



PARLIAMENT OF MALAWI



*PARENTHOOD AND PARLIAMENT:
WHAT ARE THE RULES FOR PARLIAMENTARIANS WHO WISH TO TAKE
MATERNITY AND PATERNITY LEAVE? (THE CASE OF THE MALAWI NATIONAL
ASSEMBLY*



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OUTLINE

- ❖ Introduction
- ❖ Support within Employment
- ❖ The Regime in Malawi
- ❖ Lessons

1. INTRODUCTION

- ❖ Parliament of Malawi has 193 Members, and the current cohort (2019-2025) has about 37% of the Members below 40 years of age. Youngest came in at 22 in 2019.
- ❖ The prospect of the institution being blessed with Parliamentarians becoming parents whilst in office has not just been high, it has become a reality.
- ❖ Between 2019 and December, 2023, at least 4 Members have become parents, with the last 2 being quite visible and exposing the urgent need for accommodating policies to enable Members balance

INTRODUCTION, Contd...

- ❖ Balancing the responsibilities of parenthood with the demanding role of a Member of Parliament (MP) is a challenge that has gained recognition globally. To foster inclusivity and gender equality in politics, parliaments must therefore establish robust legislation and policies for supporting Members including feasible maternity and paternity leave.
- ❖ MPs, however, are not regular employees, and therefore not part of the formal legal framework for maternity or paternity support availed to employees. A number of Parliaments like ours have to rely on ad-hoc or administrative initiatives like conditions of service or Human Resource policies.

2. SUPPORT WITHIN EMPLOYMENT

- ❖ What are some of the support systems or rules available or provided for, that Parliaments can take advantage of?
- ❖ ILO recommends a minimum of 14 weeks maternity leave to ensure that the mother has adequate time to recover and to take care of the baby during the most crucial period after birth. Paid Leave
- ❖ Implementation of non discrimination policies to protect (MPs) from any diverse consequences resulting from taking maternity leave. This includes safeguarding against career setbacks, and ensuring that MPs feel secure in utilizing entitled leave

SUPPORT WITHIN EMPLOYMENT

Contd...

- ❖ Provision of nursing rooms and crèches close by to ensure that new parents are able to work whilst taking care of their children,
- ❖ More and more requirement for legislation and policies that provide for paternity leave to encourage equitable enjoyment and distribution of parental/family joys and responsibilities

THE REGIME IN MALAWI

- ❖ Main piece of legislation is the Employment Act:
- ❖ Female employees entitled to a minimum of 8 weeks maternity leave on full pay. Every 3 years. Full benefits including promotion. If illness occurs due to pregnancy, leave shall be granted. Employer who terminates or curtails or reduces an employee's employment, benefit or entitlement commits an offence. At Parliament, 90 days maternity leave for female staff
- ❖ Since 2021, Paternity leave is provided for 2 weeks. Similar provision At Parliament

THE REGIME IN MALAWI Contd..

- ❖ At Parliament, no formal policies. As pointed out before, however, we have had live cases needing proper support.
- ❖ Currently, we rely on the Speaker's authority to grant leave of absence to the Member. In essence, the Member will apply and justify the need to absent themselves from Parliament business. Failure to do so will result in the Member losing benefits for plenary or committee. So far, only one recent case has been handled this way, otherwise the others have occurred during recess.
- ❖ After the initial age assessment in 2019, Secretariat set out to make provision for a nursery, but after a while, the plan stalled due to space constraints.

THE REGIME IN MALAWI Contd..

- ❖ Caught unawares in November, 2023 when a female Chair of Committee had a baby. During plenary session.
- ❖ As an interim measure, we provide a space for nursing mothers so far with basic amenities. But we now have a serious drive to make provision for our members who become parents in office
- ❖ Starting with our own Employment Act, we believe that provisions exist that can to an extent be adapted to suit the unique workings and roles of an MP. We are here to learn best practices from Colleagues as well

LESSONS

- ❖ THE ILO has a wealth of information and statistics on and guidance to countries that can be adapted. It is however tailored towards formal employment setting, which our Members are usually not. Uruguay seems to have a way of looking at the MP from both angles, as an employee at times without the formality, and as not This allows the flexibility of providing for Members just like Staff in some instances like parenthood. 6 months maternity leave, some time for paternity leave, and a nursery.
- ❖ Most Parliaments have ad hoc arrangements where the Members will be given or allowed time off, but not formalized. In some, it is administrative and managed as a human resource initiative e.g time off, nursery, and facilitation for out of station work
- ❖ Where there is provision for support, whether formal (usually in the Conditions of Service for the Members, or administrative or ad hoc, the period of maternity
- ❖ Maternity leave ranges from a minimum of 6 weeks, to a minimum of 6 months. Botswana has 6 was before and 6 weeks after. Angola has 3 months, but the Member can take advantage of a 6 months leave of absence as well. Uruguay has up to 6 months. Paternity leave seems to be a developing area with provision from zero to 2 days, to 2weeks to half of the maternity leave to just flexible working hours.

LESSONS Contd...

- ❖ There are policies in some Parliaments which provide for temporary replacement of the Member to maintain continuity in parliamentary affairs especially as a guarantee for continued representation of constituents (Sweden?)
- ❖ I am sure we will share quite enriching experiences here today for better and holistic management and support for our Members in an evolving global community.



THANK YOU
MERCI
SHUKRAN