

Case Study 3.2

Protecting pregnant workers' rights in Lesotho – the impact of long working hours (Better Work)

This case study from Better Work Lesotho shows how workers may need support to know and access national pregnancy and maternity benefits which are their legal right – and that managers should know their responsibility to inform pregnant workers. The majority of garment workers in Lesotho are young women so maternity rights at work are of great importance. In Lesotho, Better Work is striving to ensure that the needs and rights of pregnant workers are met.

Mamontseng Habahaba's story

When 31-year-old Mamontseng Habahaba was pregnant with her third child, she worked as a quality control inspector at one of Lesotho's 39 garment factories. She didn't bother telling her supervisor. She figured she would just work until it was time to give birth, unaware of her rights as a pregnant factory worker.

Into her third trimester, she struggled to stay on her feet for her 9-hour daytime shift, and though her pregnancy was obvious, she was not provided with a chair to sit on, nor did she dare to ask for one.

"This is something that cannot be done in this factory," Habahaba said. "If your work requires you to work standing, you have to work standing, even when you are pregnant."

Habahaba requested maternity leave when she was seven-months pregnant, and she stopped working at the last possible moment, on 15 January 2014. Four days later, she gave birth prematurely to Molise Habahaba, a 3.6kg baby boy named after his grandfather. The family's financial strain sent her back to work two months after Molise was born.

Habahaba knew from her supervisor and other colleagues at the factory that she was allowed 12 weeks leave. What she didn't yet know was that a law amended in October 2013 provided she get paid for six out of those 12 weeks. When Habahaba returned to work, she was only given two weeks' pay to cover the time she took off. With an extra mouth to feed, she began working overtime even though labour laws prohibit nursing mothers from working extra hours. Habahaba said she did not know she was not supposed to work overtime. And only recently she was aware of the amended law on paid maternity leave.

"We only knew some time ago and we lodged a complaint to our shop stewards and they are working on the issue," Habahaba said. "However, the workers that came back from maternity leave after we lodged the complaint have been paid six weeks."

According to Better Work, Habahaba's situation repeats itself at other apparel factories where pregnant workers face losing out on benefits entitled to them and rights that protect them in the workplace before and after giving birth. The issue is critical, not just in Lesotho, but across the world, where a majority of women factory workers are of child-bearing age.

Better Work's programme in Lesotho helps protect pregnant workers by offering maternity protection training as part of the Workers' Life Skills programme. Better Work is training factory human resources managers to understand and observe the law, as well as training peer educators who in turn are training their co-workers

on maternity health issues. Drilling deeper into the issue, Better Work conducted a series of workers' focus group discussions with workers from 17 factories to help them and the factories gain better understanding of the needs of pregnant workers.

Better Work learned that:

- Awareness regarding the rights and needs of pregnant workers remains low.
- In a number of factories, workers still get paid only two weeks during their maternity leave despite an amended law that mandates six weeks of paid leave.
- Pregnant workers are not always accommodated at their jobs with lighter workloads.
- Maternity benefits are not always part of the induction training and workers do not receive adequate explanation of their benefits.
- Pregnant workers are often not aware of the safety and health risks at their workplace that could harm their unborn child.
- Many workers report for duty one month after giving birth worried about losing income if they stay at home with their babies.
- Factory improvements, such as a subsidized nursery on site, would help reduce the financial burden for working mothers of newborns.

“Maternity protection in the apparel industry workplace has been a topic neglected for long. We are working together with our partners – unions, employers, government to strengthen the law and promote compliance with it,” said Programme Manager, Kristina Kurths.

Source: Quoted and adapted from Better Work (undated) Protecting Pregnant Workers' Rights in Lesotho: <http://betterwork.org/global/?p=6243>.