



Issue 12 | August 2024

Maternal and Child Welfare Law: Empowering Working Mothers and Fathers

Amid efforts to reduce mortality rates and combat stunting, Indonesia has advanced family rights with the introduction of a new law on maternal and child welfare, which also extends rights to fathers.

Law No. 4 of 2024 on Maternal and Child Welfare during the First Thousand Days of Life (“**Maternal and Child Welfare Law**”) was enacted by House of Representatives on 4 June 2024 and signed into law by President Joko Widodo on 2 July 2024.

The Maternal and Child Welfare Law grants additional rights and privileges to working mothers to ensure they can care for their children, especially during the crucial first thousand days after birth. The law also recognizes the importance of fathers in child-rearing by granting them additional rights.

Previously, Law No. 13 of 2003 on Manpower (as amended) provided pregnant working mothers with 3 months of maternity leave, adjustments to working hours, and the right to breastfeed their child during working hours post-childbirth. However, these provisions were deemed insufficient.

The Maternal and Child Welfare Law also provides additional rights to children. However, in this advisory, we will only focus on the additional rights given to working mothers and fathers.

Rights of Working Mothers

A mother, defined as a woman who conceives, gives birth to, and/or breastfeeds a child, or raises, cares for, educates and nurtures a child while working, is entitled to:

- a. **Maternity leave** of:
 - (1) A minimum of the first **3 months**; and
 - (2) Up to an additional **3 months** if there are **special conditions** (such as the mother experiencing health problems, postpartum complications or miscarriage; or health problems or complications experienced by the newborn child) as evidenced by a doctor's certificate.
- b. A rest period of 1.5 months or in accordance with the certificate of a doctor, obstetrician or gynecologist, or a midwife in case of a miscarriage.

- c. Access to adequate opportunities and facilities for health and nutrition services and **lactation during working hours**.
- d. Sufficient time is in the best interests of the child.
- e. **Access** to affordable **childcare** in terms of **distance and cost**.

Furthermore, under Article 5 of the Maternal and Child Welfare Law, every mother on maternity leave is entitled to receive their salary as follows:

- a. Full salary for the first 3 months;
- b. Full salary for the fourth month;
- c. 75% of the salary for the fifth and sixth months.

The rights outlined above must be adhered to by the employer. In addition, employer must support working mothers by providing:

- a. Proper facilities, accommodation, and infrastructure in the workplace;
- b. Access to health service facilities;
- c. Availability of lactation rooms;
- d. Daycare centers; and
- e. Adjustment of tasks, working hours, and/or workplace conditions to accommodate the mother's needs and work achievement targets.

If a mother is dismissed or terminated from her job, or discriminated against for exercising her maternal rights, the Central Government or Regional Government shall provide her with legal assistance. Currently, the specific form of legal assistance from the government is unclear.

Rights of Fathers

As a form of gender equality and recognition of the importance of a father's presence in a child's upbringing, employed fathers are also given additional rights. A working father is entitled to leave to accompany his wife:

- a. During childbirth, for 2 days, extendable for an additional 3 days or as agreed; or
- b. For 2 days, if his wife suffers a miscarriage.

In addition to this leave, a working father is also entitled to sufficient time to accompany his wife and/or child if:

- a. The wife is experiencing health problems, postpartum complications, or a miscarriage;
- b. The newborn child is experiencing health problems or complications;
- c. The wife dies during childbirth; and/or
- d. The newborn child dies.

Sanctions

The Maternal and Child Welfare Law states that employers who do not provide the required facilities, accommodation, or infrastructure for mothers will be given guidance (*pembinaan*) and/or be subject to administrative sanctions. However, the law does not specify clear or precise sanctions for such noncompliance.

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