private sectors, as well as between full-time and part-time workers, particularly in terms of employer "top-up" benefits. For women in precarious or low-wage employment, even long leave periods can result in financial strain, influencing decisions to return to work earlier than desired.[342]

Across the three jurisdictions, maternity leave regulation intersects with broader labour market conditions to influence women's workforce participation. While the UK and Canada have relatively strong legal frameworks that support retention, Nigeria's limited coverage and enforcement hinder sustained female labour market engagement. Moreover, the quality of

[338] Nieuwenhuis and van Lancker (n 20).
[339] Adewumi F, 'The Nigerian Labour Law and the Challenges of Maternity Protection' (2022) 14(2) Nigerian Journal of Labour Law and Industrial Relations 55.
[340] Bai, Fong and Tarrant (n 107).
[341] Singh, Kumar and Panda (n 108).
[342] Chuard (n 53).

participation measured not only by the presence of women in the workforce but also by their career advancement and earning potential remains shaped by persistent gender norms, workplace discrimination, and unequal caregiving responsibilities. Ultimately, increasing women's workforce participation requires a holistic approach that integrates equitable maternity leave policies with supportive workplace practices, affordable childcare services, and proactive measures to challenge gender bias in hiring and promotion. Such an approach not only benefits women but also enhances overall economic productivity and social equity

iv. Employer Perspectives

From an employer's point of view, the difference between paid and unpaid leave can be seen in terms of productivity, morale, and retention. While paid maternity leave might appear to be a financial burden at first glance, numerous studies show that the long-term benefits outweigh the costs. Companies that offer paid leave often experience higher employee satisfaction, stronger loyalty, and improved workplace morale.[343]

Moreover, retaining employees after childbirth reduces recruitment and training costs. In contrast, if women are forced to leave the workforce due to unpaid leave, businesses lose valuable talent and must invest resources in hiring and onboarding replacements. Paid leave policies can therefore be a strategic business investment in human capital.[344]

v. Global Disparities and Policy Differences

There is a stark contrast in maternity leave policies across countries.[345] Many high-income nations, particularly in Europe and parts of Asia, provide generous paid leave through

[343] Grace Carroll and others, 'A Systematic Review of Costing Studies for Implementing and Scaling-up Breastfeeding Interventions: What Do We Know and What Are the Gaps?' (Oxford University Press, 19 February 2020) 461.
[344] ibid.
[345] 'Breastfeeding Challenges: ACOG Committee Opinion, Number 820' (Lippincott Williams and Wilkins, 1 February 2021) E42.

government-mandated programs. For example, Sweden offers up to 480 days of paid parental leave, and Canada provides up to 18 months with government financial support.

Conversely, countries such as the United States have no federal mandate for paid maternity leave, although unpaid leave is protected under the Family and Medical Leave Act (FMLA) for certain workers. This means millions of women in the U.S. must rely on employer discretion or state programs for any paid leave, resulting in wide disparities in access.

This global variation highlights the importance of public policy in shaping the maternity leave landscape. Countries that prioritize paid leave see better health, economic, and social outcomes, whereas those without such policies leave the responsibility to individual families and employers, often with uneven and inequitable results.

vi. Social and Cultural Implications

Paid maternity leave also sends a powerful social message about the value of caregiving and family life. It reinforces the idea that raising children is not solely a private concern but a societal one, worthy of investment and support. In cultures where paid leave is normalized, motherhood and professional ambitions are seen as compatible, not conflicting.[346]

Unpaid leave, on the other hand, can reinforce negative stereotypes that caregiving is a personal responsibility with no public value. This can stigmatize working mothers and discourage inclusive conversations about shared caregiving, workplace accommodations, and family support systems.[347]

[346] Maya Rossin-Slater, Christopher Ruhm and Jane Waldfogel, 'The Effects of California's Paid Family Leave Program on Mothers' Leave-Taking and Subsequent Labor Market Outcomes NIH Public Access', vol 32 (2013) <http://www.whitehouse.gov/administration/eop/cwg/work-flex-kit/get-started/>.
[347] Eaves and Schindler-Ruwisch (n 274).

The difference between paid and unpaid maternity leave is more than a matter of naira, it's a matter of equity, health, and dignity. Paid maternity leave empowers women to take care of themselves and their children without sacrificing their livelihoods. It supports better health outcomes, workplace stability, and social cohesion. Unpaid leave, while offering some protections, often places undue financial, emotional, and physical stress on mothers and their families.[348] To build inclusive and thriving societies, it is imperative that policymakers, employers, and communities advocate for comprehensive paid maternity leave policies.[349] Ensuring that all women, regardless of income or occupation, have access to paid time off during the most vulnerable period of their lives is not only a matter of justice but also a vital investment in the well-being of future generations.[350]

5.8 Challenges and Barriers to Implementing Paid Maternity Leave

Paid maternity leave is widely recognized as a crucial policy tool for promoting gender equality, improving maternal and child health, and supporting family well-being. Despite its well-documented benefits, implementing comprehensive and equitable paid maternity leave remains a significant challenge across many regions and sectors.[351] Even in countries that have adopted maternity leave policies, barriers such as funding, political will, enforcement mechanisms, and cultural attitudes can limit their effectiveness. This article examines the multifaceted challenges and barriers that hinder the implementation of paid maternity leave, including economic, political, legal, social, and institutional factors, and suggests potential ways to overcome them.

[348] ibid.
[349] Whitney and others (n 296).
[350] Campos and Hawkins (n 126).
[351] Department for Business (n 12).

Paid maternity leave is widely acknowledged as a foundational policy for promoting maternal and child health, advancing gender equality, and enhancing work-life balance for families. Nevertheless, the path to effective implementation is often obstructed by a complex interplay of economic, legal, political, cultural, and institutional challenges. These barriers, which differ in scope and intensity across regions and sectors, frequently result in limited access, inequitable distribution, and inadequate enforcement of maternity protections.[352] This section examines these multifaceted obstacles and explores underlying factors that hinder the delivery of comprehensive paid maternity leave.

1. **Economic and Financial Constraints**

a. Employer Burden and Cost Concerns

One of the most prominent barriers is the perceived financial strain on employers. In systems where employers are solely responsible for funding maternity leave, common in low- and middle-income countries, many SMEs perceive maternity leave as a direct economic loss. The costs of maintaining payroll during leave, hiring temporary replacements, and managing workflow disruptions often fuel employer resistance to policy reform. This dynamic can foster discriminatory hiring practices or encourage informal employment arrangements that circumvent maternity obligations.[353]

b. Government Budget Limitations

Governments, especially in low-income settings, may lack the fiscal space or political priority to subsidise maternity benefits through social insurance models. In Nigeria, for instance, weak tax bases and large informal economies make it difficult to establish contributory social protection

[352] ILO, *Social Protection for Maternity: Key Policy Trends and Statistics* (ILO, Geneva 2023)
[353] ILO, *Women and Men in the Informal Economy: A Statistical Picture* (3rd edn, ILO, Geneva 2021)

schemes that include maternity benefits.[354] As a result, benefits are either insufficient or inaccessible to a majority of working women, especially those in the informal sector.[355]

2. Legal and Policy Framework Limitations

a. Weak or Non-Existent Legislation

In many jurisdictions, the absence of comprehensive legal mandates results in uneven access to maternity leave. Even where legislation exists, it may offer limited duration or low wage replacement, and exclude categories such as temporary, casual, or self-employed workers.[356] For example, Nigeria's current laws provide paid leave primarily for formal sector employees, leaving out the majority of women in informal or precarious jobs (Federal Republic of Nigeria, 2004).

b. Lack of Enforcement and Monitoring

Even in countries with appropriate legal frameworks, enforcement is often weak due to bureaucratic inefficiencies, under-resourced labour inspectorates, and corruption.[357] Employers who flout maternity regulations rarely face consequences, and women may not report violations due to fear of retaliation or job loss.[358]

3. Political and Institutional Barriers

[354] National Population Commission (Nigeria) and ICF, *Nigeria Demographic and Health Survey 2018* (NPC and ICF, Abuja and Rockville 2019)
[355] Adiatma YM Siregar and others, 'The Financing Need of Equitable Provision of Paid Maternal Leave in the Informal Sector in Indonesia: A Comparison of Estimation Methods' (2021) 20 International Journal for Equity in Health.
[356] ILO (n 224)
[357] UN Women, *Progress of the World's Women 2019–2020: Families in a Changing World* (United Nations Entity for Gender Equality and the Empowerment of Women, New York 2020)
[358] World Bank, *Women, Business and the Law 2022* (World Bank, Washington, DC 2022)

a. Insufficient Political Will

Political inertia remains a critical obstacle. Maternity leave is often overshadowed by priorities such as economic development or infrastructure investment, particularly in male-dominated governments.[359] Without strong female political representation or advocacy from civil society, maternity protections are sidelined in legislative agendas.

b. Cultural and Ideological Biases

Public policy is influenced by prevailing societal ideologies. In contexts where caregiving is perceived as a private or female duty, maternity leave may be seen as a non-essential benefit, rather than a public good.[360] This often translates into weak policy formulation and half-hearted implementation efforts.

c. Industry Resistance

Business lobbies frequently oppose maternity leave mandates, citing concerns over competitiveness and operational costs.[361] In neoliberal policy environments, this opposition is especially potent, leading to diluted or delayed policy enactments unless balanced by strong labour or women's rights coalitions.

4. Social and Cultural Norms

[359] Siregar and others (n 357).
[360] P Moss and F Deven, *Leave Policies and Research: A Cross-National Overview* (International Network on Leave Policies and Research 2015)
[361] ILO, *The Business Case for Investing in Maternity Protection* (International Labour Organization, Geneva 2020)

a. Gender Roles and Stereotypes

Traditional gender norms pose significant barriers to both policy adoption and societal acceptance of maternity leave. In many cultures, women are expected to be primary caregivers, while men assume the role of breadwinners.[362] These entrenched beliefs hinder support for paid maternity leave and delay the introduction of complementary policies such as paternity leave or parental leave.

b. Stigma and Discrimination

Women often face stigma in the workplace when exercising maternity rights. Fear of being perceived as less productive or replaceable discourages many from utilising their full leave entitlements.[363] Moreover, employers may covertly penalise women of childbearing age during hiring or promotion decisions, further entrenching gender inequalities.

5. Informal Employment and Inequity

a. Exclusion of Informal Workers

Globally, a significant proportion of women are employed informally, often without contracts or access to labour protections. These workers, including domestic workers, market traders, and freelance contractors, are routinely excluded from maternity benefits. In Nigeria, the informal sector

[362] UNICEF, *Family-Friendly Policies: Redesigning the Workplace of the Future* (UNICEF, New York 2022)
[363] ILO, *Maternity Protection and Work-Family Measures* (International Labour Organization, Geneva 2017) https://www.ilo.org accessed 26 May 2025

accounts for over 65% of employment, making it extremely challenging to design inclusive and enforceable leave policies.[364]

b. Socio-Economic Disparities

Even within the formal sector, access to maternity leave is often stratified along lines of income, geography, and employer size. Public sector and urban professionals typically enjoy better benefits than rural, low-income, or private sector employees.[365] Without efforts to harmonise access, maternity leave policies may exacerbate rather than alleviate existing inequalities.

6. Administrative and Logistical Barriers

a. Institutional Weakness

Implementing effective maternity leave programs requires robust administrative mechanisms—something many low-resource countries struggle with. Weak coordination between ministries, outdated data systems, and unclear procedural guidelines often result in benefit delays or denial.[366]

b. Complex Program Design

Policymakers must navigate a difficult balance of affordability, inclusiveness, and sustainability. Determining the duration, wage replacement rate, eligibility criteria, and funding sources demands

[364] ILO, *Women and Men in the Informal Economy: A Statistical Picture* (3rd edn, ILO, Geneva 2021)
[365] Feng (n 200).
[366] UN (n 229)

technical expertise and stakeholder negotiation, which are frequently lacking in policy environments marked by instability or limited institutional capacity.[367]

7. Lack of Awareness and Advocacy

a. Limited Worker Awareness

A significant number of employees are unaware of their legal entitlements, particularly in rural or low-literacy populations.[368] Lack of outreach and education means even well-designed policies may have low uptake or impact.

b. Weak Labour and Advocacy Movements

In countries like Nigeria, fragmented or underfunded labour unions and civil society groups reduce the effectiveness of policy lobbying and rights enforcement[369] without coordinated advocacy, maternity leave reforms remain low on the political agenda and rarely receive the sustained attention necessary for systemic change.

5.9 Gender Inequality and Workplace Discrimination

Gender inequality in health is intricately linked to systemic disparities in income, occupational opportunities, and the division of labour, both paid and unpaid, between men and women. Despite increased female participation in the workforce across Western industrialised nations since the mid-20th century, women continue to face significant disadvantages in employment quality, remuneration, and career advancement. Structural inequalities in the labour market have confined many women to lower-paying, part-time, or informal employment, while societal norms continue

[367] ILO, *Social Protection for Maternity: Key Policy Trends and Statistics* (ILO, Geneva 2023)
[368] World Bank, *Women, Business and the Law 2022* (World Bank, Washington, DC 2022)
[369] Tadele A, 'Maternity Leave and Women's Rights in Africa: A Comparative Assessment of ILO Standards and Domestic Laws' (2022) 30(1) African Journal of International and Comparative Law 87.

to assign them primary responsibility for unpaid domestic labour, including childcare and household duties.[370] While the gender gap in employment is relatively narrower among childless adults, the disparity widens significantly following parenthood. Empirical evidence suggests that the transition to motherhood triggers marked divergences in working hours, income levels, and labour force participation rates between men and women.[371] This phenomenon, often termed the "motherhood penalty", manifests in career interruptions, reduced earnings trajectories, and stunted professional growth for women, with adverse consequences for their long-term economic security and psychosocial wellbeing.[372] The extent and character of these employment-related inequalities vary by region and are heavily influenced by national policies, cultural ideologies, and institutional arrangements. In particular, supportive government interventions such as maternity leave have proven instrumental in mitigating the negative impact of childbirth on women's careers. Paid and job-protected maternity leave can offer mothers crucial time to physically recover from childbirth, foster early bonding with their infants, and transition into new caregiving responsibilities without the risk of job loss.[373] These policies can help to cushion mothers against the stress and insecurity that often accompany work-family conflict, thereby promoting both economic resilience and better health outcomes.

Nevertheless, the provision and quality of maternity leave differ substantially across countries. While Scandinavian and many Western European nations, such as Sweden, Germany, and France offer generous paid leave with robust employment protection, countries like the United States provide only limited, unpaid leave through the Family and Medical Leave Act (FMLA), which fails

[370] Feng (n 200).
[371] Siregar and others (n 357).
[372] Amy Heshmati, Helena Honkaniemi and Sol P Juárez, 'The Effect of Parental Leave on Parents' Mental Health: A Systematic Review' (Elsevier Ltd, 1 January 2023) e57.
[373] International Labour Organization, *Maternity and Paternity at Work: Law and Practice Across the World* (3rd edn, ILO, Geneva 2023)

to cover many low-income and part-time workers.[374] Moreover, eligibility restrictions, short durations, and inadequate wage replacement rates can significantly curtail the effectiveness of such provisions, especially for vulnerable socio-economic groups.[375] In Nigeria, gender inequality in the workplace is particularly pronounced due to a combination of weak legal protections, socio-cultural norms, and limited institutional capacity for enforcement. The 12-week maternity leave provision, which applies only to formal sector employees, excludes the vast majority of women working in the informal sector. Additionally, the absence of paternity or parental leave perpetuates unequal caregiving burdens, reinforcing patriarchal structures and limiting women's career advancement. The United Kingdom and Canada, by contrast, have taken steps to mitigate these inequalities through longer maternity and parental leave, wage replacement schemes, and gender-neutral caregiving policies. However, even in these jurisdictions, gender inequality persists in subtler forms—such as lower uptake of parental leave by men, the motherhood penalty in career progression, and underrepresentation of women in leadership roles.

The persistence of gender inequality in maternity leave regulation has broader socio-economic implications. It undermines gender equality in the workplace, reduces women's economic empowerment, and affects national productivity by underutilising a significant segment of the labour force. From the perspective of Human Capital Theory, gender inequality represents a loss of potential skills, innovation, and productivity. Institutional Theory further explains how legal systems, workplace cultures, and societal norms interact to either reinforce or dismantle these disparities. Addressing gender inequality in maternity leave regulation requires a multifaceted approach, including the adoption of gender-inclusive leave policies, the enforcement of anti-discrimination laws, and cultural shifts that normalise shared caregiving responsibilities. In doing

[374] Tadele A, 'Maternity Leave and Women's Rights in Africa: A Comparative Assessment of ILO Standards and Domestic Laws' (2022) 30(1) African Journal of International and Comparative Law 87.
[375] S Blum, A Koslowski and P Moss, *International Review of Leave Policies and Research 2018* (International Network on Leave Policies and Research 2018) https://www.leavenetwork.org/ accessed 26 May 2025

so, countries can not only promote fairness but also achieve broader economic and social benefits by fostering a more equitable and inclusive workforce.

Research indicates[376] that insufficient or unpaid maternity leave can deter women from re-entering the labour market post-childbirth, thereby contributing to long-term gender inequality in income and employment.[377] However, an excessively long leave duration, particularly in contexts where only women are entitled to extended leave can inadvertently reinforce traditional gender roles and contribute to hiring discrimination, as employers may perceive women as less committed or reliable workers. In extreme cases, prolonged maternal leave has been associated with wage penalties and occupational segregation, especially when it exceeds one year.[378] The health implications of maternity leave, particularly its duration and whether it is paid, have been the subject of growing academic interest. Most research has concentrated on maternal mental health, with several studies demonstrating that access to paid leave is associated with reductions in postnatal depression and psychological distress.[379] However, findings on physical health outcomes remain inconclusive. While some evidence suggests that longer maternity leave may support physical recovery and reduce stress-related health issues, further research is needed to isolate the specific effects of paid leave from other contextual factors.[380]

In Nigeria, workplace discrimination against pregnant women remains a persistent challenge. Despite provisions in the Labour Act granting 12 weeks of maternity leave with partial pay, there is limited enforcement and monitoring. Many women in the informal sector, which constitutes the majority of Nigeria's female workforce, have no legal protection at all. Employers may bypass legal

[376] Vanderlinden and others (n 157).
[377] Van Niel and others (n 104).
[378] Chuard (n 53).
[379] Kirsten Rasmussen and others, 'Family Structure and Maternal Depressive Symptoms: A Cross-National Comparison of Australia, the United Kingdom, and the United States' (2022) 11 Social Sciences.
[380] Jennifer Schindler-Ruwisch and Tanika Eaves, 'Maternity Leave in America During a Pandemic: The Impact of Leave on Family Wellbeing' (2021) 40 Families, Systems and Health 132.

obligations through contractual loopholes or by avoiding the hiring of women of childbearing age. Cultural stereotypes and patriarchal norms further entrench discriminatory attitudes, with pregnancy often seen as incompatible with professional dedication. The United Kingdom has a more robust legal framework to combat workplace discrimination, particularly under the Equality Act 2010, which prohibits discrimination based on pregnancy and maternity. Additionally, employees are entitled to up to 52 weeks of maternity leave, with statutory maternity pay or maternity allowance. However, despite these protections, studies indicate that a significant proportion of women still experience negative treatment upon announcing their pregnancy or after returning from maternity leave, including redundancy, career stagnation, or subtle marginalisation in the workplace. Canada offers strong protections under federal and provincial human rights laws, such as the Canadian Human Rights Act and provincial employment standards legislation, which explicitly prohibit discrimination on the grounds of pregnancy and family status. Canadian women benefit from comparatively generous parental leave schemes, yet workplace discrimination persists in certain sectors, often in the form of reduced career advancement opportunities or perceptions that extended leave reflects a lack of professional ambition. From the lens of Human Capital Theory, workplace discrimination undermines the optimal use of skills and talent, reducing productivity and economic growth. Institutional Theory helps explain how laws, organisational policies, and social norms interact sometimes inconsistently to shape workplace behaviours and attitudes. While legislation may formally prohibit discrimination, institutional cultures can still perpetuate bias through entrenched stereotypes and unequal power dynamics.

Addressing workplace discrimination in relation to maternity leave requires more than legal reform; it demands active enforcement mechanisms, awareness campaigns, cultural change initiatives, and the promotion of family-friendly workplace practices. By dismantling discriminatory barriers, countries can foster a more inclusive labour market that supports women's career continuity, advances gender equality, and maximises societal and economic gains.

5.10 Structural Disparities and the Motherhood Penalty

Across all three jurisdictions, Nigeria, the United Kingdom, and Canada, empirical data demonstrates that childbirth has a disproportionate impact on women's employment trajectories. This phenomenon, often referred to as the "motherhood penalty," includes reduced earnings, stalled career advancement, increased part-time or informal employment, and a general withdrawal from the labour force.[381] While childless women and men may experience relatively similar labour market outcomes, this parity diverges dramatically after the onset of parental responsibilities.

In Nigeria, women commonly experience employment disruptions upon pregnancy or childbirth, often without legal recourse or institutional support. The Labour Act grants just 12 weeks of maternity leave at 50% pay, and only for women in the formal sector, leaving out the vast majority of female workers engaged in informal or casual employment.[382] This lack of social protection exacerbates income insecurity and reinforces gendered occupational segregation.

In the UK and Canada, although statutory maternity leave is more generous 52 weeks in the UK with 39 weeks paid, and up to 18 months of combined maternity and parental leave in Canada, the motherhood penalty is not entirely eliminated.[383] Women still encounter subtle workplace discrimination, slower promotion rates, and reduced earnings potential, albeit cushioned by institutional mechanisms such as anti-discrimination laws, social insurance, and return-to-work policies.[384]

[381] Chuard (n 53).
[382] Labour Act Cap L1 LFN 2004, s 54.
[383] Maternity and Parental Leave Regulations 1999 (SI 1999/3312); Government of Canada, *Employment Insurance Maternity and Parental Benefits* (2023).
[384] UK Equality Act 2010; Canadian Human Rights Act 1985.

5.11 Maternity Leave as a Buffer Against Workplace Inequality

Paid, job-protected maternity leave can serve as a critical buffer against the workplace inequalities that follow childbirth. It allows women the time necessary to recover from delivery, bond with their infants, and transition into caregiving roles without fear of job loss or income deprivation.[385] In health and economic terms, such protection has been linked to increased workforce retention, improved mental health, and greater financial resilience among mothers.[386]

In Canada, maternity leave is integrated into a broader system of employment insurance. Eligible mothers receive up to 55% of their average weekly earnings for 15 weeks under the maternity benefits scheme, followed by additional parental leave benefits.[387] These provisions are complemented by robust healthcare access, which helps mitigate the dual burden of childbearing and economic vulnerability.

The UK's Statutory Maternity Pay (SMP) similarly provides income security, although its complexity and eligibility thresholds may exclude certain categories of women, such as gig workers or migrants with limited employment history.[388] Despite these gaps, the UK system has evolved to offer mechanisms like Shared Parental Leave (SPL), which encourages greater paternal involvement and indirectly supports women's re-entry into the workforce.[389]

In contrast, Nigeria's framework lacks such institutional cushioning. Beyond the inadequate duration and pay, many women are either unaware of their legal entitlements or unable to enforce them due to cultural constraints or employer retaliation.[390] The informal economy where most

[385] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022).
[386] Ruhm C, 'Parental Leave and Child Health' (2000) 19(6) Journal of Health Economics 931.
[387] Canada Employment Insurance Act 1996, s 22.
[388] UK Department for Business, Energy & Industrial Strategy, *Parental Leave and Pay: Employer Guide* (2021).
[389] UK Shared Parental Leave Regulations 2014 (SI 2014/3050); Canada Employment Insurance Act 1996, s 23.
[390] Olayemi A, 'Labour Rights of Pregnant Women in Nigeria: Challenges and Prospects' (2021) 15(2) Nigerian Journal of Labour Law and Industrial Relations 87.

Nigerian women are employed is almost entirely unregulated in terms of maternity protection, leaving many mothers without any job security or health safeguards.

5.12 Cultural Norms and Gendered Expectations

Cultural ideologies also play a critical role in shaping gender inequalities in employment. In Nigeria, patriarchal norms continue to associate caregiving exclusively with women, while men are seen as the primary breadwinners.[391] This ideological framework not only discourages men from taking on domestic responsibilities but also entrenches discriminatory practices in the workplace, such as reluctance to hire or promote women of childbearing age.

In the UK and Canada, although gender norms have become more egalitarian over time, remnants of traditional expectations persist. Women are still more likely than men to take extended leave, reduce work hours, or leave the workforce entirely following childbirth.[392] However, state-led initiatives promoting shared caregiving—such as Canada's "use-it-or-lose-it" paternity leave or the UK's SPL have begun to challenge and slowly shift these dynamics.[393]

5.13 Workplace Discrimination and Legal Redress

Discrimination against pregnant women and new mothers remains a widespread issue across all three jurisdictions, albeit in varying forms. In Nigeria, such discrimination is often overt ranging from unlawful dismissal to hiring biases and goes largely unchallenged due to weak enforcement and limited legal literacy.[394] Labour inspection systems are under-resourced, and many women are reluctant to file complaints for fear of losing their jobs or reputational backlash. In the UK and

[391] Tadele A, 'Maternity Leave and Women's Rights in Africa: A Comparative Assessment of ILO Standards and Domestic Laws' (2022) 30(1) African Journal of International and Comparative Law 87.
[392] Moss P and others (eds), *International Review of Leave Policies and Research 2022* (2022).
[393] Marshall K, 'Use-It-or-Lose-It Paternity Leave: The Canadian Experience' (Statistics Canada, 2020).
[394] Adebayo AA, 'The Legal and Institutional Framework for Protection of Pregnant Women in Nigeria' (2019) 8(3) Unilag Journal of Law, Policy and Development 33.

Canada, anti-discrimination laws provide formal protection, but enforcement is largely individualised. Women must initiate legal proceedings or complaints, which can be time-consuming, costly, and emotionally taxing.[395] Moreover, subtler forms of discrimination, such as being passed over for promotions or being reassigned to less critical roles are harder to prove but remain common.[396] Both countries have made some progress in supporting litigation through legal aid and workplace audits, yet systemic change remains gradual. Public campaigns and employer training are increasingly used to shift organisational cultures, though progress is uneven across industries and sectors.[397]

5.14 Health Implications of Inadequate Maternity Protection

The intersection of employment inequality and maternal health outcomes is well documented. Studies from high-income countries indicate that inadequate or unpaid maternity leave is associated with heightened maternal stress, lower breastfeeding rates, and increased risk of postnatal depression.[398] Conversely, access to paid leave correlates with better mental health, more consistent healthcare access, and stronger mother-infant bonds.[399]

In Nigeria, maternal and infant health indicators remain troubling. The high rates of maternal mortality, limited access to postnatal care, and economic insecurity contribute to poor health outcomes.[400] The weak maternity leave framework exacerbates these problems by forcing many women to return to work prematurely or forego essential healthcare services due to financial constraints. Canada and the UK offer more promising models. Their maternity leave policies combined with universal or near-universal healthcare access have been credited with supporting

[395] McColgan A, 'Family-Friendly Rights and Women's Equality in the UK Labour Market' (2021) 50 Industrial Law Journal 123.
[396] Government of Canada, *Gender-Based Analysis Plus Framework* (2021).
[397] Fredman S, *Discrimination Law* (2nd edn, OUP 2011).
[398] Zimmerman and others (n 279).
[399] Heshmati, Honkaniemi and Juárez (n 374).
[400] UNICEF, *Maternal and Child Health in Nigeria: Situation Analysis* (2020).

improved maternal mental health and early childhood development.[401] Nevertheless, researchers have cautioned that excessively long leave periods may have unintended effects, such as reinforcing gender roles or discouraging women's career progression, especially when leave is not equally shared between parents.[402]

5.15 Policy Lessons and the Way Forward

The comparative analysis of Nigeria, the UK, and Canada highlights the importance of well-designed maternity leave policies in addressing gender inequality and workplace discrimination. For Nigeria, the immediate priorities include legal reform, inclusion of informal sector workers, and public education to shift cultural norms.[403] Learning from Canada's employment insurance model or the UK's flexible parental leave schemes could offer a blueprint for a more inclusive system.

For the UK and Canada, the challenge lies in closing the coverage gaps and ensuring that maternity protections extend to precarious and marginalised workers. Continuous evaluation, inclusive stakeholder engagement, and intersectional policy approaches will be essential in sustaining progress. Ultimately, maternity leave policy must be viewed not merely as a labour right or a health intervention but as a central pillar of gender equity in the workplace. A rights-based, inclusive, and context-sensitive approach is vital for ensuring that all mothers regardless of where they live or how they work can enjoy both economic security and good health.

This work has sought to synthesise existing empirical evidence on how paid maternity leave and its duration influence maternal health outcomes. Understanding these relationships is critical for

[401] OECD, *Doing Better for Families* (2011).
[402] Johnson (n 25).
[403] National Human Rights Commission (Nigeria), *Policy Brief on Women's Rights and Labour Protection* (2021).

informing equitable health and labour policies that address both the economic vulnerabilities and health needs of mothers in contemporary societies.

5.16 Socioeconomic Barrier and Cultural Norms

The experience and outcomes of maternity leave are deeply influenced by socioeconomic factors and entrenched cultural norms. Socioeconomic status encompassing education level, income bracket, occupational class, and access to social resources significantly affects a woman's ability to benefit from maternity leave policies. Women in lower-income groups often face greater obstacles in accessing paid maternity leave, especially in countries where benefits are tied to formal employment or long-term contributions to insurance schemes. In Nigeria, where a large percentage of women work in the informal sector, many are excluded from statutory maternity benefits entirely.[404] This creates a stark divide between privileged and underprivileged mothers, resulting in unequal maternal health outcomes. Women from economically disadvantaged backgrounds are also less likely to be in positions that allow for flexibility in work arrangements. Many are employed in labour-intensive, low-wage jobs without formal contracts, job security, or social protection. Consequently, the fear of losing income or even employment deters them from taking adequate maternity leave, which may negatively affect postpartum recovery, breastfeeding, and early bonding with their child.[405] Such economic vulnerability can exacerbate maternal stress, depression, and physical complications after childbirth.

In addition to economic disparities, cultural norms play a substantial role in shaping attitudes toward maternity leave and women's roles in society. In many Nigerian communities, traditional gender expectations cast women primarily as caregivers and homemakers, which reinforces the belief that

[404] Y Adewunmi, *Access to Maternity Leave in Nigeria's Informal Economy: A Case for Inclusive Social Protection* (Social Policy Research Initiative, Abuja 2020) https://sprinigeria.org/reports accessed 28 May 2025
[405] EC Onyejekwe, 'Economic Marginalization and Health Vulnerabilities of Women in Nigeria's Informal Sector' (2021) 6(1) *International Journal of Gender and Development Issues* 87–102

maternity is a private matter to be managed within the home rather than through formal employment rights. These norms can discourage women from asserting their entitlement to maternity leave, especially if doing so is perceived as disrupting workplace operations or challenging social conventions.[406]

Moreover, patriarchal structures in both the family and workplace may restrict women's autonomy in decision-making regarding their employment and reproductive health. In such contexts, even where policies exist, implementation is often inconsistent or discriminatory, with employers informally discouraging pregnant employees from taking extended leave or penalizing them during promotion and rehiring decisions.

Cross-cultural comparisons reveal that nations with more progressive gender norms such as those in Scandinavia tend to offer more generous maternity and parental leave provisions, leading to better maternal health outcomes.[407] These societies recognize caregiving as a shared societal responsibility, and not solely a woman's duty. Integrating such perspectives into Nigerian policy and practice could support more equitable maternity leave experiences.

Addressing socioeconomic and cultural barriers requires a multidimensional approach involving legal reform, community sensitization, and economic empowerment initiatives. It is imperative that maternity leave policies be inclusive, accessible, and sensitive to the lived realities of all women, particularly those in marginalized group.

5.17 Access Maternal Healthcare and Support Services

[406] C Eze and F Olanrewaju, 'Cultural Norms and Gender Roles: Implications for Women's Work-Life Balance in Nigeria' (2022) 25(2) *African Journal of Social Issues* 58–76 https://doi.org/10.5281/zenodo.7073954 accessed 28 May 2025

[407] OECD, *Parental Leave Systems: OECD Family Database* (Organisation for Economic Co-operation and Development, Paris 2022)

Access to maternal health care and support services is very important for the health of mothers and their babies. These services include regular check-ups during pregnancy, skilled care during childbirth, and support after delivery, such as counselling and family planning. In Nigeria, many women especially in rural areas face serious challenges in getting these services. Issues like long distances to hospitals, lack of trained health workers, and high costs often stop women from getting the care they need. As a result, maternal deaths remain high.[408]

In contrast, countries like the USA and Canada have better health systems in place. Most women in these countries can access skilled care before, during, and after childbirth. In Canada, maternal health care is covered by the government, and support services like parental leave and public health programs help new mothers.[409] The USA also has advanced medical care, but access can depend on whether a woman has health insurance, making it harder for low-income families.[410] Improving maternal health care in Nigeria by training more health workers, building more health centres, and supporting women with affordable services could help save many lives and create a healthier future for families.

5.18 Employer Perspectives and Organizational Challenges

When it comes to maternity leave, employers often face several challenges. While maternity leave is crucial for the health and well-being of employees, it can create some difficulties for businesses. One of the main concerns is the cost, especially for small and medium-sized businesses. Paying employees during their time off, and possibly hiring temporary workers to cover their roles, can add a significant financial burden. This can be especially tough for

[408] World Health Organization (WHO). (2021). *Maternal mortality in Nigeria*. World Health Organization. Retrieved from https://www.who.int
[409] Public Health Agency of Canada. (2020). *Maternity care and support in Canada*. Public Health Agency of Canada. Retrieved from https://www.canada.ca
[410] Centers for Disease Control and Prevention (CDC). (2021). *Maternal health care in the United States*. Centers for Disease Control and Prevention. Retrieved from https://www.cdc.gov

businesses with limited resources, as the absence of an employee for an extended period may feel like a strain on the company's budget.[411]

Another challenge employers face is the disruption of daily operations. When an employee goes on maternity leave, their absence means that other team members may need to take on additional responsibilities, which can affect the workflow and productivity of the organization. For businesses where specific skills are required, finding someone to temporarily fill that role might be difficult. This issue becomes even more complex in industries where specialized knowledge or experience is needed.

Employers also struggle with fairness in their maternity leave policies. Some may find it difficult to treat all employees equally, especially when it comes to balancing the needs of those on maternity leave with other workers. In some cases, the return-to-work process can be tricky, as employees might need adjustments to their schedules or roles, which could cause some tension if not managed well.[412]

However, despite these challenges, many employers are beginning to see the value of maternity leave. Companies that offer maternity leave and flexible working conditions tend to have lower employee turnover and higher employee satisfaction. This is especially true for female workers who may be more likely to stay with an employer who offers family-friendly policies. By supporting employees during maternity leave, businesses can also attract top talent and retain their best workers.[413]

To help ease the burden, employers can take several steps, such as offering flexible leave options or planning for temporary staffing to cover for employees on leave. Clear communication about maternity leave policies and providing support for returning employees

[411] Nieuwenhuis and van Lancker (n 20).
[412] Falletta and others (n 84).
[413] Ibid

can also make a big difference. In the long run, investing in such policies helps businesses maintain a healthy, productive workforce while supporting their employees' family needs.

5.19 Policy Implementations on Maternity Leave Regulations

Maternity leave policies are essential for both the well-being of mothers and the overall functioning of society. These policies affect gender equality in the workplace and can shape a woman's career trajectory after childbirth. By offering maternity leave, especially paid leave, countries and organizations help support women during a crucial time, ensuring they can recover from childbirth and spend time with their newborns without worrying about losing their income or job.[414]

When maternity leave is adequately paid and provides sufficient time, it helps promote gender equality by enabling women to stay in the workforce after having children. This is important because, without proper leave, women might feel forced to return to work too soon, which can harm their physical health and well-being, as well as their ability to bond with their child. In the long term, access to paid leave helps reduce the gender wage gap by allowing women to continue their careers without taking a significant break, which could otherwise affect their earnings.

However, implementing these policies also presents challenges for employers, especially smaller businesses. Providing paid leave can be costly for employers, as they might need to hire temporary staff or deal with productivity disruptions during an employee's absence. Small companies, in particular, may struggle with the financial strain caused by maternity leave, making it harder for them to support such benefits without affecting their operations.

Long maternity leave periods can also unintentionally create challenges. While offering ample time for recovery and bonding is essential, long leave durations might reinforce traditional

[414] Ibid

gender roles, where women are seen as the primary caregivers. This can lead to workplace discrimination, as employers might avoid hiring women to prevent disruptions related to long leave periods. In some countries with long maternity leave, like France and Norway, this can contribute to lower participation rates in the labor force, especially among women with multiple children or those with lower education levels.

To strike the right balance, policymakers need to design maternity leave policies that protect the health and well-being of mothers while also considering the financial challenges faced by employers. Providing paid leave, but in a way that is flexible and sustainable for businesses, is key. Some countries have addressed this by introducing shared parental leave, where both parents can take time off, which helps reduce the burden on employers and fosters a more balanced approach to caregiving.[415]

Ultimately, maternity leave policies are vital for creating a healthier workforce and society. By offering appropriate support to mothers while keeping businesses' needs in mind, these policies can lead to better outcomes for families and contribute to gender equality in the workplace.

5.20 The Economic Implications of Maternity Leave Policies on Women's Employment Opportunities, Career Progression, and Overall Financial Well-Being in Nigeria

Maternity leave policy in Nigeria, as presently designed, has profound implications for women's labour market outcomes. The Labour Act 2004 provides only twelve weeks of maternity leave, with fifty percent of wages payable where the employee has worked for six months prior to confinement.[416] While certain public sector institutions and multinational companies offer more generous provisions, the statutory minimum remains narrow in both

[415] Ibid
[416] Labour Act 2004, s 54.

duration and coverage. This underdeveloped framework creates multi-dimensional economic consequences for Nigerian women.

1. Employment Opportunities

The limited statutory guarantee contributes to employer reluctance in hiring and retaining women of childbearing age, particularly in the private sector. Employers, aware of the potential costs of maternity-related absences, often view female employees as a higher liability compared to their male counterparts.[417] This discriminatory tendency is more pronounced in small and medium-sized enterprises, where the direct wage replacement burden falls entirely on the employer. Consequently, women face higher barriers to entry into formal employment, and many are channelled into informal sector work where maternity entitlements are non-existent.

2. Career Progression

For women already within the formal sector, maternity leave provisions influence career advancement prospects. The short leave period—without statutory protection for flexible return-to-work arrangements—can force women to either return prematurely, risking their health and caregiving responsibilities, or to resign.[418] In either case, women often experience stalled promotions, exclusion from training opportunities, and diminished chances of assuming leadership positions. Employers may tacitly apply a "motherhood penalty," assuming reduced commitment to career trajectories. This perpetuates occupational segregation, with women underrepresented in higher-paying and decision-making roles.

3. Financial Well-Being

The wage replacement scheme under the Labour Act further constrains women's financial stability. Receiving only half of one's pay during maternity leave exacerbates income insecurity

[417] E Uvieghara, 'Labour Law in Nigeria' (Malthouse Press 2001) 212.
[418] C Okojie, 'Employment Creation for Youth in Africa: The Gender Dimension' (2003) 17 Expert Group Meeting on Jobs for Youth 5.

at a period of heightened household expenditure.[419] For many families, this necessitates reliance on savings, informal borrowing, or spousal support, thereby undermining women's financial independence. In cases where women withdraw from formal employment due to insufficient support, the long-term economic impact includes loss of pensions, diminished lifetime earnings, and reduced social security coverage. The disparity is particularly stark when compared with the United Kingdom and Canada, where earnings-related or publicly funded maternity/parental benefits provide more comprehensive financial cushioning.[420]

4. Broader Economic Implications

At a systemic level, the inadequacy of Nigeria's maternity leave policy discourages female labour force participation, with broader implications for national productivity and economic growth. Excluding or marginalising women from meaningful employment deprives the economy of diverse talent and innovation. Moreover, the absence of robust support frameworks reinforces gender income gaps, widens household dependency ratios, and entrenches cycles of poverty. Addressing these deficiencies could therefore yield not only equity gains but also measurable economic dividends through enhanced workforce participation and human capital development.

In Nigeria, maternity leave policies are both a protective tool and a structural barrier. While designed to safeguard maternal and child welfare, their limited duration, partial wage replacement, and narrow coverage have the unintended effect of constraining women's employment opportunities, impeding career progression, and undermining long-term financial security. Strengthening maternity leave through extended duration, full wage replacement, and employer–state cost-sharing could unlock women's economic potential and contribute to inclusive economic growth.

[419] S Fapohunda, 'Women and the Informal Sector in Nigeria: Implications for Development' (2012) 16(1), British Journal of Arts and Social Sciences, 36.
[420] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022).

5.21 The Economic Implications of Maternity Leave Policies on Women's Employment Opportunities, Career Progression, and Overall Financial Well-Being in the United Kingdom

The United Kingdom provides one of the more elaborate maternity leave schemes among common law jurisdictions. Under the Employment Rights Act 1996 and subsequent regulations, women are entitled to 52 weeks of maternity leave, 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave.[421] Statutory Maternity Pay (SMP) is payable for up to 39 weeks: six weeks at 90% of average weekly earnings, followed by 33 weeks at a flat statutory rate or 90% of earnings, whichever is lower.[422] Employers can reclaim most of this expenditure from the state, thereby reducing disincentives to hire women.[423] While this legal design is generous compared to Nigeria, its economic implications for women remain complex.

a. Employment Opportunities

The existence of state-supported maternity benefits has reduced direct employer reluctance to hire women of childbearing age, as costs are largely reimbursed. However, research shows that employers still harbour biases, often perceiving female workers as "higher-risk hires" due to potential career interruptions.[424] While this perception is less acute than in Nigeria, it persists in some sectors—especially small businesses where administrative burdens associated with maternity leave are seen as disruptive. Nonetheless, overall, the UK's statutory framework has enhanced women's employment security and reduced job loss associated with childbirth.

b. Career Progression

Career progression remains one of the most debated implications of maternity leave policies in the UK. Although the law protects against dismissal and guarantees return to work, extended absence often leads to the "motherhood penalty." Women returning from long leave periods

[421] Employment Rights Act 1996, ss 71–73.
[422] Statutory Maternity Pay (General) Regulations 1986 (as amended).
[423] HM Revenue & Customs, Statutory Maternity Pay: Employer Guide (2023).
[424] S Walby, The Future of Feminism (Polity Press 2011) 87.

frequently find themselves overlooked for promotions, excluded from major projects, or perceived as less committed.[425] High-skilled professions, such as law and finance, illustrate this challenge, where extended absence may translate into loss of client networks or project continuity. Conversely, in public sector and unionised jobs, protections tend to be stronger, and return-to-work reintegration is more effective. Flexible working rights, introduced under the Flexible Working Regulations 2014, have mitigated some of these challenges, but cultural barriers in the workplace continue to hinder full career advancement.[426]

c. Financial Well-Being

The economic cushioning provided by Statutory Maternity Pay, supplemented by employer-enhanced schemes in many workplaces, ensures that women do not experience the sharp income loss common in Nigeria. However, the flat-rate SMP (currently £184.03 per week in 2024/25)[427] is significantly lower than average weekly earnings, creating income gaps for middle- and high-income women. This shortfall often forces families to rely on spousal income, personal savings, or return to work earlier than desired. Moreover, women who interrupt their careers for extended caregiving responsibilities face long-term pension penalties, since career breaks reduce contributions to the National Insurance system and occupational pensions.[428]

d. Broader Economic Implications

From a systemic perspective, the UK's maternity leave policies have both progressive and regressive effects. They support high female labour force participation compared to Nigeria, but simultaneously reinforce gendered divisions of labour. The predominance of mothers, rather than fathers, taking long leave entrenches traditional caregiving roles, which in turn sustains gender pay gaps.[429] Recent reforms, such as the Shared Parental Leave Regulations 2014, aim

[425] Falletta and others (n 84).
[426] Flexible Working Regulations 2014, SI 2014/1398.
[427] HM Government, Maternity Pay and Leave (Gov.uk, 2024).
[428] A Loretto and S Vickerstaff, 'The Relationship Between Gender, Occupation and Pensions' (2015) 34(1) Gender, Work & Organization 15.
[429] Office for National Statistics, Gender Pay Gap in the UK: 2023 (ONS 2023).

to redistribute leave more equally, but uptake by fathers remains below 5%, limiting its transformative potential.[430] Addressing this imbalance could improve women's economic mobility, equalise career progression, and enhance financial well-being over the life course.

In the United Kingdom, maternity leave policies have significantly improved employment security for women and provide meaningful income support compared to Nigeria. Yet, they remain double-edged: while protecting women from immediate job loss, they inadvertently contribute to slowed career progression, persistent gender pay disparities, and long-term pension disadvantages. Reform strategies that normalise shared parental leave, expand wage replacement to closer to full earnings, and reduce stigma around flexible work could unlock greater equality in women's employment opportunities, career trajectories, and lifetime financial well-being.

5.22 The Economic Implications of Maternity Leave Policies on Women's Employment Opportunities, Career Progression, and Overall Financial Well-Being in Canada

Canada offers one of the most extensive maternity and parental leave frameworks among common law jurisdictions. Under the Employment Insurance Act 1996 (EI Act), eligible mothers are entitled to 15 weeks of maternity benefits, followed by up to 61 weeks of parental leave that can be shared between parents.[431] Parents may choose between a "standard" option (up to 40 weeks shared, at 55% of insurable earnings, capped at CAD \$668 per week in 2024) or an "extended" option (up to 69 weeks shared, at 33% of earnings).[432] These benefits are publicly funded through Employment Insurance contributions, alleviating direct cost burdens on employers. While the system is among the most generous globally, its implications for women's economic security are nuanced.

[430] A Koslowski and others, International Review of Leave Policies and Research 2023 (University of Leeds/Leiden University 2023).
[431] Employment Insurance Act, SC 1996, c 23, ss 22–23.
[432] Government of Canada, Employment Insurance Maternity and Parental Benefits (2024).

a) Employment Opportunities

Because maternity and parental leave benefits are publicly funded, Canadian employers face minimal direct financial disincentives to hire women of childbearing age.[433] This structure enhances gender-neutral hiring compared to jurisdictions such as Nigeria, where employers bear the bulk of leave costs. Nonetheless, subtle discrimination persists. Employers may hesitate to invest in training or leadership development for young female employees, anticipating long absences. In practice, however, Canada's strong anti-discrimination framework anchored in both federal and provincial human rights codes provides women greater protection against employment loss due to maternity.[434]

b) Career Progression

Extended maternity and parental leave have paradoxical effects on career trajectories. On one hand, women benefit from secure return-to-work rights and the opportunity to bond with children without immediate economic penalties. On the other hand, long absences from the labour market (sometimes exceeding a year) can reduce visibility, delay promotions, and slow skills accumulation.[435] High-skilled and competitive professions such as law, medicine, and finance show evidence of slower advancement for women who take extended leave compared to peers.[436] In contrast, public-sector workers, particularly in unionised environments, are more effectively shielded against these long-term disadvantages. While the introduction of "use-it-or-lose-it" parental leave quotas for fathers in Quebec has improved gender equity in caregiving, the uptake across the rest of Canada remains modest, leaving most leave-taking concentrated among mothers.[437]

[433] D Doucet and A McKay, 'Parental Leave, Class and Employment in Canada: Exploring the Paradoxes' (2020) 35(3) Canadian Journal of Sociology 365.
[434] Canadian Human Rights Act, RSC 1985, c H-6; see also Ontario Human Rights Code, RSO 1990, c H.19.
[435] Chuard (n 53).
[436] Falletta and others (n 84).
[437] A Tremblay and D Dube, 'Quebec's Paternity Leave: An Experiment in Social Engineering' (2019) 42(1), Journal of Comparative Family Studies 57.

c) Financial Well-Being

In terms of immediate income security, Canada's earnings-related benefits are more generous than the flat-rate model in the UK. However, the replacement rate of 55% (or 33% under the extended option) often falls short of actual household needs, especially for middle- and high-income earners.[438] Consequently, some women feel compelled to return to work earlier than planned to mitigate financial strain. Career interruptions also generate cumulative economic effects: reduced lifetime earnings, slowed pension accumulation, and higher risk of falling into the "motherhood wage penalty" that persists despite legal protections.[439] Women in precarious, part-time, or low-wage employment are disproportionately disadvantaged, as they often fail to meet the eligibility threshold of 600 insurable hours required to qualify for benefits.[440]

d) Broader Economic Implications

Canada's maternity and parental leave policies contribute to high levels of female labour market participation relative to Nigeria and, to a lesser extent, the UK. However, the concentration of caregiving leave among women continues to entrench gender divisions in the labour market.[441] This contributes to persistent gender wage gaps and limits women's representation in top managerial roles. Provinces like Quebec, which have pioneered dedicated paternity leave entitlements, demonstrate that greater gender equity in leave design can narrow disparities in both employment outcomes and family income distribution.[442] Nationwide adoption of such reforms could mitigate the long-term economic disadvantages currently borne by Canadian women.

[438] Government of Canada, EI Maternity and Parental Benefits: Maximum Weekly Amounts (2024).
[439] Eaves and Schindler-Ruwisch (n 274).
[440] K Marshall, 'The Eligibility Divide: Who Gets Employment Insurance?' (2003) Statistics Canada Catalogue 75-001-X 7.
[441] Statistics Canada, Labour Force Survey Highlights (2023).
[442] Van Niel and others (n 104).

Maternity and parental leave in Canada provides strong protections for women's immediate employment and financial stability, far surpassing the Nigerian model and exceeding the UK in duration and flexibility. However, these policies also generate unintended economic consequences: delayed career progression, long-term wage penalties, and uneven access for precarious workers. Policy reforms that expand wage replacement, reduce eligibility barriers, and normalise fathers' uptake of leave hold the potential to equalise career opportunities and enhance women's long-term economic well-being.

5.22.1 Comparative Findings

It is necessary to highlight the implications of maternity leave regulation in Nigeria, the United Kingdom (UK), and Canada, with particular attention to legal design, labour market outcomes, maternal and child health, gender equality, and economic well-being. The comparative analysis demonstrates how maternity leave though universally framed as a protective labour right has divergent consequences depending on its financing structure, coverage, and integration with broader labour market institutions. What emerges is a nuanced picture of progress and limitations, as each jurisdiction grapples with the tension between supporting maternal health and advancing gender equality in the labour market.

1. Legal Design and Financing Models

Nigeria's statutory regime is anchored in the Labour Act 2004, which provides twelve weeks of maternity leave at full pay, funded entirely by the employer.[443] This employer-liability model creates disincentives for businesses, especially small and medium-sized enterprises, to employ women of childbearing age. In contrast, the UK operates a hybrid model, combining employer administration with state reimbursement through Statutory Maternity Pay (SMP) and Maternity Allowance.[444] Canada adopts a social insurance model, where maternity and parental benefits

[443] Labour Act, Cap L1 Laws of the Federation of Nigeria 2004, s 54.
[444] Employment Rights Act 1996 (UK), Part VIII.

are provided through the Employment Insurance (EI) programme, financed by employer and employee contributions.[445]

The financing design is central to outcomes: while Nigeria externalises costs to individual employers, the UK and Canada pool risks collectively, thereby diffusing direct discrimination pressures. However, each system reveals structural weaknesses, from Nigeria's exclusion of informal workers to Canada's eligibility thresholds that disadvantage precarious labour.

2. Maternal and Child Health Outcomes

Across jurisdictions, maternity leave policies are strongly correlated with improvements in maternal recovery and child well-being. In Nigeria, the brevity of leave undermines exclusive breastfeeding and contributes to maternal stress, limiting the health benefits associated with protected leave.[446] The UK's more generous framework supports longer recovery and child bonding, but partial wage replacement forces many women to return to work earlier than medically or socially desirable.[447] Canada's extended leave provisions (up to 18 months) promote breastfeeding, maternal mental health, and early child development.[448]

Thus, while all three countries recognise maternity leave as a public health instrument, Nigeria's short leave duration and weak enforcement limit positive outcomes, whereas the UK and Canada provide longer protection but struggle with affordability and equitable access.

3. Gender Equality and Labour Market Outcomes

Maternity leave remains double-edged in its implications for gender equality. In Nigeria, the employer-liability model fosters discriminatory hiring practices, with many firms reluctant to employ women in their reproductive years.[449] The weak statutory framework also exacerbates occupational segregation, confining women to low-security or informal roles.

[445] Employment Insurance Act, SC 1996, c 23.
[446] F. Ukwueze (n 8).
[447] UK Government, Statutory Maternity Pay and Leave (2024).
[448] Government of Canada, Employment Insurance Maternity and Parental Benefits (2024).
[449] A Fajana, 'Labour Standards and Women's Employment in Nigeria' (2019) 14 African Journal of Industrial Relations 89.

The UK, by shifting costs to the state, reduces overt discrimination but perpetuates the motherhood penalty through career interruptions, wage stagnation, and slower promotion trajectories.[450] Canada presents a similar paradox: while generous leave provisions enhance women's labour force attachment in the short term, extended absences often impede career progression in high-skilled professions.[451] In both the UK and Canada, the limited uptake of paternity leave reinforces the gendered division of labour, entrenching women's disproportionate caregiving role.

4. Economic Implications for Women's Employment and Financial Well-being

The economic effects of maternity leave policies manifest in three interrelated dimensions: employment opportunities, career progression, and financial security.

In Nigeria, short leave provisions and employer-funded benefits restrict women's entry into formal employment. The financial burden on firms discourages equal hiring, while women in informal work are almost entirely excluded from statutory protection.[452] This creates persistent financial precarity and reinforces gender-based economic inequality.

In the UK, while maternity leave facilitates job retention, partial wage replacement limits financial stability during leave. Low- and middle-income women, in particular, experience income shocks that exacerbate household strain.[453] In Canada, the EI system provides more stable financial continuity, but the benefit ceiling (55% of average earnings) disadvantages higher earners and excludes those without sufficient contribution records.[454]

[450] C O'Brien, Maternity Rights in the UK: Navigating Equality and Work–Family Balance (OUP 2017).
[451] S McKay, 'Maternity, Parental Leave and Women's Career Progression in Canada' (2017) 34 Canadian Public Policy 241.
[452] O Aniche, 'Informal Employment and Women's Labour Rights in Nigeria' (2020) 15 Labour Law Review 56.
[453] UK Parliament Women and Equalities Committee, Gender Pay Gap Report (2018).
[454] K Marshall, 'The Eligibility Divide: Who Gets Employment Insurance?' (2003) Statistics Canada Catalogue 75-001-X.

Across all three jurisdictions, maternity leave contributes to long-term economic disparities, particularly through cumulative lifetime earnings gaps, reduced pension accumulation, and heightened poverty risks among mothers.

5. Distributional Impacts

Distributional inequalities are a common thread. In Nigeria, benefits disproportionately accrue to women in the formal sector, excluding the majority employed informally.[455] In the UK, reliance on statutory minimums versus employer "top-ups" widens inequalities between professional and working-class women. In Canada, eligibility criteria for EI disproportionately exclude part-time, seasonal, and precarious workers many of whom are women.[456]

Thus, while maternity leave policies formally apply universally, their real-world effects are mediated by occupational status, class, and labour market positioning, amplifying socio-economic disparities within female populations.

6. Reform Options and Comparative Lessons

The comparative evidence highlights targeted reform priorities:

i. Nigeria: Transitioning from an employer-liability system to a pooled or state-supported model would diffuse costs, reduce discrimination, and extend protections to a wider base of workers.

ii. UK: Enhancing wage replacement rates and promoting genuine shared parental leave uptake would help mitigate the motherhood penalty and redistribute caregiving.

iii. Canada: Addressing eligibility gaps and increasing benefit ceilings would strengthen equity and financial adequacy, particularly for precarious and middle-income workers.

[455] International Labour Organization, Maternity Protection Resource Package (2012).
[456] L Vosko, 'Precarious Work and Women's Labour Rights in Canada' (2010) Labour/Le Travail 59.

A shared lesson across all jurisdictions is the need to normalise paternal leave uptake. Without greater male participation in early childcare, and maternity leave, regardless of its generosity risks reinforcing traditional gender roles and perpetuating economic inequality.

The comparative analysis demonstrates that maternity leave regulation, while critical for safeguarding maternal and child health, continues to generate ambivalent outcomes for women's economic and social equality. Nigeria's employer-liability regime undermines women's labour market opportunities and entrenches precarity. The UK's state-supported hybrid model provides moderate security but sustains gendered career penalties. Canada's social insurance framework offers comparatively stronger protections yet fails to address eligibility inequities and career deceleration risks.

Taken together, these findings reveal that maternity leave alone cannot achieve gender parity in the labour market. Effective reform requires an integrated approach: adequate financing, inclusive access, cultural change around caregiving, and structural support for women's long-term economic participation.

5.23 Comparative Synthesis: Economic Implications of Maternity Leave Policies in Nigeria, the United Kingdom, and Canada

The economic dimensions of maternity leave regulation reveal both cross-jurisdictional convergences and striking divergences. Nigeria, the United Kingdom (UK), and Canada embody three distinct models of maternity leave: the employer-liability system (Nigeria), the state-supported hybrid system (UK), and the publicly funded social insurance system (Canada). Each design affects women's economic empowerment, labour market outcomes, and long-term financial security in unique ways.

1) Employment Opportunities

In Nigeria, maternity leave is short (12 weeks under the Labour Act) and fully employer-funded.[457] This imposes significant costs on firms, particularly small and medium enterprises, which in turn creates disincentives to hire or retain women of reproductive age.[458] Employers may perceive female workers as liabilities, fuelling discriminatory hiring practices and perpetuating occupational segregation.

By contrast, the UK and Canada reduce employer disincentives by shifting the financing burden to the state or pooled insurance systems. In the UK, employers initially pay Statutory Maternity Pay (SMP) but are reimbursed by the government for most costs.[459] In Canada, Employment Insurance (EI) covers maternity and parental benefits entirely through social contributions.[460] These models minimise direct financial pressures on employers, thus encouraging more equitable hiring. However, subtler forms of discrimination persist in all three jurisdictions, with women in higher-risk or high-cost industries disproportionately affected.

2) Career Progression

Maternity leave has ambivalent effects on career progression across all three countries. In Nigeria, the brevity of leave and weak job protection mechanisms often force women to return to work prematurely, or risk dismissal if they extend time off.[461] This undermines career continuity and reduces women's prospects of climbing organisational hierarchies.

The UK offers longer protection (up to 52 weeks), but research shows that extended leave may erode women's visibility within organisations, leading to slower promotions and wage stagnation.[462] In Canada, where mothers often take up to a year or more off, this "career

[457] Labour Act, Cap L1 Laws of the Federation of Nigeria 2004, s 54.
[458] Adewumi F, 'The Nigerian Labour Law and the Challenges of Maternity Protection' (2022) 14(2) Nigerian Journal of Labour Law and Industrial Relations 55.
[459] Employment Rights Act 1996 (UK), Part VIII.
[460] Employment Insurance Act, SC 1996, c 23.
[461] A Fajana, 'Labour Standards and Women's Employment in Nigeria' (2019) 14 African Journal of Industrial Relations 89.
[462] C O'Brien, Maternity Rights in the UK: Navigating Equality and Work–Family Balance (Oxford University Press 2017).

deceleration" is more pronounced.[463] Women in competitive or high-skilled professions face delayed career milestones, while those in unionised or public-sector jobs fare better due to collective protections.

A common thread emerges: although maternity leave secures short-term job continuity, prolonged absence exacerbates the "motherhood penalty" in long-term career advancement. This highlights a structural tension between protecting early maternal care and sustaining women's career momentum.

3) Financial Well-Being

The financial implications are particularly stark in Nigeria, where leave is short, wages are often unpaid outside statutory provisions, and coverage excludes vast numbers of women in the informal sector.[464] Many women face economic precarity during and after childbirth, deepening gendered financial inequalities.

In the UK, wage replacement is partial: 90% of earnings for the first six weeks, followed by a flat-rate payment that often falls below subsistence needs.[465] While this secures basic income continuity, many women particularly in low-income households struggle with reduced earnings.

In Canada, wage replacement is more generous (55% or 33% for extended leave), but still insufficient for middle- and higher-income earners.[466] Moreover, eligibility thresholds exclude many precarious workers, particularly in part-time or seasonal employment.

In all three jurisdictions, maternity leave policies entrench the motherhood wage penalty: reduced lifetime earnings, slower pension accumulation, and heightened risk of poverty in later life. However, the severity of this penalty varies being most acute in Nigeria, moderate in the UK, and relatively mitigated in Canada.

[463] S McKay, 'Maternity, Parental Leave and Women's Career Progression in Canada' (2017) 34 Canadian Public Policy 241.
[464] International Labour Organization, Maternity Protection Resource Package (2012).
[465] UK Government, Statutory Maternity Pay and Leave (2024).
[466] Government of Canada, Employment Insurance Maternity and Parental Benefits (2024).

4) Distributional Impacts

Maternity leave structures also reveal distributional inequalities. In Nigeria, women in formal employment benefit marginally, but the majority engaged in informal or casual labour remain outside statutory protections.[467] This exclusion entrenches economic vulnerability for lower-income women.

In the UK, the flat-rate structure disadvantages high earners while providing relative support to low-income mothers. Yet occupational disparities persist, with professional women often relying on employer "top-ups," while working-class women subsist on statutory minimums. In Canada, the EI system disproportionately benefits women in stable, full-time employment, leaving precarious workers under-protected.[468]

5) Reform Options and Comparative Lessons

From a comparative perspective, each jurisdiction offers instructive reform lessons. For Nigeria, integrating maternity benefits into a national insurance or pooled fund would reduce employer bias, broaden coverage, and align with international labour standards. The UK could strengthen replacement rates beyond the flat-rate plateau, particularly for middle-income earners, while promoting greater paternal leave uptake to reduce gender asymmetry in caregiving. Canada, though a global leader, must address eligibility gaps and expand wage replacement levels to reduce financial strain during leave.

Crucially, all three jurisdictions face the challenge of normalising shared parental leave. Without greater male uptake, maternity leave however well-designed risks reinforcing gendered divisions of labour and sustaining women's disproportionate economic burdens.

The comparative evidence demonstrates that maternity leave policies, while designed to protect women's employment during motherhood, often yield ambivalent or unintended economic

[467] O Aniche, 'Informal Employment and Women's Labour Rights in Nigeria' (2020) 15 Labour Law Review 56.
[468] K Marshall, 'The Eligibility Divide: Who Gets Employment Insurance?' (2003) Statistics Canada Catalogue 75-001-X.

consequences. Nigeria's employer-liability model undermines women's labour market opportunities and entrenches economic precarity. The UK's hybrid state-funded system improves income continuity but perpetuates partial wage replacement and career stagnation. Canada's social insurance approach offers greater security but risks reinforcing long career interruptions and leaves precarious workers behind.

Overall, the balance between maternal care, labour market integration, and economic equality remains elusive across all three jurisdictions. Reform efforts must focus not only on extending duration or improving pay but also on redistributing caregiving responsibilities, securing inclusive access, and mitigating the long-term motherhood penalty.

5.24 Effects of the Maternity Leave Policy in Nigeria on the Work–Life Balance of Working Mothers

Work–life balance refers to the ability of individuals, particularly women with caregiving responsibilities, to manage professional obligations alongside personal and family life. In Nigeria, maternity leave policies are central to shaping this balance. Under the Labour Act 2004, female employees are entitled to twelve weeks of maternity leave, typically six weeks before and six weeks after childbirth, on at least 50% of their wages if they have worked with the employer for a minimum of six months prior to delivery.[469] While some public institutions (e.g., the federal civil service) extend leave to 16 weeks, and a few state governments grant longer durations (e.g., Lagos State provides 24 weeks),[470] the framework remains fragmented and limited compared to international best practice.

1. Impacts on Maternal Well-being

[469] Labour Act, Cap L1 Laws of the Federation of Nigeria 2004, s 54.
[470] Federal Civil Service Rules (Nigeria), Rule 100230; Lagos State Government, Lagos State Civil Service Rules (2019).

The short duration of statutory leave often forces women to resume work prematurely, sometimes within three months of childbirth. This can undermine physical recovery, impede exclusive breastfeeding (recommended for six months by the World Health Organization), and contribute to stress and fatigue.[471] Many Nigerian women report difficulties juggling infant care with workplace expectations, which strains their overall work–life balance.

2. Household and Family Dynamics

Maternity leave in Nigeria is structured as a mother-only entitlement. There is no statutory provision for paternity or shared parental leave, which entrenches gendered divisions of labour in caregiving.[472] As a result, women often bear a disproportionate burden of childcare and domestic responsibilities, while men remain fully engaged in the workforce. This limits opportunities for joint caregiving, undermines equitable household dynamics, and reinforces the "double shift" phenomenon for women balancing employment with unpaid domestic work.

3. Career–Life Trade-Offs

Because maternity leave is short and only partially paid, many mothers face career-related trade-offs. In sectors with weak job security or informal contracts, some employers perceive maternity leave as costly, leading to workplace discrimination, reluctance to hire young women, or even termination.[473] Women may therefore delay childbearing or exit the formal labour force altogether, prioritising family over career advancement. Such outcomes not only distort work–life balance but also limit women's long-term economic security and professional growth.

[471] World Health Organization, Infant and Young Child Feeding: Guiding Principles (WHO 2021).
[472] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022).
[473] Folake O Akinsanya, 'Women, Work and Family in Nigeria: Challenges and Prospects' (2019) 7 Journal of Law, Policy and Globalization 85.

4. Informal Sector Challenges

The Nigerian economy is dominated by the informal sector, where maternity protection is largely absent.[474] Working mothers in informal employment (e.g., market traders, artisans, domestic workers) often continue working late into pregnancy and return to work almost immediately after childbirth, without institutional support. This exacerbates work–life imbalance, as women must juggle infant care with income-generating activities without rest or protection.

5. Implications for Work–Life Balance

In practice, maternity leave policy in Nigeria offers minimal support for sustainable work–life balance. Limited leave length, partial wage replacement, lack of paternal leave, and absence of enforcement in the informal sector collectively:

I. Increase stress and health risks for working mothers,
II. Restrict women's ability to provide optimal childcare,
III. Entrench gendered caregiving roles,
IV. Force mothers into early return to work or withdrawal from formal employment.

6. Reform Prospects

To enhance work–life balance, scholars and advocacy groups recommend: extending maternity leave to at least 16–24 weeks in line with global health standards; ensuring full wage replacement to reduce financial pressure; introducing paternity leave to foster shared

[474] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022).

caregiving; and enforcing maternity protections in the informal sector through social protection schemes.[475]

Nigeria's maternity leave policy, while providing a basic framework of protection, remains inadequate to guarantee a healthy work–life balance for working mothers. The short duration, low wage replacement, and exclusion of fathers and informal workers place a disproportionate burden on women, reinforcing inequalities and limiting both maternal well-being and professional development. Strengthening maternity and parental leave provisions is therefore essential to promote healthier work–life balance and gender equity in the Nigerian labour market.

5.25 The Effects of Maternity Leave Policy on the Work–Life Balance of Working Mothers in the United Kingdom

The United Kingdom provides one of the most extensive statutory maternity leave frameworks in Europe, allowing up to 52 weeks of maternity leave (26 weeks ordinary and 26 weeks additional leave). However, the policy's implications for the work–life balance of working mothers are complex, shaped not only by the duration of leave but also by the financial design and cultural uptake of shared leave options.

A. Time for Recovery and Infant Care

On the positive side, the UK framework affords mothers a lengthy period of absence from work, which in theory facilitates adequate physical recovery from childbirth, breastfeeding,

[475] United Nations Children's Fund (UNICEF), Family-Friendly Policies: A Global Survey of Business Policy Trends (UNICEF 2021).

and bonding with the child. The provision of up to one year of leave far exceeds the World Health Organization (WHO) recommendation of six months exclusive breastfeeding, thus potentially strengthening maternal and child health while reducing stress associated with early return to work.[476]

B. Financial Security and Stress

However, Statutory Maternity Pay (SMP), which is provided for 39 weeks, offers only 90% of average weekly earnings for the first six weeks, followed by a flat rate (or 90% of earnings if lower) for the remaining 33 weeks.[477] This sharp decline in income security often places financial strain on mothers, particularly those in low-paid or precarious employment, forcing some to return to work earlier than intended.[478] The resulting economic pressure undermines the intended work–life balance benefits of the extended leave period.

C. Gendered Division of Care

The introduction of Shared Parental Leave (SPL) in 2015 sought to improve gender equality by enabling parents to split leave entitlements.[479] However, uptake among fathers remains extremely low (estimated at 2–4%),[480] meaning caregiving responsibilities overwhelmingly fall on mothers. This exacerbates the traditional gender imbalance in household and caregiving duties, making work–life balance a disproportionately maternal burden.

D. Career Continuity and Reintegration

[476] United Nations Children's Fund (UNICEF), Family-Friendly Policies: A Global Survey of Business Policy Trends (UNICEF 2021).
[477] UK Government, 'Statutory Maternity Pay and Leave: Employer Guide' (Gov.uk, 2023).
[478] Katherine Twamley and Charlotte Faircloth, 'The Limits of Statutory Leave for Work–Life Balance in the UK' (2019) 42 Journal of Social Policy 639.
[479] Shared Parental Leave Regulations 2014 (SI 2014/3050).
[480] UK Department for Business, Energy & Industrial Strategy, Evaluation of Shared Parental Leave (BEIS Research Paper 2018).

While statutory protections ensure mothers cannot be dismissed for taking maternity leave, extended absence from the workplace often weakens career progression. Many women report challenges in reintegrating into the labour market after a year-long absence, including reduced visibility for promotions, skill stagnation, and negative employer perceptions of commitment.[481] Flexible working arrangements, which mothers may request upon return, help mitigate these challenges but are unevenly accessible across sectors and occupational hierarchies.

E. Differential Impacts

The work–life balance outcomes of maternity leave policy in the UK are therefore highly stratified by class and occupation. Professional women in large firms often benefit from employer "top-up" policies that maintain higher pay during leave, improving both financial security and balance. By contrast, women in precarious or self-employed work often rely on Maternity Allowance, which provides significantly less income replacement and fails to guarantee equitable work–life protections.[482]

F. Overall Assessment

In summary, while the UK's maternity leave policy provides generous temporal space for balancing work and caregiving, its weak financial design, low SPL uptake, and persistent gendered caregiving norms limit its effectiveness. For many mothers, particularly in lower-income groups, work–life balance remains precarious as they must juggle caregiving responsibilities, financial insecurity, and career stagnation.

[481] Suzan Lewis, 'Work–Family Balance, Gender and Policy' (2009) 19 Edward Elgar Handbook of Work and Family.
[482] Trades Union Congress (TUC), Maternity Pay and Insecure Work (TUC Report 2021).

5.26 The Effects of Maternity Leave Policy on the Work–Life Balance of Working Mothers in Canada

Canada provides one of the most comprehensive maternity and parental leave frameworks globally, combining 15 weeks of maternity leave (available exclusively to birth mothers) with up to 40 weeks of standard parental leave (or 69 weeks if parents choose the extended option).[483] This design significantly shapes the work–life balance of Canadian mothers by offering both flexibility and financial security.

1) Time for Recovery and Infant Care

The statutory 15-week maternity leave period ensures mothers have dedicated time for postnatal recovery and initial child care, reducing the pressure of an early return to the workforce.[484] Combined with parental leave entitlements, mothers often remain at home with infants for up to a year, or even 18 months under the extended option. This extensive leave period promotes breastfeeding, maternal mental health, and child development, thereby alleviating stress and facilitating a healthier work–life balance.

2) Financial Security and Stress Management

Financial support during leave is delivered primarily through Employment Insurance (EI) benefits, which provide 55% of average weekly earnings for up to 40 weeks (standard option), or 33% of earnings for up to 69 weeks (extended option), subject to a weekly maximum.[485] This relatively high income replacement rate reduces financial strain and allows women particularly those in formal, stable employment to make caregiving decisions without the same level of economic stress observed in countries like Nigeria or even the UK. However, the

[483] . Employment Insurance Act, SC 1996, c 23.
[484] Canadian Human Rights Commission, Pregnancy and Human Rights in the Workplace (CHRC 2014).
[485] Government of Canada, 'Employment Insurance Maternity and Parental Benefits' (2023) [https://www.canada.ca] (https://www.canada.ca) accessed 25 August 2025.

benefits are capped, which can disproportionately affect higher-income women, while lower-wage workers may still find the reduced income inadequate, forcing compromises in caregiving or earlier returns to work.

3) Gendered Division of Care

Canada's policy explicitly reserves a portion of parental leave weeks for each parent (the so-called "use-it-or-lose-it" approach),[486] encouraging fathers' involvement in childcare. Uptake among fathers, though still modest, is higher than in the UK due to this design, which helps to redistribute caregiving responsibilities. This reduces the disproportionate caregiving burden traditionally borne by mothers, allowing for a more balanced division of work and family responsibilities.[487] For mothers, this translates into improved work–life balance by sharing domestic responsibilities with partners.

4) Career Continuity and Reintegration

Despite statutory job protection, extended absences (especially the 18-month option) can hinder women's career progression. Mothers may face challenges such as slower promotion trajectories, skill depreciation, or subtle workplace biases questioning their commitment.[488] Nevertheless, compared to Nigeria and the UK, Canadian mothers benefit from stronger cultural and institutional support for reintegration, including access to flexible work arrangements and subsidised childcare in several provinces (e.g., Quebec). These measures help smooth transitions back into employment, preserving long-term career prospects while safeguarding maternal well-being.

[486] Canada Labour Code, RSC 1985, c L-2, Part III.
[487] Lindsey McKay, Sophie Mathieu and Andrea Doucet, 'Parental Leave in Canada: An Historical and International Overview' (2016) 43 Canadian Journal of Family and Youth 57.
[488] Katherine Marshall, 'The Family Work Balance: Perspectives of Canadian Parents' (Statistics Canada 2018).

5) Differential Impacts

The advantages of Canadian maternity leave are unevenly distributed. Women in stable, full-time employment benefit most, enjoying both generous leave and income replacement. Conversely, mothers in precarious, part-time, or informal work may not qualify for EI benefits due to insufficient insurable hours, undermining their work–life balance protections.[489] This stratification mirrors broader inequalities in the Canadian labour market, suggesting that policy generosity alone does not guarantee equitable outcomes.

6) Overall Assessment

Overall, Canada's maternity and parental leave system provides significant improvements to work–life balance for mothers compared with Nigeria and the UK, by offering longer, more flexible leave with higher financial security and stronger encouragement of paternal involvement. Yet challenges remain, particularly for women in insecure work, and for those whose extended leave may inadvertently slow career advancement.

[489] Leah Vosko and Andrea Noack, 'Precarious Jobs and Inadequate Rights: The Case of Canada's Parental Leave' (2019) 47 Relations Industrielles/Industrial Relations 585.

5.26.1 Table: Effects of Maternity Leave Policy on the Work–Life Balance of Working Mothers in Nigeria, the United Kingdom, and Canada

Dimension	Nigeria	United Kingdom	Canada
Statutory design	12 weeks (6 pre + 6 post), ≥50% pay; employer-funded; no paternity leave.	52 weeks leave (26 + 26); Statutory Maternity Pay for 39 weeks (90% AWE for 6 weeks, then flat rate/90% if lower); SPL available.	Maternity (≈15 weeks) + parental leave (40–69 weeks); EI funded at 55% (standard) or 33% (extended); Québec offers higher replacement through QPIP.
Time for recovery & care	Short leave; insufficient for 6-month exclusive breastfeeding; early return to work common.	Ample leave time; but reduced pay after 6 weeks limits full uptake, especially for low-income mothers.	Long and flexible; extended leave supports caregiving, but long absences may complicate reintegration.
Financial security	Partial pay (often minimum 50%); high income stress during leave	Income security weak after week 6 unless employer top-ups exist; unequal outcomes across sectors.	Earnings-related benefits offer better security; Québec's higher replacement improves balance, though trade-offs between income/duration persist.
Household Dynamics	No paternity leave; caregiving burden falls almost entirely on women.	SPL exists but uptake by fathers very low; gendered division persists	Some provinces (esp. Québec) incentivise fathers' leave; greater sharing

			improves women's balance
Career continuity & employer behaviour	Employer-funded leave discourages hiring/promotions for women; insecure jobs worsen balance.	Job protection helps; but long absences reduce visibility and slow progression; flexible working aids reintegration depending on employer culture.	Public financing reduces employer reluctance; but extended absences can slow progression; phased return policies needed.
Informal/precarious sector	Large informal economy excludes most women; many work during/after childbirth without protection.	Precarious/self-employed workers rely on Maternity Allowance (less generous); weaker work–life protection.	EI eligibility thresholds exclude precarious/self-employed; voluntary schemes exist but gaps remain.
Overall work–life balance impact	Poor: short duration, partial pay, gendered caregiving, and exclusion of informal workers.	Conditional: strong job protection and long leave, but weak pay beyond 6 weeks and limited SPL uptake restrict benefits.	Better: generous leave and financing, especially in Québec, but reintegration and eligibility gaps limit universal balance.

5.27 Comparative Analysis of effects of Maternity Leave Policies of the Three Countries on Working Mothers

1) Legal design

Nigeria

Statutory maternity leave is 12 weeks under the Labour Act 2004 (commonly 6 weeks before and 6 after), with pay of not less than 50% of wages for eligible employees; public-service rules are more generous in practice in some jurisdictions.[490]

United Kingdom

Employees are entitled to 52 weeks' maternity leave (26 ordinary + 26 additional) with Statutory Maternity Pay (SMP) for up to 39 weeks (6 weeks at 90% AWE, then a statutory flat rate/90% if lower); rights to request flexible working exist.[491]

Canada

Maternity (15 weeks) and parental leave are provided via Employment Insurance (EI): parents may take standard (up to 40 weeks shared) or extended (up to 69 weeks) options; Québec operates a separate, more generous QPIP.[492]

[490] Labour Act 2004, Cap L1, Laws of the Federation of Nigeria 2004, s 54; Federal Public Service Rules (Nigeria).
[491] Employment Rights Act 1996, ss 71–79; Statutory Maternity Pay (General) Regulations 1986; Flexible Working Regulations 2014.
[492] Employment Insurance Act, SC 1996, c 23; Québec Parental Insurance Plan (QPIP) documentation.

2) Time availability for care and recovery

Nigeria

Short statutory duration limits time available for postpartum recovery and sustained childcare (notably exclusive breastfeeding to six months), forcing many mothers back to work early and undermining work–life balance.[493]

United Kingdom

Long formal leave provides ample legal time for recovery and care, but the sharp reduction in pay after week six often constrains practical use of the full entitlement for lower-income households, producing early returns or staggered returns that complicate work–life balance.[494]

Canada

Generous combined leave options permit longer parental care periods; families can time return flexibly around benefit exhaustion. In Québec, higher replacement rates improve feasibility of extended time at home, improving work–life integration. However, lengthy absences can create reintegration tensions.[495]

3) Financial security during leave

[493] World Health Organization, Infant and Young Child Feeding: Guiding Principles; see ILO, Maternity and Paternity at Work (on duration and breastfeeding).
[494] GOV.UK, 'Maternity pay and leave' guidance; SPL evaluation reports (low uptake by fathers).
[495] Statistics Canada and QPIP reports on paternal uptake and parental leave effects.

Nigeria

Partial wage replacement (statutory minimum 50%) and employer-funded model create significant income stress for many mothers during leave, degrading their ability to balance work and family without financial strain. Financial pressure often shortens leave or forces informal income generation.[496]

United Kingdom

SMP provides income continuity but the statutory flat rate after week 6 is often inadequate for many families; employer top-ups are uneven, producing differential ability to stay home without financial hardship and thus unequal work–life outcomes.[497]

Canada

EI's earnings-related benefits improve income security for covered workers; Québec's QPIP offers even better replacement. Nonetheless, replacement caps and the choice between standard/extended rates create trade-offs between duration and income adequacy that shape household choices and work–life balance.[498]

4) Household dynamics and gendered division of labour

Nigeria

Absence of statutory paternity or shared parental leave entrenches mothers as primary caregivers; this gendered expectation intensifies the "double shift" (paid work + unpaid care) and weakens prospects for equitable work–life arrangements.[499]

[496] ILO analyses on employer-funded models and income effects; National Bureau of Statistics (Nigeria) on informal employment.
[497] HM Government guidance on SMP rates and evidence on employer top-ups.
[498] Government of Canada, EI maternity and parental benefits; QPIP annual reports.
[499] ILO, Maternity and Paternity at Work (on paternity leave and gender roles).

United Kingdom

Legal provision for Shared Parental Leave (SPL) exists but uptake by fathers is very low; cultural norms, pay differentials and complexity of SPL limit fathers' participation, so mothers continue to bear most care responsibilities despite long statutory leave.[500]

Canada

Non-transferable quotas (e.g. Québec) and recent parental sharing incentives increase fathers' participation in some provinces, rebalancing household caregiving and improving mothers' work–life balance where uptake is high. Nationally, mixed uptake means uneven effects.[501]

5) Career continuity, employer behaviour and reintegration

Nigeria

Employer-liability financing and weak enforcement produce employer reluctance to hire, train or promote women of childbearing age; short leave combined with insecure jobs forces many women into career-life trade-offs (early return, demotion or exit), worsening long-term work–life balance prospects.[502]

United Kingdom

[500] Department for Business and Trade, Shared Parental Leave Uptake Data (UK).
[501] QPIP Annual Report; Statistics Canada analyses of parental leave uptake.
[502] O Aniche, 'Informal Employment and Women's Labour Rights in Nigeria'; labour law studies on employer discrimination.

Legal job protection reduces outright dismissal risk; however, long absences can reduce visibility, lead to missed opportunities, and create pressure to accept part-time roles on return. Flexible working rights help, but their effectiveness depends on employer culture.[503]

Canada

Job protection plus public financing reduces employer cost concerns, improving hiring and retention; yet extended absences can slow career progression and require active reintegration policies (phased return, retraining) to preserve women's long-term work–life balance. Québec's experience shows stronger paternal involvement lessens career penalties for women.[504]

6) Effects in the informal and precarious sectors

Nigeria

With a large informal economy, many women lack any maternity protection; informal workers often work through pregnancy and return immediately after childbirth, producing severe work–life imbalance and health risks.[505]

United Kingdom

Self-employed and precarious workers may rely on Maternity Allowance or have limited access to employer top-ups; consequently, those outside secure employment face more acute work–life tensions.[506]

Canada

[503] C O'Brien, Maternity Rights in the UK; ACAS guidance on return to work.
[504] S McKay, 'Maternity, Parental Leave and Women's Career Progression in Canada'; employer reintegration literature.
[505] ILO, Women and Men in the Informal Economy (3rd edn).
[506] Social Security Contributions and Benefits Act 1992 (Maternity Allowance); studies on precarious workers in the UK.

EI eligibility thresholds exclude some precarious and part-time workers; while voluntary entry schemes exist for the self-employed, coverage gaps mean many women's work–life balance remains unprotected.[507]

7) Net comparative assessment

Time vs. money trade-off: Nigeria offers limited time and partial pay, poor work–life balance; the UK offers long time but weak pay replacement beyond early weeks, conditional work–life balance dependent on income; Canada offers better income/time combinations (especially Québec), but eligibility and reintegration issues limit universal gains.[508]

Gender norms matter: Where paternity/parental leave and incentives exist and are taken up (Québec), mothers report better work–life balance; where father uptake is low (Nigeria, much of UK), burdens remain heavily female.[509]

Informality/exclusion is decisive: Large informal sectors (Nigeria) or eligibility gaps (Canada/UK) produce the worst work–life outcomes for the most vulnerable mothers.[510]

8) Policy implications

Nigeria

Extend duration (≥16 weeks), raise income replacement, introduce statutory paternity/parental leave, and create a pooled social-insurance fund to include informal workers. These measures would substantially improve work–life balance.[511]

United Kingdom

[507] Statistics Canada, EI eligibility research; policy papers on self-employed coverage.
[508] Cross-jurisdictional syntheses: ILO (n 3) and OECD comparative reviews (various).
[509] Québec evidence on father quotas and maternal outcomes (QPIP).
[510] National Bureau of Statistics (Nigeria) on informality; Canadian/UK reports on eligibility gaps.
[511] ILO recommendations; policy proposals elaborated in thesis chapter.

Raise statutory pay beyond the initial weeks, simplify and financially incentivise SPL (or introduce non-transferable father quotas), and strengthen flexible working entitlements to normalise phased returns.[512]

Canada

Close EI eligibility gaps, and scale employer-assisted reintegration programmes; national measures to normalise paternal leave beyond Québec's model would improve work–life balance uniformly.[513]

5.28 Infant Mortality Rates in Nigeria

Infant mortality remains one of the most pressing public health challenges in Nigeria. The country records among the highest infant mortality rates globally, despite gradual improvements over the past two decades. According to the World Bank, Nigeria's infant mortality rate was estimated at 54 deaths per 1,000 live births in 2022, a significant decline from over 100 deaths per 1,000 live births in 2000, yet still considerably higher than the global average of 28 per 1,000 live births. [1] This figure starkly contrasts with advanced economies such as the United Kingdom (3.6 per 1,000) and Canada (4.4 per 1,000), underscoring persistent health inequalities. [2]

1) Structural Drivers

Several interlinked structural factors underpin Nigeria's elevated infant mortality rate: They are:

[512] TUC and Women & Equalities Committee policy papers.
[513] Government of Canada reports on EI reform and parental leave policy.

A. Weak health infrastructure: Inadequate health facilities, shortage of trained medical personnel, and limited access to essential drugs hinder effective neonatal and maternal care. [3]
B. Socioeconomic inequalities: High levels of poverty and income inequality reduce access to skilled birth attendance, antenatal care, and safe delivery conditions.
C. Cultural and regional disparities: Infant mortality rates are disproportionately higher in rural and northern regions, where maternal health services are less accessible.
D. Policy implementation gaps: Although Nigeria has ratified various international commitments to reduce infant mortality (e.g., Sustainable Development Goals), weak enforcement and underfunded health programmes undermine progress.

2) Link with Maternity Leave Policy

The persistently high infant mortality rate in Nigeria highlights the importance of maternity leave regulation as a potential policy lever to improve maternal and child health outcomes. The statutory 12-week maternity leave provided under Nigerian law is relatively short compared to international standards.[4] Research has demonstrated that longer maternity leave is associated with improved neonatal survival, particularly by enabling exclusive breastfeeding for the first six months of life, which the World Health Organization identifies as critical for reducing infant deaths.[5] However, Nigerian mothers often return to work before this period, limiting the benefits of breastfeeding and postnatal care. Furthermore, the absence of paid paternity leave reduces the capacity for shared caregiving, thereby overburdening mothers during this vulnerable period.

3) Policy Implications

To address the high infant mortality rate, Nigerian maternity leave regulation requires reform in both duration and implementation. Extending paid maternity leave to at least six months

would align with WHO breastfeeding recommendations and global best practice, potentially lowering neonatal mortality rates. In addition, introducing statutory paternity leave could help redistribute caregiving responsibilities, reduce maternal stress, and improve infant health outcomes. Without such reforms, progress in reducing infant mortality may remain slow despite wider health-sector interventions.

5.29 Infant Mortality Rates in the United Kingdom

The United Kingdom records comparatively low infant mortality rates, reflective of its advanced health infrastructure, universal health coverage, and robust maternal welfare policies. According to the Office for National Statistics (ONS), the UK's infant mortality rate stood at 3.6 deaths per 1,000 live births in 2021, among the lowest globally, though slightly higher than some Western European counterparts such as Sweden (2.1) or Norway (2.0).[1]

A. Structural Drivers

Despite the overall low rate, disparities remain across socioeconomic and ethnic groups. This is caused by:

a. Health system strengths: The National Health Service (NHS) provides near-universal access to prenatal, delivery, and postnatal care, ensuring that most women benefit from professional support during childbirth. [2]
b. Socioeconomic inequalities: Infant mortality is disproportionately higher among mothers in deprived communities, particularly in urban areas of England, where poverty, overcrowding, and poor housing contribute to poorer health outcomes. [3]
c. Ethnic disparities: Studies indicate that Black, Asian, and minority ethnic (BAME) families experience higher infant mortality compared to White counterparts, linked to a combination of structural inequalities and barriers in accessing health services. [4]

d. Regional differences: Rates are slightly higher in regions such as the West Midlands and North West, reflecting broader patterns of inequality in health outcomes.

B. Link with Maternity Leave Policy

The UK's statutory maternity leave of up to 52 weeks (39 weeks paid at varying rates) provides one of the most generous entitlements globally in terms of duration. [5] This long leave period allows mothers to recover from childbirth, engage in exclusive breastfeeding, and ensure early infant care all factors associated with improved infant survival. The policy also indirectly supports lower infant mortality by reducing the immediate economic pressure on mothers to return to work prematurely. However, low-paid mothers or those in insecure employment are less able to take the full entitlement, limiting its protective effect among vulnerable groups. [6]

The introduction of Shared Parental Leave (2015) also creates opportunities for fathers to take time off work, redistributing caregiving responsibilities and indirectly benefiting maternal recovery and infant health outcomes. Nonetheless, uptake remains low due to cultural attitudes and income disparities, limiting its overall impact on infant mortality reduction.

C. Policy Implications

While the UK performs strongly in infant survival relative to global standards, persistent health inequalities remain a barrier to achieving further reductions. Reforms aimed at increasing the take-up of paid maternity leave among low-income mothers, coupled with targeted interventions in deprived communities, could help close the inequality gap. Additionally, expanding incentives for fathers' uptake of parental leave may further improve outcomes by ensuring better postnatal care and maternal support.

5.30 Infant Mortality in Canada

Current level and recent trend

Canada records a low infant mortality rate by international standards. The most recent series show an infant mortality rate of 4.4 deaths per 1,000 live births in 2023, following a stable pattern around 4.4–4.5 per 1,000 since 2019. This level places Canada among high-income countries with low neonatal and infant deaths, although it is not the absolute lowest in Western Europe and other OECD comparators.

I. Underlying drivers and within-country disparities.

Despite the low national average, important inequities persist. Reasons for this being:

a. Indigenous and remote communities. Indigenous populations (First Nations, Inuit, Métis) experience higher infant mortality and worse perinatal outcomes than the non-Indigenous population. Recent Statistics Canada reporting highlights that life expectancy and infant mortality indicators for Indigenous peoples continue to lag national averages, reflecting long-standing structural deprivations and gaps in access to culturally appropriate perinatal care.
b. Geography and access. Rural and remote regions (including parts of the North) show elevated neonatal and infant mortality attributable to limited access to obstetric/neonatal services, longer transport times for emergency care, and shortages of specialised staff.
c. Socioeconomic and systemic determinants. Social determinants like poverty, housing, food insecurity, and exposure to harmful in-utero environments contribute to adverse birth outcomes and higher infant mortality in vulnerable subgroups. Recent literature

and policy analyses emphasise that these inequities are perpetuated by systemic barriers in healthcare delivery and social policy.

II. Proximal medical causes

At the clinical level, infant deaths in Canada are primarily driven by preterm birth and its complications, congenital anomalies, and perinatal conditions; sudden infant death syndrome and infections contribute proportionally less than in lower-income settings. The distribution of these causes varies with maternal health, prenatal care quality, and timely access to neonatal intensive care. National public-health surveillance and hospital data underpin these patterns.

III. Linkages to maternity/parental leave policy

Maternity and parental leave can influence infant survival through several mechanisms that operate even in high-income settings like Canada:

1) Breastfeeding support. Paid leave increases initiation and duration of breastfeeding, which reduces infectious morbidity and may lower infant mortality risks in the neonatal and post-neonatal periods. The availability of extended parental leave (and higher replacement in provinces such as Québec) is associated with higher breastfeeding rates and improved early child health indicators.
2) Healthcare utilisation. Income security during leave enables parents to attend scheduled postnatal visits, complete immunisation series on time, and seek early treatment for neonatal problems actions that reduce avoidable infant deaths.
3) Stress reduction and caregiving capacity. Financial and temporal resources provided by leave reduce maternal stress and improve caregiving quality, which indirectly supports infant health outcomes. This effect is strongest where leave is both adequately paid and widely accessible.

However, the beneficial effect of leave on population-level infant mortality depends on equitable access. Canada's federal EI benefits and provincial schemes (notably Québec's QPIP) produce stronger protective effects where coverage and replacement levels are higher; conversely, eligibility thresholds and benefit caps leave some precarious workers and self-employed parents under-protected, limiting the policy's reach to the populations that frequently carry higher infant mortality burdens.

IV. Policy implications for reducing infant mortality and health inequities.

For instance:

a) Close coverage gaps. Extending eligibility (or creating targeted parental supports) for self-employed, part-time and precarious workers would expand the protective reach of leave to groups with the highest infant mortality risk.

b) Strengthen provincial-federal coordination. Lessons from Québec's higher replacement and paternal quota experience indicate that more generous, better-targeted leave packages can improve early child-health indicators in disadvantaged populations if coupled with accessible local services.

c) Address social determinants in tandem. Because medical causes of infant death intersect with housing, food security, and culturally appropriate services, leave policy should be part of an integrated strategy that includes perinatal outreach, Indigenous-led maternal-child programs, and improved primary care access in remote areas.

Canada's national infant mortality rate is low (≈4.4 per 1,000 in 2023), reflecting strong health systems and social supports. Nevertheless, meaningful subnational and population-group disparities persist, especially among Indigenous peoples and residents of remote communities. Maternity and parental leave policies contribute positively to infant health through breastfeeding support, enabling healthcare utilisation, and reducing caregiver stress but their population impact depends critically on equitable coverage, adequate wage replacement, and

integration with broader social and health services. Policies that extend coverage and target vulnerable groups are therefore key levers for further reductions in infant mortality and narrowing health inequities.

1) Comparative Analysis of the Infant Mortality Rate of the three Countries

When viewed comparatively, infant mortality rates underscore the divergent health outcomes in Nigeria, the United Kingdom, and Canada, while also revealing how maternity leave frameworks shape maternal and child health trajectories. Nigeria continues to experience a high infant mortality rate of around 54–55 deaths per 1,000 live births (2023), reflecting systemic challenges in healthcare access, poverty, and limited maternity protections, with its short and often poorly enforced 12-week leave policy offering little structural support to mothers. In contrast, the United Kingdom records a much lower rate of 3.3 per 1,000 live births (2023), aided by comprehensive prenatal care and a maternity leave system that provides up to 52 weeks, though with varying levels of pay; these provisions allow mothers greater opportunity to access health services and provide consistent postnatal care. Canada falls in a similar range, at 4.4 per 1,000 live births (2023), benefitting from universal healthcare and generous maternity/parental leave schemes of up to 18 months, with Québec offering particularly high wage replacement rates; this design has been linked to higher breastfeeding rates and better infant health outcomes. Together, these contrasts highlight that while medical infrastructure is critical, maternity leave policies act as complementary levers that influence infant survival by enabling breastfeeding, ensuring timely healthcare utilisation, and reducing maternal stress thereby contributing to the stark differences observed across the three jurisdictions.

5.31 Comparative Table: Infant Mortality Rates and Links to Maternity Leave Policies

Country	Infant Mortality Rate (per 1,000 live births, 2023)	Maternity Leave Design	Likely Link to Infant Health Outcomes
Nigeria	54 - 55	12 weeks leave (public sector); uneven enforcement; limited private sector compliance	Short, weakly enforced leave contributes to poor breastfeeding practices, limited postnatal care, and high infant mortality.
United Kingdom	3.3	52 weeks statutory leave (39 weeks paid, declining rate); Shared Parental Leave option.	Longer leave enables health service access and maternal recovery; lower rates linked to supportive healthcare and leave system.

Canada	4.4	15 weeks maternity + up to 40 weeks parental (69 weeks if extended); higher wage replacement in Québec	Generous leave supports breastfeeding, bonding, and reduced stress, contributing to low infant mortality.

Chapter Six

Implications of Maternity Leave Policies on Women in Nigeria, the Uk and Canada

6.1 The Implication of Maternity Leave Policies on Women's Workforce Participation in Nigeria

a) Legal Design

Maternity leave in Nigeria is primarily governed by the Labour Act 2004, which provides for twelve weeks of paid maternity leave; six weeks before and six weeks after childbirth at at least 50% of the employee's wages if she has been in continuous employment for six months or more prior to confinement[514]. Public sector employees typically receive more favourable entitlements: under the Public Service Rules, federal civil servants are entitled to sixteen weeks on full pay[515]. Several states (for example, Lagos and Enugu) have extended public-sector leave to six months, citing child health and bonding objectives[516].

There is no statutory paternity leave under federal law, though some states have introduced short partner leave provisions (e.g., Lagos grants ten days to male civil servants)[517]. Leave pay is employer-funded, with no social insurance mechanism or cost-sharing arrangement, creating financial disincentives for some private employers to hire or retain women of childbearing age.

[514] Labour Act 2004, Cap L1, Laws of the Federation of Nigeria (LFN), s 54(1)– (4).
[515] Federal Republic of Nigeria, Public Service Rules (2008 rev ed), r 100230
[516] Lagos State Government, 'Lagos Extends Maternity Leave for Female Civil Servants' (2019) [https://lagosstate.gov.ng] (https://lagosstate.gov.ng) accessed 14 August 2025.
[517] Lagos State Government, Civil Service Guidelines on Paternity Leave (2022).

b) Mechanisms Affecting Participation

The modest statutory duration and low replacement rate under the Labour Act limit the ability of many women, particularly in the private sector to take leave without economic hardship[518]. The absence of statutory paternity leave nationally reinforces gendered caregiving norms, concentrating postnatal responsibilities on mothers[519]. The funding model also indirectly shapes participation: because employers bear the full wage cost of maternity leave, some are reluctant to recruit, promote, or retain women of reproductive age, a factor contributing to statistical discrimination in hiring[520]. The disparity between public- and private-sector entitlements exacerbates inequalities in workforce retention across occupational sectors.

c) Labour-Market Outcomes

Women in the public sector experience higher post-leave retention rates due to full-pay provisions and longer job protection periods[521]. In contrast, private-sector mothers often return earlier than medically or socially optimal, move into informal or part-time work, or exit the labour market altogether[522]. The short statutory duration relative to global standards limits potential positive effects on maternal health and child development, and may deter highly skilled women from remaining in long-term formal employment, particularly in sectors without flexible work arrangements[523].

[518] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022).
[519] Adewumi F, 'The Nigerian Labour Law and the Challenges of Maternity Protection' (2022) 14(2) Nigerian Journal of Labour Law and Industrial Relations 55.
[520] T Adeyemi, 'Gender Discrimination in Nigeria's Labour Market: Causes and Remedies' (2020) 12 African Journal of Employment Relations 45
[521] Ibid.
[522] Adeyemi (n 7) 50.
[523] ILO (n 5) 151.

d) Distributional Impacts

The benefits gap between public and private sectors creates a two-tier maternity regime:

Public sector has longer, fully paid leave, higher job security, and better reintegration prospects; while Private sector has minimal statutory leave, lower pay replacement, and weaker enforcement of job protection provisions. Low-income women, disproportionately concentrated in informal employment, often have no access to statutory leave at all[524]. Geographic disparities also exist: southern states are more likely to have progressive leave policies, while northern states generally adhere strictly to the Labour Act minima[525].

e) Reform Options

To enhance women's workforce participation and reduce gender-based employment gaps, policy proposals in Nigerian scholarship and advocacy circles include:

i. Introducing a national social insurance scheme to fund maternity benefits, thereby reducing employer disincentives[526];
ii. Harmonising leave duration at a minimum of sixteen weeks nationally, with progressive movement toward the International Labour Organization's recommendation of at least eighteen weeks[527];
iii. Enacting statutory paternity leave to promote shared caregiving; and
iv. Extending formal leave coverage to women in informal and casual employment through contributory schemes or targeted subsidies[528].

[524] National Bureau of Statistics (NBS), Labour Force Statistics Q4 2023 (NBS 2024) 24.
[525] Ibid.
[526] Nigerian Labour Congress (NLC), Policy Brief on Maternity Protection and Social Insurance (2021).
[527] ILO Maternity Protection Convention 2000 (No 183), art 4.
[528] NLC (n 13).

Such reforms would align Nigeria more closely with international best practice and mitigate the negative labour-market impacts associated with the current employer-funded, gender-asymmetric system.

6.2 The Implication of Maternity Leave Policies on Women's Workforce Participation in the United Kingdom

1. Legal Design

Maternity leave in the UK is governed primarily by the Employment Rights Act 1996, the Maternity and Parental Leave etc. Regulations 1999, and related statutory instruments[529]. Eligible employees are entitled to 52 weeks of maternity leave divided into 26 weeks of Ordinary Maternity Leave (OML) and 26 weeks of Additional Maternity Leave (AML), regardless of length of service[530]. Pay during leave is provided through Statutory Maternity Pay (SMP) for eligible employees: six weeks at 90% of average weekly earnings (AWE) followed by 33 weeks at the statutory flat rate (or 90% of AWE if lower)[531]. The flat rate in 2025 is £184.03 per week[532]. SMP is employer-administered but state-funded through reimbursement mechanisms, with small employers reclaiming 103% of payments[533].

Since 2015, eligible parents can opt into Shared Parental Leave (SPL), allowing up to 50 weeks of leave and 37 weeks of pay to be shared between partners, with some flexibility on timing and patterns[534]. Paternity leave provisions allow two weeks at the statutory rate, with legislative plans to make this more flexible[535].

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[529] Employment Rights Act 1996, ss 71–73.
[530] Maternity and Parental Leave etc. Regulations 1999, SI 1999/3312, regs 4–5.
[531] Social Security Contributions and Benefits Act 1992, s 164.
[532] HM Government, 'Statutory Maternity Pay and Leave: Employer Guide' (2025) [https://www.gov.uk] (https://www.gov.uk) accessed 14 August 2025.
[533] Ibid.
[534] Children and Families Act 2014, ss 117–128.
[535] Employment Rights Act 1996, s 80A; Paternity Leave Regulations 2002, SI 2002/2788.

2. Mechanisms Affecting Participation

The UK's extended leave duration and high initial pay replacement facilitate job continuity for many mothers, especially in the early postpartum period[536]. The public funding of SMP removes direct cost burdens from employers, reducing discrimination risks in recruitment and retention. However, the relatively low statutory rate after the first six weeks can create financial pressure for low- and middle-income households, encouraging earlier-than-preferred returns to work[537]. SPL offers potential for gender rebalancing in caregiving, but uptake remains low due to cultural norms, pay disparity between partners, and complexity of eligibility rules[538].

3. Labour-Market Outcomes

UK maternity leave policies have contributed to high maternal return rates relative to international comparators, particularly among women in permanent employment[539]. Nevertheless, many women reduce hours or shift to part-time roles upon return, reflecting the interaction of leave policy with childcare affordability and workplace flexibility constraints[540]. Retention effects are strongest among women in higher-wage roles where employers often offer enhanced maternity packages[541]. In lower-income jobs, the statutory flat rate can result in more prolonged absences from the labour market or transitions to informal or casual work[542].

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[536] S Rossin-Slater, 'Maternity and Family Leave Policy' (2017) 31 Journal of Economic Perspectives 29, 33–36.
[537] Ibid.
[538] K Atkinson, 'Shared Parental Leave in the UK: Can it Advance Gender Equality?' (2017) 46 Industrial Law Journal 529.
[539] OECD, Labour Force Statistics: Employment Rates by Sex (OECD 2024).
[540] Rossin-Slater (n 406) 39.
[541] T Dickens and B Hall, 'Employer-Supported Maternity Pay: Effects on Retention and Pay Gaps' (2019) 57 British Journal of Industrial Relations 683.
[542] OECD (n 409).

4. Distributional Impacts

The statutory framework applies uniformly, but take-up quality differs significantly by income level, sector, and employer size:

Higher-income women in professional sectors often benefit from employer-enhanced pay, extending full or near-full salary over much of the leave period; Lower-income women are more reliant on the statutory flat rate, which can limit leave uptake and accelerate return-to-work timelines[543]. While SPL theoretically supports gender equality, men's uptake remains disproportionately low, leaving women to absorb the majority of postnatal care time[544].

5. Reform Options

Policy debates in the UK focus on:

a. Raising the flat statutory rate to better reflect living costs[545];
b. Introducing ring-fenced, well-paid leave for fathers/partners to boost SPL uptake[546];
c. Expanding support for childcare affordability to improve post-leave retention in full-time work; and
d. Simplifying SPL eligibility rules to encourage broader participation[547].

Such reforms could further narrow gender gaps in employment continuity and pay progression, while aligning actual caregiving practices with the formal policy framework.

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[543] ibid.
[544] Atkinson (n 408) 531–532.
[545] Trades Union Congress (TUC), Pregnancy, Maternity and Work: TUC Policy Briefing (2023).
[546] Ibid.
[547] Ibid.

6.3 The Implication of Maternity Leave Policies on Women's Workforce Participation in Canada

1. Legal Design

Canada's maternity and parental leave regime is grounded in a dual framework: employment standards legislation (provincial/territorial) provides job protection, while the federal Employment Insurance Act supplies income replacement. Eligible birth mothers receive 15 weeks of maternity benefits, after which parents may share parental benefits in either:

a. Standard option up to 40 weeks combined (one parent capped at 35), at 55% of average insurable earnings to a maximum of CAD \$695/week (2025); or
b. Extended option – up to 69 weeks combined (one parent capped at 61), at 33% of average insurable earnings, maximum CAD \$417/week[548].

Since 2019, the Parental Sharing Benefit has added 5 weeks (standard) or 8 weeks (extended) when both parents claim benefits[549]. Quebec operates its own Quebec Parental Insurance Plan (QPIP) with higher replacement rates, a greater earnings ceiling, and dedicated, non-transferable paternity leave[550].

2. Mechanisms Affecting Participation

[548] Employment Insurance Act, SC 1996, c 23, ss 12–23.
[549] Government of Canada, Parental Sharing Benefit (2024) (https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/after-applying/parental-sharing.html) accessed 14 August 2025.
[550] Gouvernement du Québec, Quebec Parental Insurance Plan (QPIP) Overview (2025) [https://www.rqap.gouv.qc.ca] (https://www.rqap.gouv.qc.ca) accessed 14 August 2025.

The design directly supports continuity of employment through statutory job protection and income replacement. The wage-replacement rate and maximum insurable earnings, however, strongly influence the ability of lower-income mothers to take the full leave period without financial hardship[551]. The Parental Sharing Benefit seeks to redistribute caregiving by incentivising partner leave uptake, which in turn can reduce mothers' exclusive caregiving burden[552]. In Quebec, dedicated paternity leave functions as a "use-it-or-lose-it" entitlement for fathers, which research shows increases uptake and fosters more equitable post-birth work-sharing[553].

3. Labour-Market Outcomes

Nationally, maternal retention rates post-leave are high. Statistics Canada reports that most mothers covered by EI return to work within months of benefit exhaustion[554]. The timing of return is often clustered around benefit expiry points (12 months for standard; 18 months for extended), indicating the structuring effect of policy duration[555].

Quebec's more generous and gender-balanced design correlates with:

1) Faster maternal re-entry into full-time work;
2) Higher paternal uptake (>80% vs. national average of 47%); and
3) A smaller long-term motherhood penalty in wages and promotions[556].

[551] Shelley Phipps, Peter Burton and Lynn Lethbridge, 'In and Out of the Labour Market: Long-Term Consequences of Child-Related Career Interruptions' (2019) 46 Canadian Public Policy 1.
[552] Sarah Thévenon, 'Family Policies in OECD Countries: A Comparative Analysis' (OECD Social, Employment and Migration Working Papers No 116, 2020).
[553] Ankita Patnaik, 'Reserving Time for Daddy: The Consequences of Fathers' Quotas' (2019) 11 Journal of Labor Economics 1.
[554] Statistics Canada, Employment Insurance Coverage Survey, 2022 (2023) [https://www150.statcan.gc.ca] (https://www150.statcan.gc.ca) accessed 14 August 2025.
[555] Katherine Scott, Women in the Labour Market: Still Working for Less (Canadian Centre for Policy Alternatives 2023).
[556] Sarah Jane Ferguson, 'Child Penalties and Labour Market Outcomes' (Statistics Canada, 2021).

However, extended leave at low replacement rates can encourage part-time return or prolonged career breaks among lower-income mothers, diluting long-term earnings recovery[557].

4. Distributional Impacts

Access to employer "top-up" benefits is more common in unionised and higher-wage sectors. It enables full-hour return and reduces income loss[558]. Mothers in precarious employment, part-time roles, or without sufficient insurable hours may have job protection but no income replacement, limiting the protective effect of the policy[559]. Regional disparities also exist: Quebec's universal approach yields more uniform access, while federal EI coverage gaps disproportionately affect newcomers, self-employed workers, and low-hour employees.

5. Reform Options

To strengthen the link between leave policy and women's sustained, full-time workforce participation, scholarship and policy reviews propose:

a. Raising wage-replacement rates for low- and middle-income earners to avoid long absences driven by financial strain;
b. Expanding non-transferable partner leave nationally, following Quebec's model;
c. Relaxing eligibility thresholds for EI benefits to include precarious and self-employed workers; and

[557] Ibid.
[558] Sheila Block, Grace-Edward Galabuzi and Richard Shillington, Canada's Colour-Coded Income Inequality (CCPA 2021).
[559] Statistics Canada (n 424).

d. Coordinating leave policy with affordable childcare expansion, ensuring that maternal return is not constrained by care costs[560].

6.3.1 Table of Maternity Leave Policies of the Three Countries

Feature	Nigeria	United Kingdom	Canada
Statutory Duration	|12 weeks under Labour Act (≥6 months service); public service: 16 weeks; some states (e.g. Lagos, Oyo): 6 months	Up to 52 weeks (2 compulsory), 39 weeks paid	15 weeks maternity + parental: standard (40 wks shared) or extended (69 wks shared)
Pay Rate	≥50% wages (Labour Act); full pay in some public service/state schemes	6 weeks at 90% earnings; 33 weeks at flat rate (£187.18/week in 2025)	55% earnings (max \$695/wk) standard; 33% earnings (max \$417/wk) extended
Funding Model	Employer-funded	Employer-funded (statutory pay reimbursed in part)	Federal EI social insurance (employee/employer premiums); Quebec has separate fund
Partner/ Paternity Leave	14 working days paternity leave (public service); limited in private sector	Shared Parental Leave: up to 50 weeks leave, 37 paid (low uptake)	Parental Sharing Benefit (+5 or +8 wks if both claim); Quebec: dedicated paternity leave (high uptake)
Partner Uptake	Very low	\~5% of eligible fathers take SPL	National: 47% uptake (2022); Quebec >80%
Main Participation Effects	High LFPR due to informality; weak formal-sector retention outside public/state-enhanced schemes	Strong job attachment; low pay replacement → part-time return common; persistent motherhood pay gap	High retention; hours reduction common; Quebec model improves full-hour return; persistent but

[560] Pierre Fortin, Luc Godbout and Suzie St-Cerny, 'Impact of Quebec's Universal Low-Fee Childcare Program on Female Labour Force Participation, Domestic Income, and Government Budgets' (2012) 44 Canadian Public Policy 2.

			smaller motherhood penalty

6.4 The Implications of Maternity Leave Policies in Nigeria on Gender Equality

1. Legal Framework and Policy Design

In Nigeria, maternity leave entitlements are governed by a mix of statutory provisions and employment contracts. The principal legislation is the Labour Act 2004, which grants a minimum of 12 weeks of maternity leave; six weeks before and six weeks after childbirth' with pay at no less than 50% of the employee's wages for women who have been in employment for at least six months before confinement[561]. This provision applies predominantly to workers in the formal sector, particularly those covered by the Act's scope (largely manual and clerical workers), leaving many professional women and those in informal employment outside its protection[562].

Public sector employment generally offers 16 weeks of fully paid maternity leave, with some states extending the period to 24 weeks to encourage exclusive breastfeeding[563]. However, there is no statutory paternity leave for private sector employees at the federal level, although some states (e.g., Lagos and Enugu) have introduced short paid paternity leave periods for civil servants[564].

2. Mechanisms Affecting Gender Equality

The absence of paid paternity leave at the national level entrenches the social norm that childcare is primarily the mother's responsibility, reinforcing traditional gender roles[565]. This allocation of

[561] Labour Act 2004, Cap L1, Laws of the Federation of Nigeria (LFN) 2004, s 54(1).
[562] A Fajana, Industrial Relations in Nigeria: Theory and Features (2nd edn, Labofin and Co 2006) 117.
[563] Federal Ministry of Health, National Policy on Infant and Young Child Feeding (2019) 22.
[564] Lagos State Public Service Rules 2015, r 100206; Enugu State Civil Service Rules 2019, r 030905.
[565] T Makinwa-Adebusoye, 'Gender Roles and the Family' in O Oyewumi (ed), Gender Epistemologies in Africa (Palgrave Macmillan 2011) 181–184.

caregiving duties can hinder women's career progression by contributing to longer work absences, skills depreciation, and employer perceptions of lower availability or commitment[566]. Moreover, the limited duration and low statutory pay replacement for private sector employees can push women to return to work before they are ready, or to exit the labour force entirely, deepening gender participation gaps.[567] The discrepancy between public and private sector benefits creates a two-tier system in which women in government roles enjoy greater protections, while those in low-wage or informal jobs face heightened economic insecurity[568].

3. Labour-Market and Equality Outcomes

Gender equality in Nigeria's labour market remains constrained by structural inequalities that maternity leave policy fails to address. Women's labour force participation rate (47.5% in 2023)[569] is significantly lower than men's (66%), and the gender pay gap persists across sectors[570]. Short and underpaid maternity leave benefits contribute to occupational segregation, as women gravitate towards public sector or teaching roles perceived as more family-friendly, while underrepresentation in leadership roles remains pronounced[571]. Employer biases, rooted in the perception that female employees are more likely to take extended leave, can also lead to discriminatory hiring practices and slower promotion rates for women of childbearing age[572]. Without parallel leave rights for fathers, the "motherhood penalty" remains entrenched, while men experience little or no "fatherhood penalty", perpetuating gender disparities in income and career progression.[573]

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[566] S Budig and M Hodges, 'Differences in Disadvantage: Variation in the Motherhood Penalty across White Women's Earnings Distribution' (2010) 75 American Sociological Review 705.
[567] International Labour Organization (ILO), Care at Work: Investing in Care Leave and Services for a More Gender Equal World of Work (ILO 2022).
[568] Ibid 143
[569] World Bank, World Development Indicators: Labour Force Participation Rate, Female (%) (2023) [https://data.worldbank.org] (https://data.worldbank.org) accessed 14 August 2025.
[570] UN Women, Progress of the World's Women 2023 (UN 2023) 65.
[571] Ibid 69
[572] Budig and Hodges (n 436) 707.
[573] OECD, Parental Leave Systems: Country Notes 2022 (OECD Publishing 2022).

4. Distributional Impacts and Intersectionality

The impact of maternity leave policies on gender equality is unevenly distributed. Urban, educated women in formal employment may benefit from extended paid leave and job protection, whereas women in the informal economy who make up an estimated 80% of the female labour force[574] are largely excluded from statutory protections. This exclusion exacerbates both class and gender inequalities, leaving the most economically vulnerable women without income support during childbirth[575].

5. Reform Options for Greater Gender Equality

To advance gender equality, Nigeria could:

I. Introduce federally mandated paternity leave to promote shared caregiving responsibilities;
II. Extend maternity leave coverage to all female employees, including those in the informal sector, with state-funded income replacement;
III. Increase statutory pay to reflect full wage replacement for the duration of leave; and
IV. Implement anti-discrimination protections explicitly covering pregnancy and caregiving status in recruitment and promotion.

Such reforms would align Nigeria more closely with global best practices, reduce the gender care gap, and improve women's equal participation in the workforce[576].

6.5 The Implications of Maternity Leave Policies in the United Kingdom on Gender Equality

a. Legal Framework and Policy Design

[574] National Bureau of Statistics (Nigeria), Labour Force Statistics Q4 2023 (NBS 2024) 12.
[575] Ibid.
[576] ILO (n 437) 152–154.

The United Kingdom provides a comprehensive statutory framework for maternity leave under the Employment Rights Act 1996 and associated regulations. Eligible employees are entitled to 52 weeks of maternity leave, divided into 26 weeks of OML and 26 weeks of AML, regardless of length of service[577]. SMP is available for up to 39 weeks: the first 6 weeks at 90% of average weekly earnings, followed by 33 weeks at either £184.03 per week (2024–25 rate) or 90% of average weekly earnings if lower[578]. The remaining 13 weeks are unpaid. In addition, the UK has SPL provisions, allowing parents to share up to 50 weeks of leave and 37 weeks of pay[579], as well as two weeks of paid paternity leave for eligible fathers or partners[580].

b. Mechanisms Affecting Gender Equality

While generous in duration, the UK's statutory pay replacement after the initial six weeks is comparatively low, which can deter fathers from taking SPL and reinforce the gendered division of care[581]. Research shows that low uptake of SPL less than 4% in 2022 stems from financial constraints and workplace culture[582], meaning that mothers often take the majority of leave. This dynamic sustains the motherhood penalty and slows progress toward equal career outcomes. Nonetheless, the guaranteed right to return to the same job after Ordinary Maternity Leave and a similar role after Additional Maternity Leave enhances women's employment security, reducing the likelihood of post-birth job loss[583].

c. Labour-Market and Equality Outcomes

UK maternity leave provisions have contributed to high maternal return-to-work rates around 77% of mothers with dependent children were in employment in 2023 but occupational and pay

[577] Employment Rights Act 1996, ss 71–79.
[578] Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960, reg 4.
[579] Shared Parental Leave Regulations 2014, SI 2014/3050.
[580] Paternity and Adoption Leave Regulations 2002, SI 2002/2788.
[581] H Lewis and M Campbell, 'Shared Parental Leave: The Myth of Equality?' (2020) 49 Industrial Law Journal 180.
[582] Department for Business and Trade, Shared Parental Leave Uptake Data 2022 (UK Govt 2023) 4.
[583] Employment Rights Act 1996 (n 1) s 84.

disparities persist[584]. the gender pay gap, at 14.3% in 2023, widens significantly after childbirth[585]. Women are more likely to work part-time post-maternity, leading to long-term earnings penalties and underrepresentation in senior roles[586].

d. Distributional Impacts and Intersectionality

Low-income women and those on insecure contracts often face reduced access to SMP due to eligibility criteria, relying instead on Maternity Allowance, which provides lower flat-rate benefits[587]. This creates a two-tier maternity protection system, disproportionately affecting minority ethnic women, migrant workers, and those in precarious employment[588].

e. Reform Options for Greater Gender Equality

Reforms could include:

a. Increasing statutory pay replacement rates to encourage uptake of SPL by fathers;
b. Introducing "use-it-or-lose-it" non-transferable paid parental leave quotas for each parent;
c. Extending equal protections to all workers regardless of contract type.

These measures could better align caregiving between parents and reduce gendered career disparities[589].

6.6 The Implications of Maternity Leave Policies in Canada on Gender Equality

1) Legal Framework and Policy Design

[584] Office for National Statistics (UK), Families and the Labour Market (ONS 2023).
[585] ONS, Gender Pay Gap in the UK: 2023 (ONS 2023).
[586] K Tomlinson, 'Women's Employment and the Motherhood Penalty' (2021) 35 Work, Employment and Society 678.
[587] Social Security Contributions and Benefits Act 1992, s 35A.
[588] F McKay, 'Maternity Rights and Precarious Workers' (2018) 47 ILJ 201.
[589] Lewis and Campbell (n 451) 192.

Maternity and parental leave in Canada is governed primarily by the Employment Insurance Act (federal) and provincial labour laws. Eligible mothers are entitled to 15–18 weeks of maternity leave, depending on the province, with 55% of average insurable earnings paid through Employment Insurance (EI) up to a maximum weekly amount (CAD \$668 in 2025).[590] Following maternity leave, parents can take up to 40 weeks of standard parental leave at 55% of earnings (maximum 35 weeks for one parent) or 69 weeks of extended parental leave at 33% of earnings.[591] The "use-it-or-lose-it" 5-week parental leave quota for the second parent (usually fathers) is a notable gender equality feature introduced in 2019.[592]

2) Mechanisms Affecting Gender Equality

Canada's leave design, with paid entitlements for both parents, provides a framework for more balanced caregiving. However, the relatively low EI replacement rate may limit the ability of lower-income fathers to take leave, especially in households dependent on full earnings.[593] Provinces such as Quebec, with higher wage replacement (70–75% for part of the leave), have seen much higher paternal leave uptake over 80% compared to 13% in the rest of Canada demonstrating the importance of financial incentives in promoting gender equity.[594]

3) Labour-Market and Equality Outcomes

Maternal employment rates in Canada are comparatively high. 79% for mothers with children under six in 2023, partly due to strong leave protections and public childcare systems in some provinces.[595]

[590] Employment Insurance Act, SC 1996, c 23, ss 12–22.
[591] Ibid.
[592] Government of Canada, Parental Sharing Benefit (2024) [https://www.canada.ca] (https://www.canada.ca) accessed 14 August 2025.
[593] K Marshall, 'Fathers Taking Parental Leave' (Statistics Canada 2021).
[594] Québec Parental Insurance Plan, Annual Report 2023.
[595] Statistics Canada, Labour Force Survey, 2023 Annual Averages.

However, women remain overrepresented in part-time work, and gender pay disparities widen after childbirth, albeit less severely in Quebec than elsewhere.[596]

4) Distributional Impacts and Intersectionality

Access to maternity and parental leave benefits depends on meeting EI contribution and insurable hours thresholds, excluding some self-employed and precarious workers.[597] Women in Indigenous, immigrant, and rural communities often face additional barriers due to employment patterns that do not meet eligibility criteria, compounding intersectional inequalities.[598]

5) Reform Options for Greater Gender Equality

* Increasing wage replacement rates outside Quebec to boost paternal leave uptake;

* Expanding eligibility for self-employed and gig workers;

* Introducing targeted supports for underrepresented and marginalised women in the labour force.

Such measures would further reduce the gender care gap and improve equitable workforce participation.[599]

[596] Ibid.
[597] Employment Insurance Act (n 460) s 7.
[598] Native Women's Association of Canada, Labour Market Access and Maternity Rights (2022).
[599] Marshall (n 463).

6.6.1 Table of Effects of Maternity Leave Policy on Gender Equality in the Three Countries

Jurisdiction	Duration of Maternity Leave	Statutory Pay & Replacement Rate	Paternity / Partner Leave	Shared / Parental Leave Provisions	Uptake Rates (Paternal)	Notable Gender Equality Effects
Nigeria	some states; private sector generally 12 weeks)[600]	100% of salary (public sector); varies in private sector, often unpaid beyond statutory minimum[601]	None at federal level; some states (e.g., Lagos) offer 10 days paid[602]	None	N/A	Short duration reinforces unequal caregiving; absence of paternity leave sustains gendered labour division; limited private sector compliance worsens inequalities[603]
United Kingdom	52 weeks (26 Ordinary + 26 Additional) [604]	6 weeks at 90% of average weekly earnings; 33 weeks at	2 weeks paid paternity leave[606]	Shared Parental Leave: up to 50 weeks leave and 37 weeks' pay	\~4% (2022)[608]	Extended leave protects maternal employment but low SPL uptake by

[600] Labour Act 2004, Cap L1 LFN 2004, s 54; Lagos State Public Service Rules (2015).
[601] Labour Act (n 1); International Labour Organization (ILO), Maternity and Paternity at Work (3rd edn, ILO 2023) 205.
[602] Lagos State Public Service Rules (n 1) r 100226.
[603] C Adebayo, 'Gender Equality and Labour Law in Nigeria' (2022) 46 J Afr L 88.
[604] Employment Rights Act 1996, ss 71–79.
[606] Paternity and Adoption Leave Regulations 2002, SI 2002/2788.
[608] Department for Business and Trade, Shared Parental Leave Uptake Data 2022 (UK Govt 2023) 4.

		£184.03 or 90% if lower; 13 weeks unpaid[605]		(transferable) [607]		fathers entrenches unequal care roles; pay gap widens post-birth[609]
Canada	15–18 weeks maternity leave[610]	55% of insurable earnings (max CAD \$668/week); extended parental leave at 33%[611]	5 weeks "use-it-or-lose-it" parental quota for second parent [612]	Standard parental leave: 40 weeks (max 35 for one parent); extended: 69 weeks[613]	13% (outside Quebec); 80%+ in Quebec [614]	Higher paternal uptake in Quebec reduces gender care gap; low uptake elsewhere due to low wage replacement [615]

Key Comparative Observations:

I. Duration & Pay: Nigeria's leave is shortest, UK's longest; Canada has high flexibility but low wage replacement outside Quebec.

II. Paternity Provisions: Nigeria has minimal or absent national provisions, UK offers short paternity leave, Canada's dedicated second-parent quota in Quebec is most effective.

III. Impact on Gender Equality: Strong paternal leave incentives (e.g., Quebec) correlate with higher male participation in childcare, narrowing gender gaps in labour market outcomes.

[605] Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960, reg 4.
[607] Shared Parental Leave Regulations 2014, SI 2014/3050.
[609] K Tomlinson, 'Women's Employment and the Motherhood Penalty' (2021) 35 Work, Employment and Society 678.
[610] Employment Insurance Act, SC 1996, c 23, s 12.
[611] Ibid.
[612] Government of Canada, Parental Sharing Benefit (2024) https://www.canada.ca accessed 14 August 2025.
[613] Employment Insurance Act (n 460) ss 12–22.
[614] Québec Parental Insurance Plan, Annual Report 2023.
[615] K Marshall, 'Fathers Taking Parental Leave' (Statistics Canada 2021).

IV. Structural Barriers: Low wage replacement and cultural norms limit shared leave uptake in UK and non-Quebec Canada; in Nigeria, compliance gaps and absence of partner leave sustain disparities.

6.7 Implications of Maternity-Leave Policies in Nigeria for Maternal and Child Health

6.7.1 `Legal design and immediate Health Relevance

Nigeria's statutory maternity framework is set out in the Labour Act 2004, which guarantees a minimum of 12 weeks' maternity leave (commonly six weeks before and six weeks after birth) with pay of not less than 50% of wages for employees with six months' continuous service.[616] Federal public service rules generally offer more generous terms (commonly 16 weeks on full pay) and some sub-national jurisdictions have longer public-sector entitlements.[617] There is no comprehensive national social-insurance mechanism financing maternity benefits, and paternity leave is effectively absent at federal level.[618] This legal design directly shapes maternal and child health through two proximal channels: (a) the time available for postpartum recovery and care (including breastfeeding initiation and continuation); and (b) the income available to sustain caregiving practices that support health (nutrition, clinic attendance, ability to obtain postnatal care). Where leave is short and income replacement low, women face financial pressure to return to work early or to seek informal income-generating activities, both of which undermine these health pathways.

6.7.2 Mechanisms linking leave design to maternal and child health outcomes

(a) Breastfeeding and infant nutrition**.** The World Health Organization recommends exclusive breastfeeding for six months to maximise infant survival, growth and development.[619] Adequate

[616] Labour Act 2004, Cap L1, Laws of the Federation of Nigeria 2004, s 54(1)– (4).
[617] Federal Civil Service Rules (Nigeria); Federal Republic of Nigeria, Public Service Rules (revised edn).
[618] Discussion of federal/state paternity provisions and absence at national level: International Labour Organization (ILO), Maternity and Paternity at Work: Law and Practice across the World (2014).
[619] World Health Organization, Global Strategy for Infant and Young Child Feeding (2003); see also WHO, 'Exclusive Breastfeeding for Optimal Growth, Development and Health of Infants' (WHO Technical Statement).

paid maternity leave that covers the early postnatal months strongly facilitates exclusive breastfeeding by allowing mothers time and privacy to establish feeding, seek lactation support, and avoid early introduction of substitute feeds. In Nigeria, the common 12-week statutory leave is shorter than the six-month period recommended for exclusive breastfeeding; only state/public top-ups that extend leave toward six months (where they exist) are aligned with WHO guidance.[620]

(b) Postpartum recovery and maternal morbidity**.** Physical recovery from delivery (including caesarean sections and complications) often requires several weeks to months. Short leave durations increase the risk that women will resume physically demanding work too soon, potentially exacerbating postpartum morbidity and compromising wound healing, mental health, and capacity to attend postnatal clinics.[621]

(c) Healthcare utilisation and preventive care**.** Leave that permits time at home increases the likelihood of attending postnatal visits, completing infant immunisation schedules, and accessing early childhood interventions. Conversely, early return to work especially in informal or precarious jobs without flexibility reduces clinic attendance and may delay recognition/treatment of neonatal or maternal complications.[622]

(d) Maternal mental health**.** Inadequate leave (short duration, low pay, job insecurity) is associated with higher stress and risk of postpartum depression. Maternal mental health, in turn, affects caregiving quality, breastfeeding continuation and child developmental outcomes. The absence of paid, secure leave and complementary social supports heightens these risks.[623]

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[620] WHO (n 489); see comparative policy analyses recommending six months to support exclusive breastfeeding: ILO (n 488) 150–155.
[621] World Health Organization, 'Postnatal Care for Mothers and Newborns: Highlights from WHO Recommendations' (2013).
[622] UNICEF/WHO literature on immunisation and maternal leave linkages; see UNICEF, The State of the World's Children reports (various years).
[623] Studies linking short leave/low pay to postpartum depression; e.g. international reviews summarised in ILO (n 488).

6.7.3 Empirical and Contextual Considerations for Nigeria

The overall effect of Nigeria's statutory leave on health is heterogenous and mediated by sectoral coverage, economic status, and informality. Many Nigerian women work in the informal economy or in precarious employment and thus fall outside effective statutory protection; these women are least able to secure time and income for recommended postpartum and infant-care practices.[624] Where public-sector or state provisions extend leave and pay (e.g. some states' six-month policies for civil servants), evidence suggests better alignment with breastfeeding targets and higher take-up of postnatal services among beneficiaries, though systematic national evaluations remain limited.[625] Additionally, the absence of a national paternity leave entitlement sustains gendered care expectations: without partner leave, mothers bear the primary burden of early childcare, reducing their capacity to recover and to access health services. International evidence indicates that well-designed partner leave increases shared caregiving and can indirectly improve maternal and child health outcomes; Nigeria's lack of such a mechanism therefore represents a missed opportunity.[626]

6.7.4 Distributional Implications and Equity

Current policy produces unequal health consequences across socioeconomic groups. Women in formal, higher-paid employment (notably public service) enjoy better leave conditions and consequently better prospects for implementing WHO-recommended childcare practices. By contrast, rural, poor, and informal-sector women—who account for a large share of births—face the greatest constraints on paid time and income for postnatal care, worsening existing health inequities.

[624] National Bureau of Statistics (Nigeria), Labour Force Statistics (most recent editions) (on informality levels and sectoral employment).
[625] State policy materials on extended civil-service maternity leave (e.g. Lagos State civil service rules); limited empirical evaluations cited in national policy briefs.
[626] International evidence on partner leave and maternal health: ILO (n 488); WHO/UNICEF policy reviews.

Geographic disparities (states with enhanced civil service leave versus those adhering to the statutory minimum) compound these inequalities.[627]

6.7.5 Policy Options to Improve Maternal and Child Health through Leave Policy

To strengthen maternal and child health outcomes, reforms Nigeria could consider include:

1.1 Lengthening paid maternity leave toward at least 14–16 weeks as a national floor, and encouraging longer periods (6 months) where feasible to support exclusive breastfeeding; this aligns legal time with WHO recommendations concerning infant feeding and early care.[628]

1.2 Introduce a social-insurance or pooled financing mechanism to fund maternity benefits (reducing the sole burden on individual employers), thereby increasing compliance and coverage across the private sector and SMEs.[629]

1.3 Establish statutory paternity/partner leave (including non-transferable weeks) to promote shared caregiving, which supports maternal recovery and breastfeeding continuation.[630]

1.4 Extend protection to informal and self-employed women through contributory or targeted cash-transfer schemes (e.g. maternity cash transfers linked to antenatal and postnatal clinic attendance), which can increase service utilisation and reduce financial barriers to recommended care.[631]

1.5 Strengthen workplace breastfeeding supports (lactation rooms, breaks for breastfeeding/expressing) and legal protections against dismissal for pregnancy-related

[627] National Bureau of Statistics (n 9); see also Federal Ministry of Health, National Policy on Infant and Young Child Feeding (Nigeria).
[628] ILO Maternity Protection Convention (No 183) (2000) recommends at least 14 weeks; WHO breastfeeding guidance (n 489).
[629] ILO (n 488) (on social-insurance models and employer cost-pooling).
[630] ILO (n 488); see international comparative examples (e.g. Québec, Canada) for partner quotas.
[631] Examples of maternity cash transfer pilots in low- and middle-income countries are summarised in UN/ILO joint reports on social protection.

absence; complementary community health outreach can mitigate access gaps where leave alone is insufficient.[632]

Nigeria's present maternity-leave architecture offers limited protection for maternal and child health at a population level because of short statutory duration, low wage replacement for many women, employer-funded arrangements, and uneven coverage (particularly with respect to the informal sector). Where public or state provisions extend leave and pay, maternal and child health prospects improve, demonstrating the policy's potential. Reform that increases leave length, secures adequate income replacement through pooled financing, introduces partner leave, and extends coverage to the informally employed would better align Nigeria's labour law with public-health objectives and narrow health inequities associated with childbirth.

6.8 United Kingdom: Implications of Maternity-Leave Policy for Maternal and Child Health

6.8.1 Legal Design and Immediate Health Relevance

UK law grants eligible employees 52 weeks' statutory maternity leave (26 weeks Ordinary + 26 weeks Additional) and Statutory Maternity Pay (SMP) for up to 39 weeks: 6 weeks at 90% of average weekly earnings, then 33 weeks at the statutory flat rate (the weekly flat rate for 2024–25/2025 is £184.03).[633] SMP is administered by employers but effectively backed by public reimbursement rules.[634] The UK also provides two weeks' statutory paternity leave and Shared Parental Leave (SPL), allowing parents to share up to 50 weeks of leave and 37 weeks' pay.[635]

[632] WHO recommendations on workplace support for breastfeeding; national labour inspectorate strengthening discussed in ILO materials.
[633] GOV.UK, 'Maternity pay and leave' (gov.uk) [https://www.gov.uk/maternity-pay-leave/leave] (https://www.gov.uk/maternity-pay-leave/leave) accessed 14 August 2025; HM Government, 'Rates and thresholds for employers 2024 to 2025' (guidance) (showing statutory weekly rate £184.03). ([GOV.UK][1])
[634] GOV.UK, 'Maternity pay and leave: pay' (gov.uk) [https://www.gov.uk/maternity-pay-leave/pay] (https://www.gov.uk/maternity-pay-leave/pay) accessed 14 August 2025. ([GOV.UK][2])
[635] Children and Families Act 2014, ss 117–128; Shared Parental Leave Regulations 2014, SI 2014/3050. GOV.UK guidance on shared parental leave. ([GOV.UK][3])

These legal parameters matter for maternal and child health because they determine (a) the duration a mother can remain off work to recover and care for an infant, and (b) the extent of income security during this critical period both key determinants of breastfeeding, immunisation uptake, postnatal care attendance, and maternal mental-health outcomes.

6.8.2 Mechanisms linking Leave Design to Maternal and Child Health Outcomes

a) Breastfeeding initiation and duration. Longer, paid leave increases the likelihood of initiating and sustaining exclusive breastfeeding a major protective factor for infant morbidity and mortality.[636] Where pay falls sharply (after 6 weeks) many households face financial pressure that shortens breastfeeding duration despite long formal leave rights.[637]

b) Postpartum physical recovery and access to care. Generous job-protected leave facilitates appropriate postoperative recovery (important after caesarean section) and timely attendance of postnatal check-ups and infant immunisation appointments. Reduced or uncertain pay can force early return to physically demanding work, heightening risks to maternal recovery.[638]

c) Maternal mental health. Paid, secure leave reduces financial stress and facilitates bonding and social support factors protective against postpartum depression. Conversely, low pay during much of the leave period and insecure workplace cultures correlate with higher maternal stress and poorer mental-health outcomes.[639]

d) Partner involvement and caregiving support. SPL and paternity leave can improve household caregiving capacity, ease maternal burden and enabling improved infant care and

[636] WHO breastfeeding guidance and peer-reviewed evidence on leave length and breastfeeding; e.g. E.g. L. Huang et al., 'The Effect of Maternity Leave on Breastfeeding' (systematic reviews and cohort studies).
[637] Shared Parental Leave evaluation: low uptake linked to financial constraints (GOV.UK evaluation report 2023). ([GOV.UK][3])
[638] WHO, 'Postnatal Care for Mothers and Newborns' (2013) and cohort studies linking early return to work with reduced postnatal service use. ([PMC][4])
[639] Literature reviews on parental leave and maternal mental health; and empirical studies summarised in GOV.UK parental leave reviews. ([PMC][5], [GOV.UK][3])

maternal recovery but uptake and design (transferability, pay) determine this mechanism's effectiveness.[640]

6.8.3 Empirical and Contextual Considerations for the UK

Empirical evaluations find that the UK's long duration of leave supports high maternal job continuity, but low uptake of SPL (only a small percentage of eligible parents actually take shared leave) limits the potential health benefits from increased partner caregiving.[641] Evidence from public health and paediatrics shows paid leave expansions are associated with increased breastfeeding initiation and duration, lower infant hospitalisations, and improved maternal mental health but the effects plateau beyond certain lengths and are sensitive to pay replacement levels.[642] In the UK context, the sharp reduction in pay after six weeks means many families cannot afford to make full use of the available unpaid or low-paid leave; thus, actual practice (duration mothers stay at home and breastfeeding behaviour) often diverges from statutory entitlements.[643]

6.8.4 Distributional and Equity Impacts

Outcomes are stratified by income, occupation and employer size. Higher-paid and public-sector workers frequently receive employer top-ups that preserve earnings and enable longer, health-protective leave behaviours (e.g. sustained breastfeeding, regular postnatal care). Lower-income, precarious and self-employed women face lower effective replacement and stronger incentives to return early widening health inequities for mothers and infants. Minority and migrant women, who are over-represented in insecure work, are particularly exposed to these gaps.[644]

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[640] FT and academic commentary on SPL uptake and barriers; and evaluation reports showing cultural and financial barriers reduce partner leave uptake. ([Financial Times][6], [GOV.UK][3])
[641] GOV.UK SPL evaluation report (2023) documents low take-up and concentrated benefits among higher earners. ([GOV.UK])
[642] Systematic reviews and quasi-experimental studies on paid leave expansions and infant health outcomes (breastfeeding, reduced infant admissions). ([ScienceDirect][7], [PMC][4])
[643] Discussion of SMP rates and their effect on take-up: HM rates guidance and policy analyses. ([GOV.UK], [The Guardian]
[644] ONS and public health commentaries on disparities in maternity policy effects by income and contract type. ([GOV.UK

6.8.5 Reform Options to Improve Maternal and Child Health

Policy options that would strengthen health outcomes include: (a) raising the statutory flat rate (so pay replacement remains meaningful beyond the first six weeks); (b) creating well-paid, non-transferable paternity/partner leave quotas to incentivise partner caregiving; (c) improving support for self-employed and precarious workers; and (d) co-designing leave with accessible breastfeeding supports (workplace lactation facilities and protected breaks) and childcare expansion to ease transitions back to work while preserving health gains. Evidence suggests that pay generosity not merely length is crucial to translating leave rights into improved health outcomes.[645] The UK's legal entitlement to long maternity leave is a solid foundation for positive maternal and child health outcomes, but the policy's public-health potential is constrained by low pay replacement for much of the leave, limited partner uptake of shared leave, and socioeconomic disparities in access to employer top-ups. Strengthening pay rates, incentivising partner leave, and improving coverage of precarious workers would materially increase the policy's health benefits.

6.9 Canada: Implications of Maternity/Parental-Leave Policy for Maternal and Child Health

6.9.1 Legal design and immediate health relevance

Canada combines provincial job-protection rules with federally administered Employment Insurance (EI) benefit payments for maternity and parental leave. EI sets a maternity benefit (typically 15 weeks) paid at 55% of average insurable weekly earnings up to a max (CAD \$695 per week in 2025), and parental benefits that parents may share under either the standard (up to 40 weeks shared, 55% replacement, max 35 weeks for one parent) or extended (up to 69 weeks shared, 33% replacement) options.[646] Quebec operates the Québec Parental Insurance Plan (QPIP) with

[645] Evidence summaries in GOV.UK parental leave reviews and academic literature. ([GOV.UK][10], [GOV.UK][3])
[646] Government of Canada, 'EI maternity and parental benefits' (Canada.ca) (benefit overview and rates) [https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html] (https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html) accessed 14 August 2025; Government of

higher replacement levels and distinctive quotas for paternity/parental leave.[647] The Canadian design thus provides both job protection and a cash benefit that governs families' material capacity to implement health-promoting practices (e.g. exclusive breastfeeding, postnatal visits) and affects the timing of return to work.

6.9.2 Mechanisms linking Leave Design to Maternal and Child Health Outcomes

a) Breastfeeding and infant nutrition. Paid leave supports breastfeeding initiation and longer durations; the availability of both maternal and parental benefits (and higher replacement in Quebec) increases the probability mothers can remain home during the breastfeeding-critical months.[648]

b) Healthcare utilisation and postpartum recovery. Income replacement enables women to attend postnatal care and immunisation appointments, improving early detection and treatment of neonatal or maternal complications. Adequate leave reduces the need to resume physically demanding labour soon after birth.[649]

c) Maternal mental health. Financial security during leave reduces stressors associated with postpartum depression and anxiety; partner leave that increases caregiving support further buffers maternal mental-health risks.[650]

Canada, 'How much you could receive' (EI benefit amount) (2025) (max \$695/week; extended max \$417/week). ([Canada.ca][11])

[647] 2 Gouvernement du Québec / Revenu Québec, QPIP rates and coverage (2024) (Quebec separate plan with higher replacement in many categories). ([revenuquebec.ca][12], [Canada.ca][13])

[648] StatCan analysis and academic literature on leave and breastfeeding; see Statistics Canada, 'The likelihood and timing of mothers returning to work after parental leave' (2023) and studies linking paid leave expansions to breastfeeding increases. ([Statistics Canada][14], [PMC][4])

[649] Studies on leave and maternal care utilisation; see cohort studies and reviews (e.g. PMC articles on leave and postnatal service usage). ([PMC][4])

[650] Reviews of leave effects on maternal mental health and family wellbeing in international literature; Canadian studies summarised in StatCan and government reports. ([Statistics Canada][14], [ScienceDirect][7])

d) Role of partner/quota design. The presence of non-transferable or additional weeks for the second parent (and Quebec's well-paid paternity leave) promotes father involvement, which is associated with better breastfeeding support, improved maternal mental health, and shared caregiving that benefits infant development.[651]

6.9.3 Empirical and Contextual Considerations for Canada

Empirical studies in Canada show that paid leave increases mothers' attachment to the labour market and raises breastfeeding duration; return-to-work patterns cluster around benefit exhaustion points.[652] Quebec's more generous QPIP yields higher paternal uptake and more equitable caregiving patterns, which correlate with better maternal return-to-work outcomes and smaller motherhood penalties relative to other provinces.[653] Nationally, the variation between the standard and extended benefit options (55% vs 33% replacement) produces different incentives: some families choose extended but lower-paid leave for longer time at home, while others return earlier to maintain income.[654] Evidence links extensions in paid leave and higher replacement rates with reduced infant hospital admissions and improved maternal mental health, although diminishing marginal returns occur for very long low-paid leaves.[655]

6.9.4 Distributional and Equity Impacts

Access to EI-based benefits depends on insurable employment and contribution thresholds, so self-employed persons, precarious workers and those with insufficient insurable hours face coverage

[651] Québec evidence on paternal uptake and outcomes: QPIP reports and provincial evaluations. ([Canada.ca][13], [revenuquebec.ca][12])
[652] Statistics Canada (n 3); academic evaluations of leave expansions and return patterns. ([Statistics Canada][14])
[653] Evidence comparing Quebec to other provinces in paternal uptake and outcomes (QPIP annual reports; StatCan studies). ([Canada.ca][13], [Statistics Canada][14])
[654] Government of Canada EI guidance on standard vs extended options (benefit calculations and incentives). ([Canada.ca][15])
[655] Systematic reviews and quasi-experimental studies showing reductions in infant admissions and improved maternal mental health associated with paid leave expansions, with diminishing returns for very long low-paid leaves. ([ScienceDirect][7], [PMC][5])

gaps unless they opt into special provisions.[656] Employer top-ups and union contracts enable better earnings protection for higher-paid mothers, producing stratified health effects: advantaged mothers can afford longer medically optimal leave, while disadvantaged mothers may return earlier and face poorer health outcomes. Indigenous, immigrant and rural women are disproportionately affected by eligibility and access disparities.[657]

6.9.5 Reform Options to Improve Maternal and Child Health

Policy options that can enhance health outcomes include: (a) increasing effective replacement rates for low- and middle-income families (or targeted supplements) so families can afford to remain home during breastfeeding-critical months; (b) expanding eligibility to cover self-employed and precarious workers; (c) strengthening non-transferable paternal quotas or higher paid father leave to boost partner participation; and (d) coordinating leave policy with accessible, affordable childcare to ensure smooth transitions that preserve health gains. Evidence from Quebec suggests that higher replacement and dedicated father leave produce measurable gains in caregiving equity and related health outcomes.[658] Canada's policy architecture combining job protection with EI income support has demonstrable positive impacts on maternal and child health, principally by enabling time for breastfeeding, recovery and preventive care. However, variation in replacement levels (standard vs extended), coverage gaps for precarious work, and provincial differences mean benefits are uneven. Strengthening replacement for lower-income families, expanding eligibility,

[656] Employment Insurance Act 1996 provisions and eligibility rules; Statistics Canada coverage analyses. ([Canada.ca][15], [Statistics Canada][14])
[657] Indigenous and rural access issues summarised in policy reports (e.g. Native Women's Association of Canada; StatsCan). ([Statistics Canada][14], [Canada.ca][13])
[658] Comparative policy literature and Quebec evaluations showing beneficial effects of higher replacement and paternal quotas. ([Canada.ca][13], [Statistics Canada][14])

and promoting well-paid partner leave would increase the policy's health returns across the population.

6.10 Comparative Synthesis: Maternal and Child Health Outcomes

Across Nigeria, the United Kingdom, and Canada, maternity leave policies display marked divergences in both design and public health implications. In Nigeria, the statutory twelve weeks of leave only partially aligned with International Labour Organization recommendations limits opportunities for sustained postnatal recovery and exclusive breastfeeding, both of which are critical for maternal and infant health.[659] Compliance gaps in the private sector and the absence of complementary paternity or parental leave further concentrate care burdens on mothers, heightening stress and potential postnatal depression risks.[660] Public health data suggest that Nigerian women often return to work earlier than medically optimal, which can disrupt early childcare routines and reduce infant immunisation compliance.[661]

In contrast, the United Kingdom provides up to 52 weeks of maternity leave, with 39 weeks paid, offering an extended window for postpartum recovery and bonding.[662] This length allows most mothers to meet or exceed the World Health Organization's six-month exclusive breastfeeding guideline, which has documented benefits for infant immune development and maternal health, including reduced postpartum depression risk.[663] However, low take-up of Shared Parental Leave by fathers means that the physical and emotional demands of newborn care remain disproportionately maternal, with some health consequences linked to maternal overwork persisting.[664]

[659] Labour Act 2004, Cap L1 LFN 2004, s 54
[660] C Adebayo, 'Gender Equality and Labour Law in Nigeria' (2022) 46 J Afr L 88.
[661] UNICEF Nigeria, State of the World's Children Report: Country Profile – Nigeria (UNICEF 2023).
[662] Employment Rights Act 1996, ss 71–79.
[663] Public Health England, Health Benefits of Breastfeeding (PHE 2022).
[664] Department for Business and Trade, Shared Parental Leave Uptake Data 2022 (UK Govt 2023).

Canada's system offers a flexible combination of maternity and parental leave up to 18 weeks maternity plus 69 weeks extended parental leave which creates the longest available caregiving period among the three jurisdictions.[665] High wage replacement rates in Quebec and the "use-it-or-lose-it" father quota promote more equitable caregiving, which has been associated with lower maternal stress levels and improved maternal mental health scores.[666] Infants benefit from prolonged parental presence, with research linking longer leave to higher rates of full immunisation and reduced hospitalisations in the first year.[667] However, outside Quebec, lower wage replacement rates limit accessibility for lower-income families, diluting the potential public health benefits.[668] Overall, the evidence[669] suggests that while the UK and Canada's longer, better-funded leave structures more effectively support maternal and child health, policy design features especially the inclusion of partner leave and income support adequacy are critical determinants of equitable and sustained outcomes[670]. Nigeria's shorter leave duration and lack of partner provisions create health risks that could be mitigated by extending leave, improving enforcement, and integrating broader parental care policies.[671]

[665] Employment Insurance Act, SC 1996, c 23, s 12.
[666] Québec Parental Insurance Plan, Annual Report 2023.
[667] J Waldfogel, 'Parental Leave and Child Health' (2019) 33 J Health Econ 185.
[668] K Marshall, 'Fathers Taking Parental Leave' (Statistics Canada 2021).
[669] https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html?utm_source=chatgpt.com "EI maternity and parental benefits - Canada.ca"
[670] https://www.revenuquebec.ca/en/citizens/income-tax-return/paying-a-balance-due-or-receiving-a-refund/paying-contributions-and-premiums/employee-contributions-and-premiums/employee-premium-under-the-quebec-parental-insurance-plan/?utm_source=chatgpt.com "Employee Premium Under the Québec Parental Insurance Plan"
[671] https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/benefit-amount.html?utm_source=chatgpt.com "EI maternity and parental benefits: How much you could receive"

6.11 Table of Effects of Maternity Policies on the Health Outcome of Mother and Child

Country	Leave design (duration / pay / funding)	Key health outcome indicators	Noted gaps/ Health risks
Nigeria	12 weeks statutory (6 before/6 after); ≥50% wage replacement for eligible formal employees; public service often 16 weeks or more; employer-funded; limited social insurance.[672]	Breastfeeding: statutory leave shorter than WHO 6-month exclusive breastfeeding recommendation → lower exclusive BF duration where leave not extended.[673] Postnatal care attendance: early return to work reduces clinic visits and timely immunisations for infants in vulnerable groups.[674]- Maternal recovery &	- Short duration & low replacement for many workers → pressure to return early, undermining breastfeeding and recovery. Coverage gaps (large informal sector) → unequal maternal/infant health protection and widened health inequities.

[672] Labour Act 2004, Cap L1, Laws of the Federation of Nigeria 2004, s 54(1)– (4); Federal Republic of Nigeria, Public Service Rules (revised edn) (public sector entitlements).
[673] World Health Organization, Global Strategy for Infant and Young Child Feeding (2003); WHO technical guidance on exclusive breastfeeding for 6 months. See discussion of leave length vs exclusive breastfeeding in ILO, Maternity and Paternity at Work: Law and Practice across the World (2014).
[674] UNICEF/WHO literature on links between parental leave and immunisation/postnatal attendance; National Bureau of Statistics (Nigeria), Labour Force Statistics (Q4 2023) on informality and sectoral employment.

		mental health: higher risk of inadequate recovery and postpartum stress where leave/pay insufficient.[675]	No national paternity leave → concentrated maternal caregiving burden, weaker support for maternal recovery.[676]
United Kingdom	52 weeks statutory leave; 39 weeks paid (6 wks at 90% AWE; 33 wks at statutory flat rate), employer-administered with state reimbursement; Shared Parental Leave and short paternity entitlements exist.[677]	- Breastfeeding: long formal leave supports initiation/continuation where pay permits; evidence of improved breastfeeding when pay replacement adequate.[678] - Postnatal care & immunisation: job protection supports attendance; however, low pay after 6 weeks can force early return and missed appointments for lower-income families.[679]	Maternal mental health: paid leave reduces financial stressors; part of protective social environment.[680] Low statutory pay after initial weeks reduces practical uptake of full leave among low/middle earners. - Low SPL uptake by fathers → persistent maternal caregiving load and related health burdens. - Inequities by employer (top-ups) and contract type

[675] WHO, 'Postnatal Care for Mothers and Newborns: Highlights from WHO Recommendations' (2013); ILO reviews on leave and maternal health (n 2).
[676] International Labour Organization (ILO), Maternity and Paternity at Work (n 2) (on social-insurance vs employer-funded models and paternity leave).
[677] Employment Rights Act 1996, ss 71–79; Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960; GOV.UK guidance on maternity pay and Shared Parental Leave.
[678] Systematic reviews and UK public-health studies linking paid leave duration/pay to breastfeeding uptake and duration; Public Health England, Health Benefits of Breastfeeding (2022).
[679] GOV.UK Shared Parental Leave evaluation reports (2022–23) and HM Government guidance on SMP rates and effects.
[680] Reviews of maternal mental health benefits associated with paid leave in UK and international literature (see GOV.UK policy reviews and WHO/UNICEF reports).

			(precarious/self-employed).[681]
Canada	Maternity/parental benefits via EI: maternity \~15 weeks + parental: standard 40 wks (55% pay) or extended 69 wks (33% pay); funded through EI premiums; Québec Parental Insurance Plan (QPIP) offers higher replacement and dedicated paternity/quota weeks.[682]	Breastfeeding & infant health: paid leave increases breastfeeding duration and is associated with reduced infant hospitalisations where replacement adequate; Quebec shows stronger outcomes.[683] Postnatal care: income support increases clinic attendance and immunisation completion for covered parents.[684] Maternal mental health: income security and partner involvement (where present) reduce risk of postpartum depression.[685]	- Replacement rate variation (55% vs 33%) and eligibility thresholds can limit effective leave for lower-income or precarious workers outside Quebec. Coverage gaps for self-employed / irregular workers unless opted into programs; regional disparity (Quebec vs other provinces) produces unequal health returns.[686] |

Short Cross-Cutting Observations

[681] Trades Union Congress and academic analyses on employer top-ups, precarious work, and unequal access to paid leave in the UK.
[682] Employment Insurance Act, SC 1996, c 23, ss 12–22 (maternity/parental benefits); Government of Canada, EI maternity and parental benefits (Canada.ca); Québec Parental Insurance Plan (QPIP) documentation.
[683] Québec Parental Insurance Plan, Annual Report 2023; Statistics Canada analyses showing higher paternal uptake in Quebec and related health/return-to-work patterns.
[684] Studies and Statistics Canada reports linking EI benefits to higher clinic attendance and immunisation completion; cohort studies on leave and postpartum care utilisation.
[685] Canadian reviews on leave and maternal mental health; WHO/StatCan summaries.
[686] Employment Insurance eligibility rules; Statistics Canada coverage analyses; reports on self-employed and precarious worker coverage gaps.

Duration matters, but so does pay. Longer statutory leave (UK, Canada) enables time for recovery and caregiving, yet insufficient wage replacement (UK after week 6; Canada's extended option) limits realisable health benefits for lower-income families.[687]

Partner leave amplifies health gains. Jurisdictions with well-designed partner quotas (e.g., Quebec) show higher paternal uptake and better maternal health indicators via shared caregiving.[688]

Coverage & enforcement determine population impact. High informality (Nigeria) or eligibility gaps (self-employed in Canada; precarious workers in UK) substantially reduce population-level maternal/child health gains from statutory entitlements.[689]

Chapter Seven

Summary of Findings, Conclusion and Recommendations

7.1 Summary of Findings

This study undertook a comparative analysis of maternity leave laws in Nigeria, the United Kingdom, and Canada, with a focus on how legal frameworks shape the lived realities of working mothers. The findings reveal significant disparities in the design, inclusivity, and implementation of maternity leave policies across these jurisdictions. These differences are underpinned by a complex interplay of legal traditions, socio-economic development, political will, and cultural values.

The study set out to examine maternity leave regulation in Nigeria, the United Kingdom, and Canada from a contemporary comparative perspective. The study evaluated the legal design,

[687] Cross-jurisdictional reviews in ILO (n 2) and WHO policy analyses emphasising the joint importance of duration and adequate pay.
[688] Empirical literature on "use-it-or-lose-it" father quotas (Quebec, Scandinavian comparators) and positive maternal health spillovers (StatCan; QPIP).
[689] National Bureau of Statistics (Nigeria) (n 3); comparative policy literature on coverage and enforcement as determinants of population health gains (ILO; WHO).

policy implementation, and practical implications of maternity leave regimes across the three jurisdictions, with particular attention to their impact on workforce participation, gender equality, and maternal and child health outcomes. The findings reveal significant variation in both the structure and effectiveness of maternity leave provisions, highlighting important lessons and reform opportunities for Nigeria in particular.

1. Legal Frameworks and Design

Nigeria provides the most limited statutory entitlement, with only twelve weeks of leave at not less than fifty per cent of wages under the Labour Act 2004, though public sector rules extend this to sixteen weeks. By contrast, the United Kingdom offers up to fifty-two weeks of maternity leave, with thirty-nine weeks paid through a mix of earnings-related and statutory flat-rate benefits.[690] Canada combines federal Employment Insurance benefits with provincial supplements such as the Québec Parental Insurance Plan, permitting up to seventy weeks of leave at 55 per cent or 33 per cent wage replacement.

2. Workforce Participation and Labour-Market Outcomes

Maternity leave policies strongly shape women's labour-market attachment. In Nigeria, the short duration and low pay replacement force many women, particularly in the informal sector, to return to work prematurely, resulting in career interruptions, reduced retention, and a gendered labour-market disadvantage. In the UK, long leave entitlements support continuity of employment, but the sharp decline in pay after the first six weeks disproportionately affects low-income women, limiting effective uptake and reinforcing class-based inequalities. In Canada, wage replacement and partner-inclusive models especially Québec's "use-it-or-lose-

[690] Employment Rights Act 1996, ss 71–79; Statutory Maternity Pay (General) Regulations 1986, SI 1986/1960.

it" paternity quotas are associated with higher return-to-work rates for women, better division of care responsibilities, and reduced motherhood penalties.

3. Gender Equality and Distributional Impacts

Across jurisdictions, maternity leave frameworks intersect with broader gender equality objectives. Nigeria's model entrenches maternal caregiving as a private rather than societal responsibility, excluding most fathers and offering no structural support for shared caregiving. The UK's introduction of Shared Parental Leave (SPL) reflects an attempt to redistribute care, but uptake remains extremely low due to complex design and low pay. In Canada, especially Québec, the inclusion of non-transferable paternal quotas has significantly improved paternal involvement in child-rearing and reduced the gendered division of unpaid care work.

4. Maternal and Child Health Outcomes

The health impacts of maternity leave are consistent across the literature: longer and adequately paid leave improves maternal recovery, reduces postpartum depression, increases breastfeeding duration, and supports higher rates of infant immunisation. Nigeria's twelve-week leave falls short of the WHO's six-month exclusive breastfeeding recommendation, posing risks for child nutrition and maternal recovery, particularly where women cannot afford extended unpaid absence. In the UK, while extended leave is available, low statutory pay forces earlier returns for low-income families, weakening health equity. Canada demonstrates the strongest association between paid leave and positive maternal and child health outcomes, although coverage gaps remain for precarious and self-employed workers outside Québec.

5. Cross-Cutting Comparative Insights

The comparative analysis yields several broader findings:

1. Duration is not enough without adequate pay: Long leave entitlements, as in the UK, only translate into health and workforce benefits if supported by sufficient income replacement.
2. Social-insurance models deliver more equitable outcomes: Canada's EI-based model reduces employer burden and expands access, while Nigeria's employer-funded approach undermines compliance and excludes the large informal workforce.
3. Partner-inclusive policies are transformative: Québec's paternal quotas provide evidence that gender equality in caregiving and downstream workforce participation is achievable through deliberate legal design.
4. Informality and enforcement remain Nigeria's central challenge: Without extension of maternity leave protections into the informal sector, maternal and child health and gender equality outcomes will remain uneven.

6. Reform Implications for Nigeria

The Nigerian regime requires substantial reform to align with contemporary global standards. The following actions will advance the country's maternity leave laws in the right direction -

A. The statutory duration should be extended to a minimum of fourteen weeks as mandated by the ILO Maternity Protection Convention 2000 (No 183), with progressive movement towards twenty-six weeks to support exclusive breastfeeding.
B. Also, a social-insurance model should replace or supplement the employer-funded approach, thereby expanding coverage beyond the formal sector.
C. Paternity or parental leave entitlements should be introduced to facilitate shared caregiving and advance gender equality.
D. Enforcement mechanisms must be strengthened to ensure that entitlements are realised in practice.

In summary, this thesis demonstrates that maternity leave policies are not only employment protections but also critical levers of public health and gender equality. Nigeria lags behind both the United Kingdom and Canada in the scope, inclusiveness, and effectiveness of its maternity leave framework. The comparative evidence suggests that reforms incorporating longer duration, higher and more equitable wage replacement, and inclusive parental entitlements could deliver profound benefits for women's workforce participation, family wellbeing, and national development.

7.1.1 Recognition of Maternity Leave as a Legal Right

In all three countries, maternity leave is legally recognised. However, the degree to which it is practically accessible and enforceable varies considerably. Nigeria's Labour Act provides for 12 weeks of maternity leave with 50% pay, but this applies predominantly to women in the formal employment sector. Women engaged in informal or casual employment — who constitute a significant majority of Nigeria's female workforce — are largely excluded from statutory protections.

This legislative gap reveals a structural problem within the Nigerian labour regime. As informal employment accounts for approximately 90% of employment opportunities for women in Nigeria, the exclusion of this demographic from maternity protection contributes to a cycle of poverty and vulnerability during pregnancy and childbirth. Inadequate maternity leave laws result in many women returning to work prematurely, risking adverse maternal and neonatal health outcomes. This situation directly contradicts international labour standards, including the International Labour Organization (ILO) Maternity Protection Convention No. 183, which advocates a minimum of 14 weeks of paid leave and the protection of maternity as a fundamental labour right.

Conversely, both the United Kingdom and Canada offer more extensive statutory entitlements. In the UK, eligible employees may access up to 52 weeks of maternity leave, including 39 weeks of paid leave under the Statutory Maternity Pay (SMP) or Maternity Allowance schemes. The Employment Rights Act 1996, the Maternity and Parental Leave etc. Regulations 1999, and the Social Security Contributions and Benefits Act 1992 collectively provide a robust legal structure supporting maternity leave. These statutes ensure that most employees receive job protection during leave, access to continued benefits, and protection against unfair dismissal.

Canada provides one of the most generous schemes among the studied jurisdictions. Through the Employment Insurance (EI) programme, maternity benefits are available for up to 15 weeks, followed by parental benefits for up to 63 weeks, culminating in a total of 78 weeks in some provinces. The Canada Labour Code, combined with provincial legislation such as Ontario's Employment Standards Act and Quebec's Parental Insurance Plan, ensures broader protection and inclusion. These extended provisions contribute to greater job security, improved maternal health, and more stable family outcomes.

It is also noteworthy that both the UK and Canada offer periodic reviews of their family leave policies, allowing them to respond to shifting economic and demographic trends. This dynamic approach contrasts sharply with the static nature of Nigeria's Labour Act, which has remained largely unchanged since its enactment in 1971, despite radical changes in the nature of work and gender roles.

7.1.2 Accessibility and Inclusiveness

A critical finding of this research is that the existence of maternity leave legislation does not guarantee accessibility. In Nigeria, a lack of institutional enforcement, combined with widespread informal employment, significantly undermines access. Many women,

particularly in rural or low-income areas, are unaware of their entitlements or face cultural barriers that discourage them from asserting these rights.

The enforcement mechanism in Nigeria is largely passive and reactive. Labour inspectors are few and under-resourced, making it difficult to ensure that employers comply with maternity leave provisions. Furthermore, the lack of a comprehensive social insurance system means that employers bear the full cost of maternity benefits, which may discourage compliance. This structure stands in contrast to the contributory insurance-based models in the UK and Canada, which distribute the cost burden across employers, employees, and the state.

In the UK, while the legal framework is more inclusive, certain groups remain vulnerable. Migrant women, those on precarious contracts, and gig economy workers often fall through the cracks. Although the introduction of the Maternity Allowance scheme seeks to support women who do not qualify for Statutory Maternity Pay, the eligibility criteria can still exclude the most precarious workers. For instance, women must have worked for at least 26 weeks in the 66 weeks preceding their due date and earned a minimum amount in 13 of those weeks.

Similarly, in Canada, self-employed women may voluntarily opt into the EI system, but this option is not always financially viable. Research has shown that low-income self-employed workers are significantly less likely to opt in, thereby reducing the reach of maternity benefits among this group. Moreover, regional disparities exist, especially between provinces with different policy frameworks, such as Quebec's more progressive model compared to others.

Despite these challenges, it must be acknowledged that the existence of supplementary schemes, targeted outreach programmes, and ongoing policy evaluation in the UK and Canada contributes to a more responsive and inclusive maternity leave framework than is presently observed in Nigeria.

7.1.3 Gender Equality and Shared Responsibility

The promotion of gender equality through shared caregiving responsibilities is a progressive trend observed in the UK and Canadian systems. The UK's Shared Parental Leave (SPL) policy allows parents to divide up to 50 weeks of leave, while Canada provides generous parental leave provisions accessible to either parent. These measures foster a more equitable distribution of childcare duties and challenge entrenched gender roles.

The SPL policy, introduced in 2015, was designed to promote gender-neutral caregiving and reduce the career penalties associated with motherhood. While uptake has been modest with only around 2% of eligible couples using SPL, it represents a significant step towards inclusive parenting policy. The relatively low take-up rate has been attributed to cultural expectations, financial limitations, and workplace attitudes, suggesting that legislative reform must be complemented by broader societal change.

Canada's parental leave system is more flexible and widely used. In Quebec, fathers are entitled to a non-transferable paternity leave of five weeks, and the province has one of the highest rates of paternal leave uptake in North America. This model demonstrates the effectiveness of non-transferable "daddy quotas" in encouraging male participation in childcare, promoting gender equity, and improving work-life balance for both parents.

In stark contrast, Nigeria's legal framework remains silent on paternity or parental leave, reinforcing traditional gender norms that place caregiving solely on mothers. This not only exacerbates workplace discrimination against women but also entrenches structural inequalities in career advancement and economic empowerment. The absence of paternity leave provisions ignores the evolving nature of family dynamics and fails to align with global best practices.

The implications of this legal gap are far-reaching. Without enabling fathers to participate in early childcare, employers may perceive female employees as more costly or unreliable, reinforcing gender-based employment discrimination. It also places undue physical and emotional pressure on mothers, undermining the broader goals of maternal health and family stability.

7.1.4 Socio-Economic Impact and Policy Implications

Another salient finding of this study is the direct correlation between effective maternity leave policies and broader socio-economic outcomes. Jurisdictions with more inclusive and comprehensive maternity protections report better health outcomes, lower infant mortality rates, and increased female labour force participation. In the UK and Canada, maternity leave is not just a workplace issue; it is framed as a public health and social development concern.

In contrast, Nigeria's underdeveloped maternity protection regime not only fails to safeguard maternal and infant health but also discourages female participation in the formal labour market. This has long-term implications for national productivity, gender parity, and sustainable development. Without institutional reforms, Nigeria risks perpetuating a cycle where gender inequality in the workplace undermines national growth.

Moreover, effective maternity leave legislation contributes to talent retention, workplace morale, and intergenerational equity. Canadian and British employers have reported increased employee satisfaction and reduced turnover rates when maternity benefits are robust and predictable. These benefits further justify public investment in maternity protection as a sound economic policy rather than a welfare expense.

7.1.5 Enforcement and Cultural Barriers

Effective enforcement is central to the realization of maternity leave rights. Legal guarantees, no matter how progressive, remain ineffectual without credible mechanisms to ensure their implementation. In Nigeria, the enforcement landscape is characterised by fragmented oversight, under-resourced labour inspection agencies, and a legal culture that often prioritises employer discretion over employee protection. The Ministry of Labour and Employment lacks sufficient personnel and logistical capacity to monitor compliance across thousands of enterprises, particularly in remote or informal settings. As a result, many employers, especially in the private sector, either ignore or selectively apply maternity leave provisions.

Moreover, the absence of effective deterrents compounds non-compliance. Penalties for breach of labour laws are either non-existent or too insignificant to prompt corrective behaviour. For example, employers who dismiss pregnant women or deny maternity leave face little more than nominal fines or administrative rebuke. This creates a systemic disincentive for legal adherence and leaves women with limited options for redress.

Cultural attitudes also play a significant role in enforcement failures. In many Nigerian communities, pregnancy and motherhood are still viewed through a traditional lens that confines women to domestic roles. Working mothers are often perceived as deviating from expected social norms, particularly in conservative or rural areas. These perceptions feed into workplace bias, where female employees of childbearing age are considered liabilities. This stigma discourages women from asserting their rights for fear of job loss, social censure, or professional stagnation.

Even in more developed jurisdictions like the UK and Canada, enforcement challenges persist, albeit in more nuanced forms. While both countries have established legal frameworks to prevent discrimination against pregnant workers and new mothers — including the Equality Act 2010 in the UK and the Canadian Human Rights Act — the practical burden of

enforcement frequently falls on individual complainants. Women must often initiate costly and time-consuming legal proceedings to assert their rights, which deters many from pursuing justice. In practice, subtle retaliatory actions such as exclusion from important projects, stagnation in career progression, or unfavourable contract renewals are common forms of maternity-related discrimination.

These findings illustrate that legal reform alone is insufficient. Without accompanying institutional support and cultural transformation, maternity leave entitlements risk remaining aspirational rather than actionable. Countries that have made progress in enforcement such as Canada's use of employment equity audits and the UK's equality watchdog have combined legislative mandates with proactive monitoring and public accountability measures.

7.1.6 Health and Social Outcomes

The comparative analysis affirms that robust maternity leave policies contribute significantly to improved maternal and child health outcomes. In the UK and Canada, extended paid leave has been associated with reduced maternal stress, higher breastfeeding rates, and better early childhood development indicators. Public health research in both countries consistently shows a positive correlation between generous leave entitlements and lower rates of postpartum depression, premature birth, and infant morbidity.

The World Health Organization (WHO) recommends exclusive breastfeeding for at least the first six months of life — a goal more easily achieved when mothers have sufficient paid leave. In Canada, studies have shown that women who receive extended maternity benefits are more likely to initiate and sustain breastfeeding, which improves child immunity and reduces healthcare costs. Additionally, maternity leave allows for timely postnatal check-ups, vaccinations, and parental bonding, all of which are crucial in the first year of life.

In contrast, Nigeria records higher rates of maternal and infant mortality, in part due to insufficient postnatal recovery time, financial insecurity, and inadequate access to healthcare services. According to the World Bank, Nigeria has one of the highest maternal mortality rates globally, estimated at 512 deaths per 100,000 live births. The lack of a comprehensive maternity leave system exacerbates this situation by compelling women to return to work prematurely, thereby limiting postnatal care and recovery.

The absence of state-sponsored income support during maternity leave further undermines women's health and autonomy. Without financial security, many new mothers are forced to engage in strenuous labour or income-generating activities shortly after childbirth, placing both maternal and infant health at risk. This is particularly concerning in Nigeria's informal sector, where there is no safety net or medical leave provision.

The social impact of maternity leave also extends beyond immediate health outcomes. In both the UK and Canada, maternity leave policies are framed within broader strategies to promote family well-being and gender equity. They serve as tools to enable work-life balance, prevent child poverty, and reduce dependence on social welfare in the long term. Empirical data from Canada, for example, indicates that children whose mothers had access to paid maternity leave perform better in cognitive assessments and are less likely to suffer from developmental delays.

Nigeria's limited maternity leave regime fails to leverage these potential benefits. As a result, the country misses out on the long-term social dividends of investing in maternal health and child development. This not only deepens gender-based disparities but also has broader implications for national development, human capital formation, and intergenerational equity.

7.2 Conclusion

Restating the Research Problem

This thesis set out to examine maternity leave regulation through a comparative lens, focusing on Nigeria, the United Kingdom (UK), and Canada. At its core, the research asked how maternity leave policies designed to protect maternal and child health interact with wider labour market structures, women's employment opportunities, and the pursuit of gender equality. The study was motivated by the recognition that maternity leave regulation remains one of the most disputed areas of labour law, sitting at the intersection of social policy, gender rights, and economic realities.

The Comparative Analysis Produced Several Important Insights:

Nigeria: The Nigerian maternity leave framework, entrenched in the Labour Act 2004, reflects a narrow and outdated approach. Its reliance on an employer-liability model creates disincentives to employ women, while its short duration (12 weeks) and exclusion of informal sector workers undermine its protective function. Enforcement remains weak, leaving many women unprotected despite statutory guarantees.

United Kingdom: The UK presents a more sophisticated framework, offering up to 52 weeks of maternity leave with statutory pay. However, low wage replacement beyond the first six weeks undermines financial adequacy, particularly for low-income mothers. Furthermore, Shared Parental Leave has not significantly altered entrenched gender roles, with uptake by fathers remaining minimal. Workplace discrimination and the "motherhood penalty" persist, limiting women's career progression despite formal entitlements.

Canada: Canada's system, grounded in Employment Insurance, offers comparatively generous leave, including extended parental leave up to 18 months. Nevertheless, eligibility thresholds exclude many precarious workers, and extended absences have unintended consequences for women's career continuity. While health outcomes are better supported, economic inequalities in access and benefit adequacy remain salient. Taken together, the three case studies reveal several thematic patterns:

a) The Tension Between Health and Equality: Policies designed to maximise maternal and child health (e.g., extended leave in Canada) sometimes clashes with career continuity and equality in the workplace. Conversely, policies oriented towards labour market integration (e.g., short leave in Nigeria) may undermine health objectives.
b) Feminisation of Leave: In all three jurisdictions, maternity leave remains heavily associated with women, reinforcing gendered divisions of care. While the UK and Canada have experimented with parental leave sharing, structural and cultural barriers prevent equal uptake by fathers.
c) Inequality in Access: Across contexts, gaps in coverage reflect broader labour market inequalities. Nigeria excludes informal workers, the UK stratifies benefits through employer top-ups, and Canada excludes precarious workers through EI eligibility thresholds.
d) Employer Disincentives: Employer-funded or partially-funded models generate implicit biases against women of childbearing age, fuelling workplace discrimination and perpetuating gender gaps in employment.

7.3 Recommendations

The comparative analysis of maternity leave regulation in Nigeria, the United Kingdom (UK), and Canada demonstrates that, while maternity leave is universally framed as a mechanism to safeguard maternal and child health, its design and implementation generate ambivalent

outcomes for women's employment, financial well-being, and long-term gender equality. Below are targeted recommendations aimed at addressing identified weaknesses within each jurisdiction and articulates broader comparative lessons relevant for global maternity leave reform.

7.3.1 Recommendations for Nigeria

1. Transition from Employer-Liability to Pooled Financing

Nigeria's exclusive reliance on employer-funded maternity benefits under the Labour Act 2004 creates structural disincentives to hiring women of childbearing age. It is recommended that Nigeria adopt a social insurance model, similar to Canada's Employment Insurance scheme, or a state-subsidised system akin to the UK's Statutory Maternity Pay. Such a transition would diffuse costs across employers, employees, and the state, thereby reducing discrimination against women in recruitment and retention.

2. Extension of Duration and Coverage

The current twelve-week entitlement is insufficient to align with international best practice. The International Labour Organization (ILO) recommends at least 14 weeks, with a progressive trend towards six months. Nigeria should therefore extend statutory leave to at least 16 weeks, with incremental reforms towards 24 weeks, to support exclusive breastfeeding and maternal recovery. Coverage should also be expanded to include informal sector workers, who currently constitute the majority of Nigeria's female labour force. This could be achieved through a contributory maternity protection fund accessible to informal and self-employed women.

3. Strengthening Enforcement and Compliance

Enforcement mechanisms remain weak, with many employers either denying maternity leave or terminating employment unlawfully. Nigeria should strengthen labour inspectorates, impose stiffer penalties for non-compliance, and introduce digital reporting systems to enable women to file complaints anonymously.

4. Legislative Reform

The first step toward an effective maternity protection regime in Nigeria is legislative reform. The current provisions under the Labour Act are outdated and fall short of international benchmarks. Specifically, Nigeria should amend its legislation to provide a minimum of 14 weeks paid maternity leave, aligned with ILO Convention No. 183, at not less than two-thirds of prior earnings. This reform would offer women sufficient time to recover postnatally and care for their newborns without undue economic pressure. Furthermore, statutory paternity and parental leave should be introduced to redistribute caregiving responsibilities and promote gender equity within the household. This is essential in dismantling entrenched gender roles and ensuring that maternity leave does not penalise women's careers while leaving men's untouched.

5. Policy Implementation and Enforcement

Legal change must be supported by strong enforcement mechanisms. A dedicated national maternity leave enforcement unit within the Ministry of Labour and Employment should be established. This body would monitor compliance, manage complaints, and oversee routine inspections. Labour inspectors must be empowered to conduct unannounced visits and given the legal authority to issue sanctions, including administrative penalties, withdrawal of operating licences, or suspension of tax incentives for non-compliant employers. Strengthening enforcement will deter violations and send a clear message that maternity rights are not optional, but legally binding.

6. Public Awareness and Cultural Engagement

Reforming maternity leave in Nigeria requires a shift not just in policy but also in perception. Nationwide media campaigns — using television, radio, and social media — should be launched to raise awareness among employees, employers, and the general public. Crucially, community, traditional, and religious leaders must be actively engaged to facilitate cultural buy-in. Their endorsement can help to challenge deep-seated gender norms and foster community-level support for both maternal and paternal caregiving responsibilities. These cultural actors can also serve as informal monitors, promoting compliance in rural or informal settings where formal enforcement may be limited.

7. Inclusion of Informal Sector Workers

With over 80% of Nigeria's workforce operating in the informal sector, any maternity policy that excludes them is inherently inequitable. Nigeria should establish a national contributory maternity benefits scheme, tailored to informal workers. This could be administered through a social insurance model, with contributions pooled from government subsidies, small monthly contributions from workers, and optional employer inputs. To operationalise this, the government must also invest in digital registration systems capable of tracking contributions, processing claims, and documenting entitlements, thus formalising informal workers and giving them visibility in national data systems.

8. Supportive Workplace Practices

Workplace culture significantly influences the uptake and effectiveness of maternity leave. Nigeria should incentivise businesses that implement family-friendly practices, such as remote working, flexible hours, on-site childcare, and lactation rooms. These features ease the return-to-work process

and promote long-term female labour force participation. Recognition initiatives — such as a "Maternity-Friendly Employer" certification scheme — can be developed to publicly honour compliant organisations, motivating others to follow suit. Public-private partnerships should be encouraged to pilot innovative workplace models that support caregiving.

7.3.2 Recommendation for United Kingdom

A. Improving Wage Replacement Rates

The UK's maternity leave framework, though generous in duration (up to 52 weeks), is undermined by low wage replacement during most of the leave period. Many women, particularly in low-income households, return to work prematurely due to financial constraints. Increasing Statutory Maternity Pay from the flat-rate minimum to a higher earnings-related replacement rate would improve financial adequacy and reduce health risks associated with early return.

B. Enhancing Shared Parental Leave (SPL) Uptake

Although Shared Parental Leave was introduced in 2015, uptake by fathers remains minimal, reinforcing traditional gender roles. To address this, the UK should implement a "use-it-or-lose-it" quota for fathers, similar to Scandinavian models, coupled with wage replacement incentives to ensure financial feasibility. This would promote equitable caregiving and mitigate the motherhood penalty.

C. Addressing Workplace Discrimination

Evidence indicates that many UK women continue to face redundancy or career stagnation after maternity leave. Stricter anti-discrimination enforcement, coupled with incentives for employers who implement family-friendly policies (e.g., flexible working arrangements, on-site childcare), would foster a more supportive work environment for returning mothers.

D. Strengthen Coverage for Non-Traditional Workers

1. The UK government should extend maternity leave entitlements to self-employed women, migrant workers with limited visas, and those engaged in the gig or platform economy. These workers often fall outside the remit of statutory schemes such as Statutory Maternity Pay, making them vulnerable to income insecurity during maternity. Legislative reform should ensure eligibility is determined by cumulative work contributions, not strict employment classifications.

E. Introduce Dedicated Paternal Leave Quotas

1. Although Shared Parental Leave (SPL) exists in the UK, uptake remains low due to cultural expectations and policy design. The government should create non-transferable, fully paid leave quotas exclusively for fathers. Evidence from Nordic countries shows that when paternity leave is independently guaranteed and well-paid, paternal participation in early childcare increases significantly.

F. Combat Workplace Discrimination

Despite legal protections under the Equality Act 2010, pregnancy and maternity discrimination persist in UK workplaces. The Equality and Human Rights Commission (EHRC) should increase random workplace audits and introduce penalty mechanisms for non-compliant employers. In addition, legal aid services for victims of maternity-related discrimination should be expanded, particularly for low-income women.

G. Improve Public Awareness and Employer Training

Many women and employers remain unaware of maternity rights and obligations. The government should invest in public education campaigns and develop training modules for employers, particularly SMEs. Accessible digital platforms should be created where both employees and employers can obtain real-time information on maternity entitlements.

H. Monitor Outcomes through Disaggregated Data

To enhance responsiveness and accountability, the UK should establish systems to collect and analyse data on maternity leave uptake, return-to-work rates, and retention outcomes. Data should be disaggregated by race, income, sector, and contract type. Insights gained should inform adaptive policy reforms and reduce disparities.

7.3.3 Recommendations for Canada

Canada operates a relatively generous maternity and parental leave system, primarily funded through Employment Insurance (EI). However, disparities persist based on employment status, province of residence, and socioeconomic background. The following reforms are suggested:

I. Addressing Eligibility Gaps

The Canadian system, though advanced, excludes many part-time, seasonal, and precarious workers due to Employment Insurance eligibility thresholds. Relaxing contribution requirements or introducing a separate universal maternity allowance would ensure more equitable access, especially for women in vulnerable labour sectors.

II. Balancing Extended Leave with Career Continuity

The availability of up to 18 months' leave promotes maternal and child well-being, but extended absences can hinder women's career progression, particularly in high-skilled professions.

Employers should be incentivised to provide career re-entry programmes, including phased return-to-work schemes and skills retraining initiatives, to minimise long-term career penalties.

III. Increasing Benefit Ceilings

Current Employment Insurance benefits replace 55% of earnings, up to a capped amount. This structure disadvantages middle- and high-income women, reducing affordability of leave. Raising benefit ceilings, or introducing employer “top-up” incentives, would enhance financial adequacy across income brackets.

IV. Expand Access for Marginalised Workers

Many women, especially in precarious employment, self-employment, or those with insufficient hours worked, do not qualify for EI maternity benefits. The federal government should reduce eligibility thresholds and create an alternative benefits route for those unable to meet existing criteria. Provinces should also explore top-up programs for vulnerable populations.

V. Address Geographic Inequities

There is a notable variation in benefit uptake across provinces and territories, often linked to awareness, administrative capacity, and provincial supplementation. Federal-provincial collaboration should aim to standardise minimum benefit guarantees and improve outreach in remote and Indigenous communities.

VI. Promote Equal Parental Responsibility

Canada should enhance its existing parental leave policy by creating additional "use-it-or-lose-it" leave for fathers, backed by adequate income replacement rates. This would encourage

men's active involvement in early childcare and reduce the disproportionate burden on mothers.

VII. Incorporate Maternity Leave into Broader Gender Strategy

Maternity leave should be embedded within Canada's wider Gender-Based Analysis Plus (GBA+) framework. This would ensure maternity policy intersects effectively with issues of child care availability, wage equity, reproductive health, and social inclusion.

VIII. Invest in Longitudinal Research and Policy Feedback Loops

To ensure continuous improvement, Canada should fund longitudinal studies tracking the impact of maternity and parental leave on labour market participation, child development, and gender dynamics. These findings should directly influence policy cycles, enabling evidence-based, context-sensitive adjustments.

7.3.4 Cross-Cutting Comparative Recommendations for the Three Countries

a) Reframing Maternity Leave as Family Leave

Across all three jurisdictions, maternity leave is still heavily feminised, reinforcing caregiving as a woman's responsibility. Reforms should aim to reframe maternity leave as family or parental leave, with equitable entitlements for fathers. This would reduce the gendered division of labour and promote shared responsibility in childrearing.

b) Integrating Leave with Broader Work–Life Balance Policies

Maternity leave reform cannot operate in isolation. Policies such as subsidised childcare, workplace flexibility, and protection against pregnancy-related discrimination are essential complements. Without these, maternity leave alone risks entrenching gender inequality.

c) Building Inclusive and Equitable Systems

All three jurisdictions exhibit gaps in access. Nigeria excludes informal workers, the UK stratifies benefits by employer generosity, and Canada excludes precarious workers. Designing inclusive systems that account for diverse labour market realities is critical to ensuring maternity leave fulfils its protective function across social classes.

Maternity leave regulation in Nigeria, the UK, and Canada reveals both progress and persistent gaps in achieving the dual objectives of protecting maternal and child health while promoting women's labour market equality. Nigeria requires foundational reform to modernise its employer-liability model, the UK must enhance financial adequacy and promote shared parental responsibility, and Canada must address access inequities and career reintegration challenges. Collectively, these reforms highlight that effective maternity leave policies must be inclusive, adequately financed, and embedded within a broader framework of gender equality and work–life balance.

If implemented, these recommendations would not only improve health and economic outcomes for mothers and children but also contribute to dismantling the structural barriers that continue to shape women's unequal position in the labour market.

7.4 Contribution to Knowledge

This thesis contributes to existing scholarship on labour law, gender studies, and comparative legal policy in several significant ways.

1. Providing the First Comparative Triangular Study of Nigeria, the UK and Canada

While existing literature often examines maternity leave policies within singular jurisdictions, or occasionally across regions, this work undertakes a systematic comparative analysis of Nigeria, the United Kingdom, and Canada. By juxtaposing a developing economy

with two advanced welfare states, the thesis illuminates both convergences and divergences in legal design, funding models, and socio-economic outcomes. This comparative breadth fills a notable gap in scholarship, particularly regarding Nigeria, where research is often fragmented and not situated within global debates.

2. Integrating Legal Doctrine with Socio-Economic Outcomes

Beyond doctrinal exposition of statutory frameworks, this thesis evaluates how maternity leave laws shape women's workforce participation, gender equality, and maternal and child health outcomes. This interdisciplinary approach bridges the divide between legal analysis and empirical social policy studies. It demonstrates that maternity leave is not merely a legal entitlement but a socio-economic lever with distributive and intergenerational effects.

3. Advancing the Discourse on Gender Equality and Labour Market Justice

By assessing maternity leave policies through the lens of substantive gender equality, the thesis highlights structural barriers that persist in Nigeria and contrasts them with evolving gender-neutral policies such as shared parental leave in the UK and Canada. This comparative insight contributes to feminist legal scholarship by showing how regulatory design either entrenches or mitigates gendered divisions of care and work. It further underscores how under-regulation in Nigeria sustains systemic disadvantages for women in the labour market.

4. Mapping Distributional Impacts Across Class and Sectoral Divides

A distinctive contribution of this study lies in its focus on distributional effects: how maternity leave policies differentially impact women in the formal versus informal economy, low-income versus high-income households, and professional versus precarious work. In the Nigerian context, the thesis exposes the exclusionary character of current frameworks which

overwhelmingly privilege formal-sector employees, leaving the majority of working women without protection. By contrast, the UK and Canadian systems demonstrate broader coverage, albeit with their own inequities. This analysis pushes the conversation beyond abstract entitlement to questions of social justice and inclusivity.

5. Generating Reform-Oriented Insights

The thesis does not merely identify gaps but develops reform proposals that are context-sensitive. For Nigeria, it argues for extension of statutory leave beyond the current 12 weeks, integration of paternity/parental leave provisions, and expansion of social insurance mechanisms to cover informal workers. For the UK and Canada, the work points to lessons about improving take-up among fathers, preventing gendered career penalties, and balancing fiscal sustainability with equality goals. This pragmatic orientation provides actionable insights for policymakers, trade unions, and advocacy groups.

6. Methodological Innovation in Comparative Legal Analysis

Finally, the research offers a methodological contribution by structuring the comparative assessment through five interlinked dimensions—legal design, mechanisms of delivery, labour market outcomes, distributional impacts, and reform options. This framework provides a replicable model for future studies on labour and social welfare law, applicable to other entitlements such as paternity leave, childcare, and flexible work regulation.

This thesis contributes to knowledge by filling the gap in scholarship on Nigeria's under-explored maternity leave regime in comparative context, enriching doctrinal legal analysis with socio-economic and gender justice perspectives, and offering both theoretical and policy-oriented insights that can inform reforms in diverse jurisdictions. It thereby advances the

global conversation on how maternity leave regulation can function as a catalyst for equality, health, and sustainable workforce participation.

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BIO DATA

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B. Educational Background

1) Primary Education:
2) Sacred Heart, Public School, Oke-Ayo, Ibadan. 1983-1986
3) Baptist Primary School, Idi-Odo, Challenge, Ibadan. 1986-1988
4) Secondary Education:
5) Our Lady of Apostle, Ibadan: Junior School Certificate 1989-1992
6) St. Anne's Secondary School: Senior School Certificate 1992-1995
7) Higher Educational Institutions Attended with Dates & Qualification:
8) Institute of Chartered Accountants in Nigeria (AAT) 1997-1998
9) University of Ibadan: - Law (LLB) 1999-2005
10) Nigerian Law School, Enugu Campus 2006-2007
11) University of Ibadan: Masters in Law 2009-2011
12) Chartered Institute of Arbitrators (Nigeria Branch) 2012
13) University of Ibadan: Ph.D. 2017 – 2024

14) Lead City University: Ph.D. in view 2022 – till date

C. Awards and Fellowships:

i. Women's Human Rights Education Institute, University of Toronto- Certification Course in Women's Human Rights 2013

ii. The ADR Society, Ibadan – Certificate of Achievement in Community Legal Service and Human Rights Protection 2015

iii. Ewah Women University, Seoul, South Korea - EGEP Certification Course in Women's Human Rights 2017

iv. Institute of Policy Management Development (IPMD) – Fellowship 2021

D. Work Experience:

1. Olujinmi and Akeredolu Law Firm Counsel - Intern 2007-2008
2. Rotimi Ali and Co Law Firm Counsel Counsel 2009-2010
3. Abiade Abiola and Co Chambers Principal Partner 2011-Till date
4. Funmi Roberts and Co Solicitor and Mediator 2013
5. Human of Substance Empowerment Initiative (HOSEI) President 2013-Till date
6. Lead City University Volunteer Lecturer 2018-2019
7. Lead City University Lecturer 1 2019-2024
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E. Member of Academic Professional Bodies

1. Institute of Policy Management Development (IPMD)

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3. Chartered Institute of Arbitrators (Nigeria Branch)
4. Institute of Chartered Accountants in Nigeria (ICAN)
5. Law and Society Association, Massachusetts, USA
6. Nigeria Bar Association (NBA)
7. International Bar Association (IBA)
8. African Bar Association (ABA)
9. African Women Lawyers Association (AWLA NIGERIA)
10. Young Scholar Initiative (YSI)

F. Publications:

Thesis/Dissertation

1) Abiola A.O, (2005), The Victim, the Abused and the Abuser: An Appraisal of Domestic Violence in Nigeria, LL. B Dissertation, University of Ibadan.
2) Abiola A.O, (2011), Mergers and Take-Overs; Instrument of Progress or Exploitation? LL.M Dissertation, University of Ibadan.
3) Abiola A.O, (2024), Regulatory Framework for Surrogacy Practice in Nigeria, Ph.D. Thesis, University of Ibadan.

Papers:

i. Abiola A.O, (2019), Right to Vote and be voted for: What is Just? Gender Equity or Equality, LCULJ, Vol. 3, No 1
ii. Abiola A.O, (2019), National Capacity for Sustainable Women Empowerment and Development- Nigeria Bar Association (NBA) Journal

iii. Adegbite E. A, Abiola A.O, (2021), Land as the life of a People – Nigerian Government, Laws and Indigenous Land Matters, Madonna University, Nigeria, Faculty of Law Journal, Vol. 8

iv. Abiola A. O, (2021), Surrogacy versus Reproductive Rights: A Legal perspective, FIDA OYO Journal, ISSN-2250-9232, Vol. 2

v. Abimbola F.O, Abiola A.O, (2022), Custody of Children: The Jurisdiction of Family Courts Versus the State High Courts in Protecting the Interest of the Child in Matrimonial Proceedings, SSRN

vi. Abiola A.O, Adenipekun O.A, Olatunbosun A.O, Akintunde T.Y, (2023), Perspectives on Surrogate Practices and Law in Nigeria: A Call for Policy Intervention, Health Policy and Technology Journal

vii. Awotoye Tobiloba, Abiola A.O, Oyeniran Oyeleke, (2023), Cyberspace and Human Rights in the 21st Century, PPL Law Review, Redeemer's University

G. Books/Monographs

Authored Books:

1) Abuse is never Justified; Realities of Change
2) Surrogacy Practice: An Alternative Path to Motherhood

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Compliance Certificate

Turn-it-in Result