

Workshop on Impact on employment of the Maternity Benefit Amendment Act, 2017:

Identifying the Affirmative Initiative & Challenges in the Implementation of the Act

Concept note

30th - 31st October 2019

Workshop Director: Dr Shashi Bala

Introduction

1.1. To become a mother is the most natural phenomena in the life of a woman. They should **be honored and treated with dignity at the places where they work to earn their livelihood.**

The maternity is a social function and is a positive contribution of a woman to perpetuate a race. Every living being during her pregnancy is a protective species and the functions of reproduction need certain safeguards.

1.2. Article 11 (2) of the 'UN Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW) has laid down special provisions relating to maternity and child-care which read as under:-

11(2). In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*
- (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.*

1.3. Various International Conventions have also been adopted recognising the rights of women during pregnancy etc, viz:-

(a) Maternity protection convention, 2000 (convention no 183)

(b). Elimination of all form of discrimination against women (CEDAW) 1976

Constitutional provisions relating to maternity

2.1. Article 42 which has been incorporated as one of the 'Directive Principles of State Policy' laid down in Articles 36 to 51 (PART IV) of the Constitution of India had the provisions relating to maternity, which reads as under:-

"42. Protection of just and humane conditions of work and maternity relief.- The State shall make provisions for securing just and humane conditions of work and for maternity relief.

2.2. To comply the aforesaid directive principle, the Parliament of India enacted the Maternity Benefit Act, 1961 (MBA). Its preamble reads as under:-

"An Act to regulate the employment of women in certain establishments for certain periods before and after childbirth and to provide for maternity benefit and certain other benefits"

2.3 Important definitions:

Sec. 3 (b) Child: Includes a still born child.

Sec 3(j) Miscarriage: MTP up to 26 weeks which is not an offence under IPC.

Sec 3(ba) "Commissioning Mother (inserted w.e.f. 01.04.17). – means a biological mother who uses her egg to create an embryo implanted in any other woman

Salient features of the Act:

3.1. The M B Act, 1961 (MB) is a noteworthy step towards gender empowerment. The major salient features of the Act are as under:-

(a). **Applicability of the Act:** The woman employed in establishments, who are covered under the Employees State Insurance Act, 1948 are not covered by the MB Act. Since the threshold limit under the ESI Act, 1948 is Rs. 21000/- pm, a woman employee drawing wages above this limit will get benefits under the MB Act.

(b). Like all Indian Labour Laws, the MB Act has no universal application. There are two types of coverage under the Act:-

(i). without any limit of persons /employees: Factories, plantation, Government establishments and circus.

(ii). where ten persons (not woman) are employed or were employed during preceding twelve months: Shops, establishments

The provisions of the Act have been extended to 'Bedi & Cigar Workers'. State Governments can extend the provisions of the Act to any establishment with the approval of Central Government (Sec. 2(1)(b).

(c). **Woman:** There is no definition of employee in the Act because maternity is confined to women only. Hence the term 'women' has been defined u/s 2(o) as under:-

"Woman" means a woman employed, whether directly or through any agency, for wages in any establishment".

Thus the definition of woman is very wide. It does not state that the woman should be married. She may be single, live-in-relation, un-married, married or divorcee of any age. Further, there is no restriction of any age, salary or designation or nature of duties. She can be a casual, muster roll or contract labour (employed through any agency). In other words, the principal employer is also liable to pay maternity benefit to a woman employee employed through a contractor. The fixed term woman employee will also be covered under the Act.

(d). Appropriate **Government**: U/s 3(a), the Central Government is the appropriate Government for mines and circus only. All other cases including Railways or defence establishments etc fall within the jurisdiction of State Governments.

4. Responsibility of employer / principal employer:

Sec. 4 Prohibition of employment during certain period (delivery, miscarriage, MTP) :

U/Sec.4 (1) an employer knowingly cannot employ a woman during the six weeks immediately following (after) the day of her delivery or her miscarriage or MTP. U/s 4(2) no woman shall work during said period. Sec 4(3) If a request is made by a pregnant woman, during the period of four weeks **before the pregnancy**, she cannot be asked to:-

- work of an arduous nature, or
- which involves long hours of standing, or
- which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or
- Is likely to cause miscarriage or otherwise adversely affecting her health.

Sec.5. Right (entitlements of woman) to payment of maternity benefits.-

Sec. 5(1).Payment of maternity benefit @ average daily wage of preceding three months or Minimum Wages or **ten rupees (per day)**, whichever is the highest

Sec. 5(2) Eligibility Minimum period of service: 80 days actual working during last 12 months preceding the expected date of delivery (EDD). Includes period of lay-off and paid holidays

Sec 5(3) (i). Maximum period of maternity leave (amended w.e.f. 01.04.2017). : 26 weeks (Max. 8 weeks before EDD). In case of two or more than two surviving children. 12 weeks leave. Max. 6 weeks before EDD)

Provisio clause to Sec. 5(3)

- If woman dies during maternity leave, the benefits is to be paid to nominee mentioned in notice given u/s 6; if no nominee, to the legal heir.
- If she dies during or after delivery (but child survives): entitlement for entire period of 26 weeks.
- If child also dies: up to and including the date of death.

Sec. 6. Entitled woman may give notice to employer in writing in prescribed form giving details of her absence/ leave etc. If no notice is given, woman to give it immediately after delivery.

Sec. 8 Medical bonus of Rs. 3500/- w.e.f. 19.12.2011 (if no pre-natal and post-natal free care is provided).

Sec. 9 Leave for miscarriage or MTP. Six weeks w.e.f. date of miscarriage/ MTP.

Sec. 9A Leave for tubectomy operation.- Two weeks immediately following date of operation

Sec. 10. Leave for illness arising out of pregnancy, delivery, premature birth of child, miscarriage, MTP or tubectomy operation. Additional one month leave

Sec. 11. Nursing breaks: Two in addition to rest interval. As per Rule 6 of Maternity Benefit (Mines & Circuits) Rules, 1963 the duration of nursing break is 15 minutes

The MBA is a self-contained Code. U/s. 17, an Inspector of his own motion or on receipt of a complaint, has the powers to direct payment of any admissible benefit. Any aggrieved party can challenge it before the authority within 30 days of the communication of order.

Stringent penal provisions: Failure to pay maternity benefit or discharge or dismissal during maternity leave is punishable with minimum three months and max one year imprisonment; and with fine from Rs. 2000/- to 5000/-. Court may grant lesser sentence or fine after recording reasons for the same.

5. New provisions w.e.f. 01 April 2017

Sec. 5(4) – w.e.f. 01.04.2017. A woman who **legally adopts** a child of less than 3 months or a **commissioning (biological)** mother is entitled to 12 weeks maternity leave w.e.f. the date the child is handed over to them.

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

CRECHE. Sec. 11A. (1) Every estb. having 50 or more employees shall have the facility of creche, independently or along with common facilities. Maximum four visits (including rest break) permitted to visit to crèche to a woman (not employee).

Sec. 11A (2). Every estb. Shall intimate in writing and electronically to every woman – the benefits of Act at the time of her initial appointment.

6. Gist of leading judgments on the subject {Discrimination in wages, remuneration and other conditions of employment) is placed at Annexure-1 of this Concept Note.

7. Status of Maternity Leave Benefits of SAARC NATIONS & BRICS NATIONS and the Participation of the female in labour force.

Country	Length of maternity leave	% Wage paid in covered period	Provider of benefit	Labour force participation rate, female (%)in (2018)\$
SAARC Countries				
Afghanistan	90 days	100	Employer	49
Bangladesh	16 weeks	100	Employer	36
India*	26 weeks	100	Employer	24
Nepal	52 days	100	Employer	82
Pakistan	12 weeks	100	Employer	24
Sri Lanka**	12 weeks	86, 100	Employer	35
Maldives	60 days	100	Employer	42
BRICs Nations	Length of Maternity leave	% Wage paid in covered period	Provider of benefit	Labour force participation rate, female (%)in (2018)\$
Brazil	120 days	100	Social Insurance	54
Russian Federation***	140 days	100	Social Insurance Fund	55
India*	26 weeks	100	Employer	24
China	90 days	100	Social Insurance	61

Other than SAARC & BRICs Countries	Length of Maternity leave	% Wage paid in covered period	Provider of benefit	Labour force participation rate, female (%) in (2018)\$
Argentina****	90 days	100	Family allowance funds (financed through state and employer contributions)	49
Australia	18 weeks	...	Social assistance system financed by the state	60
Canada*****	17 weeks	55	Federal and State. Employment Insurance	61
France	16 weeks	100	Social Security and health insurance funds	50
Germany	14 weeks	100	Statutory health Insurance scheme, employer	55
Japan @	14 weeks	30	1/8 National Treasury, 7/8 Employment Insurance Fund	51
Mexico	12 weeks	100	Social security	44
South Africa@@	4 months	60	Unemployment Insurance Fund	49
United Kingdom#	52 weeks	90	Employer (92% refunded by public funds)	57

Sources

- <http://agoffice.gov.mv/pdf/sublawe/Employment.pdf>
- [http://mospi.nic.in/sites/default/files/reports and publication/statistical publication/social statistics/WM17Chapter7.pdf](http://mospi.nic.in/sites/default/files/reports%20and%20publication/statistical%20publication/social_statistics/WM17Chapter7.pdf)
- \$ <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?locations=AF>

* Recent Maternity Benefit (Amendment) Act, 2017

** 12 Weeks according to Maternity Benefits (Amendment) Act, No. 15 Of 2018 .86% of wages for workers paid at a time-rate/ piece-rate and 100% to employees covered by Shop And Office Employees (Regulation Of Employment And Remuneration) (Amendment) Act, No. 14 Of 2018.

*** Up to ceiling and Additional birth grant is paid in lump sum.

****In addition, a means-tested birth grant is paid in lump sum.

***** Duration of maternity leave depends on the province. For Federal and Ontario, maternity leave is 17 weeks, while in Quebec, it Federal and State. Related to family income and tax benefits and up to ceiling

@ A further re-engagement benefit of 10% on return to work.

@@ Maximum amount of 60% depending on level of income of the contributor for a maximum of 17.32 weeks.

consisting of 26 weeks of ordinary maternity leave and 26 weeks of additional maternity leave.

Way Ahead:

7.1. The MB Act is proposed to be merged along with fourteen other Acts (Total 15 central labour Acts) in the 'Draft Labour Code on Social security, 2018'. **The Code was last uploaded on 01 Mar 2018** on the Web-site of the Ministry of Labour and Employment and consultation process with employers' organisations and unions is under process..Part 'H' Clauses 53.1 to 60.4 (pages 99 to 101) of the Draft Code deals with the 'Maternity Benefits'.(Copy at Annexure-2 of this Concept Note).

7.2. For drafting any future policy, the feedback in the form of data is required, which may be collected either after proper surveys or on the basis of analysis of inspection reports as recently conducted by VVG NLI. Where in major needs is felt on the enforcement of the Act by the appropriate Governments.

8. To identify the challenges, constraint in the implementation and the impact on employment of the women of the MB Amendment Act, VVG NLI is organizing this workshop with the main stakeholders.

9 Target Groups : Academicians , Research Scholars , Trade Union Representatives, Employers, Government Administrators ,Lawyers etc .working on this issues are requested to send their nominations for paper presentation and abstract of the paper by 31st August ,2019 to:

Contact Person Dr. Shashi Bala, Fellow, VVG NLI

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Gist of leading judgment on MB Act**Supreme Court: Municipal Corporation of Delhi v. Female Workers and anr. (2000) 3 SCC 224**

*“27. The provisions of the Act which have been set out above would indicate that they are wholly in consonance with the Directive Principles of State Policy, as set out in Article 39 and in other Articles, specially Article 42. A woman employee, at the time of advanced pregnancy cannot be compelled to undertake hard labour as it would be detrimental to her health and also to the health of the foetus. It is for this reason that it is provided in the Act that she would be entitled to maternity leave for certain periods prior to and after delivery. **We have scanned the different provisions of the Act, but we do not find anything contained in the Act which entitles only regular women employees to the benefit of maternity leave and not to those who are engaged on casual basis or on muster roll on daily wage basis.**”*

33... .. Women who constitute almost half of the segment of our society have to be honoured and treated with dignity at places where they work to earn their livelihood. Whatever be the nature of their duties, their avocation and the place where they work; they must be provided all the facilities to which they are entitled. To become a mother is the most natural phenomena in the life of a woman. Whatever is needed to facilitate the birth of child to a woman who is in service, the employer has to be considerate and sympathetic towards her and must realise the physical difficulties which a working woman would face in performing her duties at the work place while carrying a baby in the womb or while rearing up the child after birth. The Maternity Benefit Act, 1961 aims to provide all these facilities to a working woman in a dignified manner so that she may overcome the state of motherhood honourably, peaceably, undeterred by the fear of being victimised for forced absence during the pre or post-natal period

... ..

Kerala High Court. P. Geetha, Geetam Pratheeksha Nagar v The Kerala Livestock Development Board Ltd., WP(C).No. 20680 of 2014 (H). DOJ 06 Jan 2015.

Facts. A Dy. General Manager, childless for over 20 years, had undergone surrogate procedure. A baby was born on 18.06.2014 through a host mother. She was denied maternity leave as per Staff Rules.

She filed writ petition contented that child of a few days could not be left to the care of others. Motherhood does not end with delivery of a baby, but continues, with more vigour, through the process of child rearing, which is an equally difficult task.

Arguments: Motherhood is an integral and inherent part of womanhood and with advanced reproduction techniques, one cannot cling on to the traditional meaning of maternity. All the international covenants and the domestic declarations go to establish that there ought not be any discrimination based on the method of maternity, or in other words, merely on the ground that the mother did not actually bear the child in her womb.

The Universal Declaration of Human Rights, 1948 declares that motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. Article 3 of the Convention on the Rights of child, thereof mandates that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration. The nations are required to take all appropriate legislative and administrative measures.

High Court held: Maternity consists of pre and post natal. Admittedly, the woman had not undergone any pre-natal phase, which was undergone by the surrogate mother. From day one, after the delivery,

the woman is required to be treated as the mother with a newborn baby. Thus, without discriminating, it can be held that the petitioner was entitled to all the benefits that accrue to an employee after the delivery, as have been provided under the Act or the Staff Rules. ...Admittedly, the woman did not physically bear the child; as such, she cannot insist on having any leave for convalescing and regaining her health.

“74. Thus, to conclude, this Court declares that there ought not to be any discrimination of a woman as far as the maternity benefits are concerned only on the ground that she has obtained the baby through surrogacy. It is further made clear that, keeping in view the dichotomy of maternity or motherhood, the petitioner is entitled to all the benefits an employee could have on post-delivery, sans the leave involving the health of the mother after the delivery.”

.....

Supreme Court. Rattan Lal and others vs. State of Haryana and others; 1985 (3) SLR 548.

“3. We strongly deprecate the policy of the State Government under which 'ad hoc' teachers are denied the salary and allowances for the period of the summer vacation by resorting to the fictional breaks of the type referred to above. These 'ad hoc' teachers shall be paid salary and allowances for the period of summer vacation as long as they hold the office under this order. Those who are entitled to maternity or medical leave shall also be granted such leave in accordance with the rules.”

HP High Court. State of HP v Sudesh Kumari, 2015 Lab IC 1717 (HP). Discrimination between regular and adhoc staff while granting maternity benefit.

Facts: Regular female employees were entitled to 135 days of maternity leave but adhoc were entitled to 12 weeks / 84 days.

High Court held that the under Article 14 of the Constitution, State cannot discriminate between an adhoc/contractual and regular female employee and grant different period of maternity leave to them. In law, there is no difference between a female regular employee and a contractual / ad hoc employee because she is female for all intents and purposes; and she has a matrimonial home, matrimonial life, and after conception, she has to undergo same maternity period, treatment, pains and other difficulties like a regular employee.

PART H

Maternity Benefits

53.	Obligations of Employers and Rights of woman in case of Maternity.—	MBA 4
53.1.	No employer shall knowingly employ a woman in any establishment during the six weeks immediately following the day of her confinement, stillbirth, miscarriage or medical termination of pregnancy.	MBA 4(1)
53.2.	No woman shall be forced or obliged to work by any other person or in any entity during six weeks immediately following the day of her confinement, stillbirth, miscarriage or medical termination of pregnancy.	MBA 4(2)
53.3.	No pregnant woman worker shall, on a request being made by her in this behalf, be required by her employer to do during the period of ten weeks, before the date of her expected delivery, any work which is of an arduous nature or which involves long hours of standing, or which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.	MBA 4(3)
53.4.	Every woman worker delivered of a child who returns to duty after such confinement shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work four breaks of the stipulated duration for nursing the child until the child attains the age of fifteen months.	MBA 11
53.5.	No deduction from the normal and usual daily wages of a woman worker entitled to maternity benefit under the provisions of this Code shall be made by reason only of— (a) the nature of work assigned to her by virtue of the provisions contained in sub-section (3); or (b) breaks for nursing the child allowed to her under the provisions of sub-Section (4).	MBA 13
53.6.	No employer shall, while making recruitment for the same work or work of a similar nature, or in any condition of service subsequent to recruitment such as promotions, training or transfer, make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force	
54.	Maternity Benefit Scheme	ESIC 50
54.1.	There shall be a Maternity Benefit scheme framed under sub section (1) of section 24 of this Code for providing periodical or other payments in the form of maternity assistance to the woman worker in case of pregnancy, confinement, on account of confinement arising out of childbirth (including premature birth), stillbirth, miscarriage or sickness arising out of pregnancy or childbirth, adoption of a child, or receiving a commissioned child through surrogacy.	
54.2.	The qualification of a woman worker to claim maternity Benefit the conditions subject to which such benefit may be given and the manner in which the benefits can be claimed shall be such as may be specified in the Maternity Benefit Scheme framed under sub-section (1) of Section 24.	
54.3.	The Scheme of Maternity Benefit shall apply to – (a) All entities that are required to pay contribution under sub-section (1) of Section 20; (b) All non-employees that are required to pay contribution under sub-section (3) of section 20; (c) Such other persons, in respect of whom, the State-contribution to the Social Security Fund and subscription to the Maternity Benefit Scheme is made from the Contribution Augmentation Fund, by the State Board under sub-section (5) of Section 22	
54.4.	Following persons shall be covered under the Maternity Benefit Scheme- (a) All employees employed by the establishment (including the owner-cum-worker) to whom the Maternity Benefit Scheme applies, whether employed directly or through contractor; (b) The non-employees to whom the Maternity Benefit Scheme applies;	
54.5.	Subscription to the Maternity Benefit Scheme shall be compulsory for every worker covered under sub-section (2), irrespective of his or her entitlement, gender, ability or intention to avail the benefits of Maternity Benefit Scheme.	
55.	Deleted	
56.	Deleted	
57.	Entitlement, Amount and period of Maternity Benefit	
57.1.	Every woman worker shall be entitled to the payment of maternity benefits at such rates as may be specified in the Maternity Benefit Scheme. Provided that in case of adoption of child, the woman worker shall be entitled to maternity	

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	benefits only if the child is less than twelve month of age on the date of adoption.									
57.2.	The period for which maternity benefit shall be due to a woman worker shall be such as may be specified in the Maternity benefit scheme.	MBA 5(1) MBA 8 ESIC R 56A								
57.3.	The maximum period for which any woman worker shall be entitled to maternity benefit shall be - <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: left;">In case a woman</th> <th style="width: 50%; text-align: left;">Entitlement</th> </tr> </thead> <tbody> <tr> <td>has less than two surviving children at the time of confinement</td> <td>twenty six weeks of which not more than eight weeks shall precede the date of her expected delivery</td> </tr> <tr> <td>has two or more surviving children at the time of confinement.</td> <td>twelve weeks of which not more than six weeks shall precede the date of her expected delivery</td> </tr> <tr> <td>Legally adopts a child or is a commissioning mother</td> <td>twelve weeks from the date the child is handed over to the mother</td> </tr> </tbody> </table> <p>Provided that where a woman worker dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death : Provided further that where a woman worker, having been delivered of a child, dies during her confinement or during the period immediately following the date of her confinement, for which she is entitled for the maternity benefit, leaving behind in either case the child, the maternity benefit shall be paid for that entire period but if the child also dies during the said period, then, for the days up to and including the date of the death of the child:</p>	In case a woman	Entitlement	has less than two surviving children at the time of confinement	twenty six weeks of which not more than eight weeks shall precede the date of her expected delivery	has two or more surviving children at the time of confinement.	twelve weeks of which not more than six weeks shall precede the date of her expected delivery	Legally adopts a child or is a commissioning mother	twelve weeks from the date the child is handed over to the mother	MBA 5(3)
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Legally adopts a child or is a commissioning mother	twelve weeks from the date the child is handed over to the mother									
57.4.	If a woman worker entitled to maternity benefit dies before receiving such maternity benefit or amount, or where she was entitled to maternity benefit under the second proviso to sub-section (2), the maternity benefit shall be paid to the person nominated by the woman worker and in case there is no such nominee, to her legal representative.	MBA 7								
57.5.	The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid to the woman worker on production of such proof as may be specified in by-laws that the woman worker is pregnant, and the amount due for the subsequent period shall be paid periodically to the woman worker subject to the production of such proof as may be specified in by-laws that the woman worker has been delivered of a child.	MBA 6(5)								
58.	Entitlement of maternity benefit and leave in certain cases									
58.1.	In case of miscarriage, or medical termination of pregnancy, a woman worker shall, on production of such proof as may be specified in by-laws, be entitled to maternity benefits at the rates specified in the maternity benefit scheme, for such period, as may be specified in the maternity benefit scheme, immediately following the day of her miscarriage or, as the case may be, her medical termination of pregnancy.	MBA 9 ESIC R56(3)								
58.2.	In case of tubectomy operation, a woman worker shall, on production of such proof as may be specified in by-laws, be entitled to leave with wages at the rate of maternity benefit for a period of two weeks immediately following the day of her tubectomy operation.	MBA 9A ESIC R56(3)								
58.3.	A woman worker suffering from illness arising out of pregnancy, confinement, premature birth of child, still birth, miscarriage, medical termination of pregnancy or tubectomy operation shall, on production of such proof as may be specified in by-laws, be entitled, in addition to the period of absence allowed to her under sub-section (1) or sub-section (2), to leave with wages for a maximum period of one month.	MBA 10 ESIC R56(3)								
59.	Dismissal during absence or pregnancy.—	MBA 12								
59.1.	When a woman worker absents herself from work in accordance with the provisions of this Part, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.									
59.2.	The discharge or dismissal of a woman worker at any time during her pregnancy, if the woman worker but for such discharge or dismissal would have been entitled to maternity benefit referred to in Section 57, shall not have the effect of depriving her of the maternity benefit: Provided that in case of any gross misconduct, the employer may, by order in writing communicated to the woman worker, dismiss her from service and inform the Commissioner of such dismissal within such time and such manner as may be prescribed.									
60.	Power of Commissioner to direct payments and recoveries.									

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60.1.	Any woman worker claiming that her employer has discharged or dismissed her during or on account of her absence from work in accordance with the provisions of this Part, may make a complaint to the Samajik Suraksha Mitra.	MBA 17(1)
60.2.	The Commissioner may, of his own motion or on receipt of a complaint referred to in sub-section (1), or on the basis of report from Samajik Suraksha Mitra, make an inquiry or cause an inquiry to be made and if satisfied that she has been discharged or dismissed during or on account of her the employer has unjustly dismissed her from service in violation of the provisions of this Part, may direct reinstatement of the women and payment of her dues, and further, may also pass such orders as are just and proper according to the circumstances of the case.	MBA 17(2)
60.3.	If any Employer or Principal Employer or the contractor, fails or otherwise neglects to cover his employees under the Maternity Benefit Scheme or defaults in the payment of contributions he is liable to pay in respect of such employees and by reason thereof any women under his employment becomes disentitled to maternity benefits, provisions of section 28 shall apply accordingly.	
60.4.	Any amount payable by an employer under this part shall be recoverable in the manner provided in section 137.	