

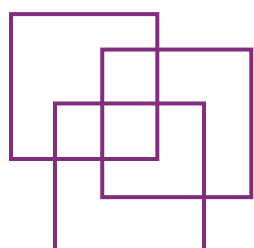


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Maternity protection in SMEs

An international review



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Suzan Lewis

Bianca Stumbitz

Lilian Miles

Julia Rouse

With contributions from

Laura Addati, Marian Baird, Wendy Banfield, Michael Brookes, Sara Calvo, Richard Croucher,
Hafiz Khan, Ian Roper, Ian Vickers

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Foreword

Maternity protection is an important dimension of work quality and gender equality. It is also necessary for sustaining social reproduction and economic production. The aims of maternity protection are to protect the health of mothers and their babies and minimize, and ultimately eradicate, the difficulties and disadvantages that working women face because of giving birth. The success of national and workplace strategies to promote gender equality at work are dependent on adequate and accessible maternity protection as well as family-friendly working conditions, benefits and services. Nevertheless, maternity protection can be perceived as a challenge by individual firms, especially small and medium sized enterprises (SMEs). Although rarely quantified, the cost of maternity protection in SMEs is widely perceived to be greater than the benefits and to lead to competitive disadvantage. The short and medium term benefits for firms are often expressed in terms of the retention of valued (women) workers and productivity. However, the longer term economic and social benefits of offering effective and accessible maternity protection to all women employees are often more difficult to demonstrate, or for SME employers to perceive, due to immediate resource issues, other economic challenges or cultural values and expectations.

Sensitive to the needs of workers and employers and convinced that by improving working conditions in SMEs, productivity and profitability can also be enhanced, the ILO commissioned this independent research as part of the ILO's work on "Productivity and Working Conditions in Small and Medium Enterprises (SMEs)", which has been identified as an Area of Critical Importance (ACI) for the Organization. It builds on and extends the review of working conditions in SMEs by Croucher et al. (2013). Both reviews relate to the ILO's aim of promoting business-case as well as human-rights-based justifications for shifting perceptions of improved working conditions from business costs to business investments, with returns that can be measured in improved productivity and competitiveness.

The report reviews the key international literature on the outcomes of maternity protection in SMEs, addressing the questions of how, to what extent and under what conditions effective maternity protection in SMEs can lead to improved or at least sustained productivity. Although research regarding maternity protection in SMEs is very limited and mostly derived from developed countries, this review suggests that effective maternity protection may be feasible in SMEs and can have a range of positive productivity related outcomes for firms, as well as wider social benefits. But for these positive effects to arise and maternity, paternity and family responsibilities to become "a normal fact of business life", maternity protection and other work-family balance measures need to 'fit' into practices and interests of SMEs. A multi-pronged approach is proposed, involving strategies adopted at state, market, community and family levels to combat gender inequality and ultimately support SMEs and wider economies.

In particular, both national laws and workplace measures can contribute to ensuring that maternity protection translates into positive outcomes for firms. Effective regulation which protects maternity at minimal or no cost to employers, in combination with supports to enable SMEs to manage any disruptions or potential costs arising from maternity protection and family responsibilities, are key conditions for the achievement of positive links. The report also highlights that further study is needed to build evidence of the feasibility and benefits of effective maternity protection in SMEs, especially in developing and emerging economies where there is a dearth of attention to this issue.

We would like to thank the authors of the report, which was prepared by a multi-disciplinary team of academics from the University of Middlesex, United Kingdom, led by Professor Suzan Lewis. The report has been enriched by comments and contributions from ILO colleagues and an external peer reviewer as well as a range of national and international experts in enterprise development, working conditions, gender equality and work-family policies.

Manuela Tomei
Director
Conditions of Work
and Equality Department

Shauna Olney
Chief
Gender, Equality
and Diversity Branch

Peter Poschen
Director
Enterprises Department

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This review was undertaken by a team of researchers at Middlesex University Business School in London, United Kingdom led by **Suzan Lewis** (S.Lewis@mdx.ac.uk), Professor of Organizational Psychology. Suzan's research focuses on gender and work–life balance issues in relation to workplace practice, culture and change in diverse national contexts. She has led many national and international research projects on these topics and has worked with employers and policy-makers on work–life issues in Europe, Asia and North America.

Bianca Stumbitz (b.stumbitz@mdx.ac.uk email) is a Research Associate in the Business School. Her research interests include small businesses, social entrepreneurship and equality issues in the labour market. She is also a co-author of the ILO publication *Can better working conditions improve the performance of SMEs? An international literature review* (Croucher et al., 2013).

Lilian Miles (l.miles@mdx.ac.uk) is a Senior Lecturer in the Leadership, Work and Organisation Department. Her research explores the impact of legal and political systems, culture and religion on corporate governance and employment relations policies and practices. She is currently looking at ways in which workers' capabilities in the Asian workplace may be expanded.

Julia Rouse (j.rouse@mmu.ac.uk) is Director of the Centre for Business and Society and Principal Lecturer in Entrepreneurship at Manchester Metropolitan University. Her research focuses on structures that govern entrepreneurship, particularly gender. She is the Founding Director of the Gender and Enterprise Network, an international community of 500 researchers, policy-makers and practitioners.

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Abbreviations and acronyms

CSR	corporate social responsibility
EHRC	Equality and Human Rights Commission (United Kingdom)
EU	European Union
GRI	Global Reporting Initiative
GVC	global value chain
HRM	human resource management
ILO	International Labour Office /Organization
MNC	multinational corporation
NGO	non-governmental organization
OECD	Organisation for Economic Co-operation and Development
OSH	occupational safety and health
RBV	resource-based view
SMEs	small and medium-sized enterprises
SRA	Social Relations Approach
WHO	World Health Organization

Executive summary

Introduction and overview

1. This report is an international literature review that evaluates the current state of knowledge about maternity protection in small and medium-sized enterprises (SMEs) and its outcomes. The objective is to understand whether, how and under what conditions, maternity protection in SMEs can generate positive outcomes for enterprises as well as broader society, and to consider implications for policy and practice.

2. Women, along with workers from ethnic minorities, migrant workers and both older and younger workers, are disproportionately found in SMEs (Croucher et al., 2013). Maternity protection and family responsibilities are, therefore, a key concern for both women workers and their employers. Maternity protection is often perceived as a burden by small business owners. In some countries, the law provides that employers should shoulder maternity leave cash benefits, while, in others, regulations exempt employers in SMEs from applying maternity protection provisions. The perception that maternity and family responsibilities are costly for business is also reinforced by the cultural assumption that “ideal workers” are available for work all the time, and that women’s commitment to work declines when they are pregnant or become mothers.

3. The aim of maternity protection is to protect the health of mothers and their babies, and to minimize (and ultimately eradicate) the difficulties and disadvantages that working women face as a result of giving birth. According to the ILO Maternity Protection Convention, 2000 (No. 183) and the accompanying Maternity Protection Recommendation, 2000 (No. 191), the ILO Workers with Family Responsibilities Convention, 1981 (No.156) and the related Recommendation No. 165, maternity protection includes: maternity leave around childbirth; health protection at work for pregnant and breastfeeding women; cash and medical benefits; employment protection and non-discrimination; and breastfeeding support after returning to work. It also includes a number of work–family balance policies and practices at the workplace, including a range of flexible working arrangements; paternity and parental leave; and child-care support.

4. This review covers four issues: (i) the perceived cost and benefits of maternity provisions for SMEs; (ii) links between maternity protection measures in SMEs, as part of family-oriented practices, and enterprise-level outcomes; (iii) breastfeeding and child-care support at work; and (iv) evidence of the wider benefits to society in having effective maternity protection, which can also have indirect benefits for SMEs.

5. The report shows that there is some evidence of certain links between aspects of effective and accessible maternity protection and positive enterprise-level outcomes. These include retention of valued staff and reduced recruitment costs, mitigated absenteeism, enhanced organizational commitment and staff motivation, improved relations among employees, and various indices of performance and productivity. The latter include assessments of quality and development of products and services, customer/client satisfaction and increased sales. There are also indications of positive social outcomes, including enhanced gender equality, child and maternal health, and sustained birth rates in countries with ageing populations.

6. The review reveals that research concerning maternity protection in SMEs is very limited, and research that focuses on the link between maternity protection practices and enterprise-level outcomes is even more so. Moreover, most of the literature is derived from developed countries.¹ The outcomes of maternity provision in SMEs is a subject yet to reach research agendas in the developing world, where large numbers of women work in the informal economy, and where there are problems enforcing maternity

1 The authors are aware of the risks of creating a dichotomy by using the terms “developed” and “developing” countries. Although showing a number of common characteristics, small firms are characterized by heterogeneity within economies everywhere in the world. In this paper we therefore view developed and developing countries as part of a complex and dynamic development spectrum (see also section 4.1).

protection for those with formal jobs. This is a major gap, as maternity protection and advances in gender equality are crucial for economic development. Moreover, limited access to maternity protection is also a growing issue in developed countries, with increasing casualization of employment relations and growing evidence of pregnancy and maternity-related discrimination, especially in the context of economic downturns.

Findings

7. Perceived versus the actual cost of maternity provisions for SMEs and the role of social security and targeted supportive measures

SME (owner-) managers are often resistant to maternity protection regulations, fearing that the time and costs involved will lead to competitive disadvantage. However, the actual costs and benefits are quantified very rarely. The reviewed literature suggests that, although maternity-related leave may entail costs for SMEs, especially in labour-intensive sectors, actual costs can be less than anticipated. Regulation that does not mandate employers shouldering the full cost of maternity leave cash benefits, and which provides support to enable SMEs to manage any disruptions or potential costs, is fundamental for maximizing the benefits. Paid leave, funded by compulsory social insurance or public funds, is important in this respect and can encourage SMEs to find effective ways to manage maternity leave. For example, SME employers expressed particular reservations about the costs of new maternity regulations in Australia and in the state of California in the United States, yet the majority of employers, who were surveyed some years after experiencing the legislation's implementation in both contexts, reported benefits to business. Moreover, some aspects of maternity protection provisions, such as breastfeeding support, have little or no cost.

There is emerging evidence that uncodified workplace arrangements, and measures and procedures to manage maternity absences and the return to work, which are typically found in SMEs, can lead to and sustain positive enterprise-level outcomes. The feasibility and outcomes of these arrangements may depend on small business employers' management skills in terms of planning a solution ahead of time, harnessing the knowledge of the pregnant employee, and devising innovative work arrangements. However, there is often limited support available to encourage such practices and skills in small businesses. Furthermore, research shows that (owner-) managers are more likely to perceive the potential positive link between maternity protection and enterprise-level outcomes in workplaces that employ women who hold senior roles, as well as in female-dominated sectors.

8. Links between maternity protection and positive firm-level outcomes

Evidence from Australia, Europe, Japan and North America shows that, when enhanced maternity protection is accompanied by the provision of other family-related leave or family-friendly arrangements or practices, notably flexible arrangements upon return to work, this can lead to a range of positive outcomes. These include enhanced employee satisfaction and commitment, which are associated with improvements in performance and productivity, particularly when policies are supported by a family-friendly workplace culture. There is no evidence from these studies that this type of support is detrimental to small firms.

9. Breastfeeding and child-care support at work

Breastfeeding is a good example of a maternity protection provision that constitutes a “win-win scenario” for both employer and employee. There is both a business and a social case for SMEs to provide breastfeeding support. SMEs can benefit directly through increased staff retention and enhanced staff commitment, and indirectly, as is evident from the well-documented advantages to the health of women and children due to breastfeeding support in the workplace. Breastfeeding provision appears to be particularly suited to smaller firms, as it usually involves little or no cost. The same applies to some

forms of low-cost child-care support, such as dedicating specific office space where children can do their homework or other activities.

10. Wider societal benefits of effective maternity protection

Maternity protection, together with a family-supportive culture and practices in SMEs, can contribute to social outcomes such as poverty reduction, reproductive health, gender equality, fertility rates (a concern in high-income, ageing societies) and economic development. All these outcomes are valuable in their own right, and some of the evidence reviewed shows this can ultimately translate into positive outcomes for enterprises through, for example, reduced absence on sick leave and enhanced human capital. The uncodified practices of smaller firms may enable them to provide supportive employment opportunities for pregnant women and new mothers that may not be easily available elsewhere, thus sustaining women's income security and ability to contribute to their families' well-being. Such jobs are not necessarily always of high quality and may perpetuate inequalities. Nevertheless, not all supportive jobs for pregnant women in SMEs are of low quality and there is some indication in the reviewed literature that, with respect to maternity protection, some women could be less disadvantaged in SMEs than in larger enterprises. This is due to the fact that in smaller enterprises a woman's ability is more likely to be assessed within the context of personal relationships as opposed to prejudiced views about her returning from maternity leave.

11. Support for fathers' role in parenting

Adequate maternity protection is not just about women. Paternal involvement in parenting is also crucial for gender equality and related positive outcomes, and evidence also suggests that men who take parental leave enjoy better health, and this results in reduced sick leave and absenteeism, again benefiting enterprises. The limited evidence concerning the relationship between enterprise size and father friendliness is mixed and appears to vary according to national context. For example, studies in Australia and the United Kingdom found more policy support for fathers in larger companies than in SMEs. Yet in Sweden, where the level of regulatory and normative support for active fathering is high, research found no significant differences in father-friendly policies associated with the size of the enterprise. Formal policy may not tell the full story, however. Japanese research found more formal father-friendly policies in large companies, but, in practice, enterprises, which accommodated parental needs and job autonomy, increased the child-care involvement of fathers in medium/small firms, while work-related stress reduced such involvement among men in large firms. In Japanese SMEs, younger fathers with less time pressures at work were most likely to conciliate work with fathering.

12. Processes by which effective maternity protection generates positive outcomes for SMEs

Where maternity protection policies lead to positive enterprise-level outcomes, this appears to be through the process of economic, social and/or knowledge exchange. Economic exchange implies that SMEs can compensate for limited resources and lower wages by offering informal support to pregnant women and new parents. Nonetheless, this can perpetuate gender wage gaps. The social exchange view of the process involved shows that SME employees, who perceive their employer as being supportive of maternity and parenthood, tend to report enhanced satisfaction, loyalty and motivation, and reciprocate by positive work behaviour. Exchange of knowledge is evident from examples of small firms' literature in which innovative solutions to maternity protection issues, such as the flexible management of leave and other maternity-related absences, are found. Learning from these experiences can enhance the development of capably managing other issues, such as sickness absence, without loss of productivity. An important indicator of a supportive culture is dialogue between pregnant employees and their employers, which encourages mutual give and take and realistic expectations, although it is also important to maintain the employee's right to confidentiality. Dialogue helps build trust and to identify productive strategies for managing maternity efficiently. Another important condition is functional flexibility within enterprises, namely the ability to transfer employees to different roles and functions within the firm. This can be achieved by multi-skilling and job rotation. (Owner-) managers'

willingness to question “taken-for-granted” ways of working that require constant availability, and to learn from experiences of managing maternity, is a prerequisite for developing practices that can benefit businesses and employees. Targeted information and support for SMEs, whether provided by local or national government or other institutions, encourages the development of these workplace conditions.

It is, however, difficult to identify the conditions for effective maternity protection in developing countries due to a lack of available research in this context. There is some limited survey evidence that good maternity protection is feasible in SMEs in some developing countries. This tends to be implemented as part of wider social/employment initiatives, such as corporate social responsibility (CSR) or work–life balance programmes, rather than specific focus on maternity.

13. Social incentives and barriers

There are also social incentives to support reproduction and families; these can encourage experimentation and learning about less obvious positive outcomes. They can stem from an individual (owner-) manager’s belief about “the right thing to do”, or, in some contexts, may be normatively acceptable employer behaviour. On the other hand, gendered societal assumptions about women’s and men’s roles, and stereotypical views about the capabilities and reliability of pregnant workers and new mothers can all contribute to (owner-) managers’ reluctance to provide good maternity protection. The manifestation of culturally-informed gendered assumptions, including taboos relating to women’s bodies, creates particular obstacles to effective maternity protection in many developing countries, thus depriving SMEs of access to a valuable workforce.

Implications and recommendations

14. This review highlights the importance of a multi-pronged strategy to create favourable conditions for effective maternity protection in SMEs. Policy-makers need to consider how best to balance the enforcement of regulations with incentives and support that take into account the specific circumstances of diverse SMEs in varied contexts. Some financial compensation and support may be necessary for very small firms and for pregnant self-employed (owner-) managers. For example, financial support could be available if workplace risk assessments require suspension on full pay of pregnant workers due to health and safety concerns, and for the cost of recruiting and training a new member of staff. In such cases, financial support would reduce the fear of associated productivity losses, and could lay the foundations for encouraging strategic planning and innovations that could sustain SMEs and enable some productivity gains. State providers could help small businesses manage costs too, for example, by a speedy way of managing cash-flow problems that could emerge from maternity pay, and that are only later reclaimed from the State or social insurance, by simplifying administrative procedures. Other incentives and support include targeted information and awareness raising about good practices that sustain or enhance the firm, together with practical advice to employers dealing with specific issues as they arise, such as replacement of employees while on leave, managing the return to work after maternity leave, or how to negotiate innovative working practices with new parents and their work teams. It is important that this information highlights the potential productivity benefits.

15. There is an urgent need for policy-makers to address fundamental economic and cultural conditions that stand in the way of translating maternity protection into practice in SMEs in developing countries. Change initiatives and interventions in some developing contexts may need to go beyond the workplace to address deeply held convictions about women and men and their reproductive and economic roles in the wider society. A multi-pronged approach is needed, involving strategies adopted at state, market, community and family levels to combat gender inequality and ultimately support SMEs and wider economies. Basic research is needed to examine the feasibility of maternity protection in SMEs, evaluate outcomes and identify change strategies – none of which appears to be on research agendas in these contexts at present. A large proportion of women, especially but not uniquely in developing countries, work in informal labour markets. Strategies are needed to identify no- or low-cost ways of supporting pregnant women and new mothers who work informally. Strategies are also needed to promote informal labour in SMEs having access to maternity-related social security guarantees and benefits, as a way to

progressively promote transition to formalization of SMEs and their workers. Targeted support through tax revenue subsidies and incentives to SMEs is also needed.

16. Given the importance of the business case as an incentive to SME employers to develop effective and accessible maternity-related practices, more and better research is needed to build an evidence base for this argument. There is a need for future longitudinal research, using both objective outcome measures and providing in-depth qualitative insight on processes and strategies, to provide guidance and support for SMEs. Research is needed across the spectrum of developed to developing countries to encourage multiple stakeholders (workers, owners, managers, umbrella groups of SMEs, NGOs and policy-makers) to think creatively about ways to support SMEs in managing maternity protection, and to achieve, at least, enterprise sustainability, as well as potentially increasing productivity.

Conclusions

17. In conclusion, this review indicates that maternity protection is feasible in SMEs and can have a range of positive productivity-related outcomes for firms, as well as wider social benefits. Many practices to support pregnant workers and new parents involve little or no costs. Often these practices are easier to implement through SMEs' workplace practices rather than in larger firms. Even measures that involve some costs can often be offset by enhanced productivity. Including SMEs in the coverage of maternity protection regulation and related enforcement is important, but SMEs also need targeted support to take into account their specific circumstances. Further research is needed to build more evidence of the feasibility and benefits of effective maternity protection in SMEs. This is especially the case in countries where there is a dearth of attention to this issue, and where the prevalence of low-skilled, informal labour undermines the business case. It may be necessary to identify different, targeted support for SME employers to take account of specific conditions within this context.

1. Introduction

1.1 Maternity protection and the ILO

This international literature review evaluates the current state of knowledge about maternity protection in small and medium-sized enterprises (SMEs) and its outcomes. It builds on and extends the review of working conditions in SMEs by Croucher et al. (2013). Both reviews relate to the ILO's aim of promoting business-case as well as human-rights-based justifications for shifting perceptions of improved working conditions from business costs to business investments, with returns that can be measured in improved productivity and competitiveness. The aim of this review is to understand whether, how and under what combination of conditions, maternity protection in SMEs can generate positive outcomes at enterprise level (improvement in performance and productivity, employee loyalty, commitment and trust) as well as at the broader societal level (child and maternal health, gender equality and birth rates) and to consider implications for policy and practice.

The aims of maternity protections are to protect the health of mothers and their babies and minimize (and ultimately eradicate) the difficulties and disadvantages that working women face because of giving birth. Maternity protection is defined here considering the ILO Maternity Protection Convention, 2000 (No. 183) and the accompanying Maternity Protection Recommendation, 2000 (No. 191), the ILO Workers with Family Responsibilities Convention, 1981 (No. 156) and the related Recommendation No. 165.² It includes: maternity leave around childbirth; health protection at work for pregnant and breastfeeding women; cash and medical benefits; employment protection and non-discrimination; breastfeeding support after the return to work. It also includes a number of what are often called family-friendly or work–family balance policies and practices at the workplace level, including a range of flexible or reduced hours working arrangements; paternity and parental leave; and child-care support. We use the term family-friendly in this report to focus on workplace practices that support new parents in the reconciliation³ of work and family responsibilities (ILO, 2011), except where describing specific research that uses the work–life balance concept. This is because work–life balance, defined as the distribution of time and effort between work and other aspects of life (ibid.) is much broader in scope than measures to support returning mothers or new fathers. Moreover, the work–life balance terminology to describe workplace policies has been much criticized because of a number of implicit and misleading assumptions, for example, that such policies are gender-neutral and that flexible working is implemented primarily to meet the needs of employees (Lewis et al., 2007; Mescher et al., 2010; Özbilgin et al., 2011).

Maternity protection is an important aspect of the ILO's Decent Work Agenda⁴ and is necessary for sustaining social reproduction and economic production, which are interdependent. There are both a human rights and a business case for maternity protection to be enshrined in national regulation and put into practice in enterprises. Effective maternity protection is a *sine qua non* for individual women, providing a measure of job security during the early stages of motherhood, enabling them to sustain employment, escape or avoid poverty⁵ and contribute to labour forces and economies. Maternity protection is also vital for sustaining healthy and equitable populations as well as healthy economies and economic development. The success of national and workplace strategies in promoting women's equal opportunities and treatment in labour markets and gender equality at work are dependent on adequate and accessible maternity protection as well as on family-friendly services and working arrangements (Cruz, 2012). Maternity protection is essential in countries with high birth rates where women's labour

2 The texts of these international labour standards are available at the ILO NORMLEX Information System on International Labour Standards: www.ilo.org/normlex.

3 The term "reconciliation" reflects the tensions underpinning the relationship between work and family responsibilities (ILO, 2011).

4 The concept of "decent work" was introduced by the ILO in 1999 and is defined as opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity (ILO, 2002).

5 However, job protection may not be sufficient in all contexts. Croucher et al. (2013) note that low-paid work can also be exploitative and a "poverty trap" in some contexts rather than a route out of poverty.

force participation is often vulnerable and maternal and child mortality and morbidity are high, but it is also crucial for sustaining populations, workforces, businesses and consumers in economies with very low birth rates.

Nevertheless, maternity protection can be experienced as challenging by individual SMEs. While the short- and medium-term benefits for firms are often expressed in terms of the retention of valued (women) workers and productivity, the longer-term economic and social benefits of offering effective and accessible maternity protection to all women employees are often more difficult to demonstrate or for SME employers to perceive. This may be due to immediate resource issues and other pressures (Kitching et al., 2013) and/or cultural values and expectations. It is thus particularly important to seek evidence that could demonstrate that maternity protection can have a positive impact on, or at a minimum help to sustain, productivity in SMEs, and to identify specific processes through which such outcomes can be achieved.

The impact of maternity protection regulation in SMEs, as in other firms, relies on good implementation as well as wider infrastructural supports and, perhaps most fundamentally, shifts in cultural gendered values. This is particularly true in many developing countries.⁶ Attention needs to focus on actual maternity-related practices in workplaces. In examining links between good maternity protection and positive outcomes in this review, we define “good” as effective and accessible maternity protection practices which comply with and preferably extend regulatory/legislation/labour law requirements and provisions. However, we also look for practices that can support maternity when regulation is minimal and/or not enforced. These include, for example, breastfeeding support and innovative approaches to managing absences and supporting mothers (and in some cases fathers) on the return to work, as well as general family-friendly (including child-care support) or flexible working practices. Innovative practices which have favourable firm-level outcomes and which support mothers are most likely to be sustainable and are therefore exemplary practices.

1.2. Overview

We begin by setting out our theoretical framework and describing the methods used in this review before discussing the context relating to SMEs and maternity protection. We then review research which examines the potential link between effective maternity protection and positive enterprise and social outcomes and consider what conditions can generate these outcomes. We identify the key indicators of responsible and sustainable maternity protection in SMEs, and incentives and barriers to providing effective maternity protection. Finally, we present some recommendations for policy to create favourable conditions for effective maternity provision, and discuss a future research agenda.

Existing literature on this topic has mainly focused on maternity protection policies and practices in western and developed countries. In this paper we attempt to extend the discussion to developing country contexts, despite the paucity of directly relevant literature.

6 In this report we use the term developing countries to include emerging and transitional economies, while recognizing the heterogeneity of these contexts.

2. Theoretical framework

We draw on a range of theoretical perspectives in this review, adopting an overall approach to the topic of maternity protection which aims to take account of the characteristics of small firms (see also section 4.1). We understand why maternity protection regulation is often perceived as burdensome by small employers. However, we argue that *effective* maternity protection need not harm SMEs but can have positive business as well as social outcomes. Below, we first consider potential drivers of effective maternity protection practices in SMEs, drawing on institutional theory and economic perspectives. We then turn to theories of social equity and exchange, dynamic capabilities and organizational learning to discuss how the management of staff maternity can enable SMEs to develop competitive advantage. Research on the relationship between improving working conditions and firm-level outcomes in SMEs tends to neglect the gender dimension (Croucher et al., 2013), which is clearly central to the topic of maternity protection. A gender lens therefore provides a fundamental backdrop for the review.

2.1 Economic and institutional perspectives on the existence of effective and accessible maternity protection in SMEs

The lower levels of voluntary implementation of formal family-friendly policies and practices (which usually include maternity, paternity and parental leave-related policies beyond mandated policies⁷) in SMEs compared with larger firms is well documented (Applebaum et al., 2005; den Dulk and van Doorne-Huiskes, 2007). This reality tends to be explained in terms of both economic/resource considerations and institutional drivers (Kossek et al., 1994; Wood et al., 2003; Wood and de Menezes, 2010), although it can be difficult to disentangle institutional and economic factors in any size of firm, as they are often interrelated.

Perceived costs and greater economic constraints in SMEs which lack the economies of scale and internal labour markets available to larger companies, as well as administrative constraints, are emphasized in economic perspectives. Economic theory would predict that SME employers will be more likely to implement effective and accessible maternity practices if they see economic benefit, either through increased productivity or if any costs can be offset in other ways such as by paying lower wages (reinforcing gender wage gaps) (Baughman et al., 2003) or via state support (Rouse and Sappleton, 2009).

Institutional theory emphasizes pressure on organizations to adopt family-friendly policies, influenced by increased women's participation in the formal labour force and changing social norms with respect to gender equality in certain contexts, as well as public policy (i.e. in the form of regulation) (DiMaggio and Powell, 1983; Goodstein, 1994). While normative, legal and social pressures for organizations to be seen to be behaving legitimately will vary across national contexts, western-based institutional theory suggests that SMEs will be less influenced than larger organizations by institutional pressures to either comply with or extend maternity protection because their employment practices are less publicly visible (Kossek et al., 1994; Wood et al., 2003). Institutional theory also posits that firms model their practices on those of their competitors, which involves economic as well as social decisions (DiMaggio and Powell, 1983). It also depends on benchmarking against competitors, which SMEs have fewer resources and skills to do. An exception would be SMEs that are part of global multinational corporation (MNC) supply chains in developing countries. MNCs are increasingly conscious of the costs associated with ethical reputation, following many years of negative publicity from issues such as child labour in the 1990s to the most recent high-profile issues of fatal working conditions in Bangladeshi garment suppliers. Thus, some SMEs will be influenced indirectly by institutional pressures to support compliance with maternity protection standards.

Research on institutional and/or economic drivers of policy implementation tends to focus on formal policies, mainly in larger organizations, neglecting informally negotiated practices which are often a characteristic of smaller firms (Dex and Scheibl, 2001; Ram et al., 2001; Ram and Edwards, 2010)

⁷ These workplace policies may also simply indicate compliance with regulations on maternity and paternity in some contexts.

(see section 4.1). This concentration on formal arrangements may mask good, mutually beneficial (as well as bad) maternity-related practices in smaller firms (Dex and Scheibl, 2001). As a result, informal practices such as flexible maternity leave or breastfeeding support in SMEs will tend to be less visible to outsiders and therefore less likely to contribute to wider pressures to formalize support.

2.2. Social justice perspectives: Social exchange theory and sense of entitlement

The process through which maternity protection can lead to positive firm-level outcomes is often explained by social exchange theory (Blau, 1964; Emerson, 1976), which is based on notions of exchange and reciprocity, and has been applied in the literature linking work–life balance and family-friendly policies to commitment and performance in large organizations (Alan, 2001; Cegarra-Leiva et al., 2012a). It is proposed that when employees perceive themselves to be fairly and considerately treated by employers who value their contributions (via work–life balance policies and family-supportive organizational culture), they will be more satisfied and therefore more likely to reciprocate through commitment to the organization and productivity (Becker et al., 2008; Cegarra-Leiva et al., 2012a; Gerlach et al., 2013). Although family-supportive workplace culture and practices are not necessarily gender-neutral and may be part of a paternalistic approach in some SMEs, especially family-run businesses, social exchange theory predicts firm-level benefits via reciprocity.

Employee perceptions of what is fair or equitable treatment tend to be based not on absolute standards, but rather on social comparisons (Croucher et al., 2013). Workers compare their own situation with that of other referent individuals, including employees working in what they regard as comparator firms. Social comparisons, in turn, influence individual sense of entitlement to supports such as enhanced maternity protection (Herman and Lewis, 2012; Lewis and Smithson, 2001). Sense of entitlement, or what individuals feel it is fair to expect, is also based on perceived norms and feasibility and influenced by national policies on maternity support (Lewis and Smithson, 2001). If the feasibility of supports such as additional maternity leave is perceived to be low in smaller firms, then workers are likely to have lower expectations and be satisfied with less rather than comparing themselves with those in large companies. This lower subjective sense of entitlement to support suggests that the standards applied to notions of fairness and hence reciprocity are adapted to perceptions of the economic reality with which enterprises are confronted. However, social comparison processes are not gender-neutral. It is worth noting that women tend to have a lower sense of entitlement to fair pay and other outcomes if they make use of maternity and other family-oriented provisions, especially if they compare themselves with men who do not need “concessions” on becoming parents (Herman and Lewis, 2012). Nevertheless there is some evidence that if women are aware that businesses can benefit from supporting maternity, then they feel more entitled to expect maternity and family support (Lewis and Smithson, 2001).

Sense of entitlement can also be linked to Goss’s (1991) spectrum of SME employer approaches to the management of their employees and the labour process which varies depending on factors such as employee skills. At one end of the spectrum are those employers who make no attempt to build employee identification, especially if they largely rely on an unskilled labour force with less security of employment and which can be replaced without much difficulty. These employers focus primarily on cost control and may be the least supportive of maternity protection, whilst their workers have little option to demand better provisions and thus a low sense of entitlement. At the other end of Goss’s spectrum, employers tend to depend on a skilled workforce which can be more difficult to replace. As a response, employers’ approaches include attempts to establish a shared sense of community (or “family”), with strong informal reciprocal ties which may be more values-driven than purely cost-driven (Adame-Sánchez and Miquel-Romero, 2012). However, while this might incorporate intrinsic support for maternity, given the different understandings of families in diverse global contexts and in particular professions it will not always include positive attitudes to protection for new mothers to return to work.

The approaches taken to maternity protection are likely to also vary across national contexts and SME sectors, and to depend on the gender composition of firms and type of ownership (family- or non-family-owned) (Ram and Edwards, 2010). It is also likely that practices will vary when maternity is experienced by entrepreneurs themselves or a family member within a family-led business.

2.3. The resource-based view and dynamic capabilities to manage maternity productively

The resource-based view (RBV) offers another important lens on organizational competitiveness and companies' differing abilities to tackle market challenges. It emphasizes the role of strategic choice in identifying, developing and applying key resources to gain competitive advantage. This approach emphasizes that management should treat its workforce as a valuable asset and invest in its training and development in order to maximize business performance. Croucher et al. (2013) point out its relevance to SMEs, given their disproportionately higher failure rates in comparison to larger firms. The RBV has been applied to small firms with respect to their capability to use their social and personal capital (Sirmon and Hitt, 2003) in combination with their family resources (Arregle et al., 2007) and also their ability to survive "at the margins of the economy" (Edwards and Ram, 2006).

In recent years, the RBV has been extended to the concept of dynamic capabilities, defined as the firm's capacity to "integrate, build and reconfigure internal and external competencies to address rapidly changing environments" (Danneels, 2008 and 2010; Teece et al., 1997). Organizational theorists have predicted that dynamic capabilities will be most efficient when businesses have established processes for organizational learning and managing change, i.e. when they perceive of resources and capabilities as emergent and changeable and orientate resources adaptively to changing market conditions (Malik and Kotabe, 2009; Zahra et al., 2006). The theory has also been applied to small firms (Døving and Gooderham, 2008) and developing world contexts (Malik and Kotabe, 2009). We theorize that staff maternity may disrupt a firm's capabilities by removing a key resource – labour, which may be difficult to replace if the employee embodies a scarce resource such as knowledge or skills. We propose that the change caused by staff maternity for skilled/valued staff demands two forms of dynamic capability from small employers. First, they need to adapt their processes so that capabilities are sustained or enhanced despite the staffing changes. Second, they need to learn about and adapt to maternity regulations that may be new or only rarely encountered by small firms. The efficiency with which an employer performs these dynamic capabilities will predict the productivity effect of staff maternity on the SME. In turn, this will depend on the resources at hand in the business, the skill with which these are commanded and the outcome of any changes in markets.

Theory about dynamic capabilities enables us to move on from perceiving small firms as unable to comply with regulations because they are too resource-constrained. Although resource scarcity is, almost by definition, a characteristic of small businesses (see section 4.1), it is important that we understand that competitive advantage is crucially dependent on how resources are commanded. A key competitive advantage of small businesses is that they are not restricted by capabilities that have "hardened" through formalization and hierarchical control but, instead, are able to command and adapt resource orientation flexibly (Danneels, 2008).

2.4. Gender theory

Although maternity protection can be challenging for smaller businesses in many circumstances, it is a basic social and economic necessity for social reproduction as well as for economic productivity and development. An inclination to regard maternity as a problem rather than an inherent and fundamental aspect of business can thus be considered a consequence of deeply ingrained gendered assumptions about separate and gendered economic and domestic spheres. Gendered organizational theory (Acker, 1990; Bailyn, 2006) stresses that organizations are not gender-neutral, but based on assumptions about ideal workers, which do not necessarily reflect the reality and interests of men (Connell, 2012; Williams, 2010) but certainly disadvantage women, particularly those who become mothers. The conflation of the "ideal worker" construct with hegemonic masculinity (Bailyn, 2006 and 2011) means that men are implicitly regarded as the norm in workplaces. This is exacerbated when women are pregnant (Gatrell, 2011a; Halpert et al., 1993). The associated implicit assumption is that pregnant women deviate from the ideal worker and that women of childbearing age represent potentially "faulty" human capital which has to be accommodated into "normal" systems. This construction is rarely if ever made explicit in the literature on maternity protection and SMEs. Nevertheless, making gendered assumptions visible is an important process and provides the foundation to the theoretical framework used here.

Extending gendered organizational theory to focus on maternity protection, we also draw on embodiment theory, specifically in relation to “maternal” (defined as pregnant and post-birth) bodies and employment (Gatrell, 2007, 2011a and 2013; Haynes, 2008; Rouse, 2010). This approach highlights discrepancy between policies aiming to protect pregnant workers and new mothers and their treatment in practice (Gatrell, 2011a) and shows that employers often treat maternal bodies with suspicion, neglect and discrimination (e.g. Acker, 2003; Buzzanell and Liu, 2007; Gatrell, 2007, 2008, 2011a and b, and 2013; Hausman, 2004, 2009; Haynes, 2008 and 2012; Mäkelä, 2009). Women often respond to these environments by hiding early pregnancy, pregnancy symptoms and breastfeeding activities (Gatrell, 2007 and 2011c). The nature and extent of gendered assumptions varies across workplace contexts, with male-dominated sectors and firms expected to be most likely to regard pregnant employees as non-ideal workers. Gendered national contexts are also relevant, as (owner-) managers in more traditional gendered contexts will be more likely to consider maternity support as purely the responsibility of individual families and perhaps to be ambivalent about supporting new mothers’ return to work.

A limitation of the above theories is that they are based largely on research with skilled workers in the developed world. We therefore draw on the Social Relations Approach (SRA) (Kabeer, 1994), a feminist development framework, to extend the discussion on ideal and embodied workers to developing world contexts and especially to the most vulnerable women workers. The approach offers an institutional analysis of the subordination, discrimination and inequality faced by women. Under this approach, “social relations” refers to the structural relationships which create and reproduce systemic differences in how different groups of people are positioned in social processes. “Gender relations” refers to those dimensions of social relations which determine how men and women are so positioned. For example, women typically suffer inequality and discrimination because there is a general (negative) assumption that their roles in society and in the workplace are secondary to those of men. Issues related to maternity and other reproductive functions of women in many developing country contexts are often treated as taboo and therefore to be hidden (Dasgupta and Sarkar, 2008; Sumpter and Torondel, 2013). Moreover, pregnant and post-birth workers typically suffer from inequality and discrimination, because (negative) assumptions related to reproduction are reinforced by the State, employers, and cultural beliefs within the home.

In tackling gender inequality, the SRA does not call for women’s integration into development. Rather, it requires us to challenge the social structures, processes and relations which give rise to women’s disadvantaged position. Ending women’s subordination thus goes beyond reallocating economic resources to involve a redistribution of power (Kabeer, 1994; March et al., 1999; Razavi and Miller, 1995). Kabeer stresses the notion of empowerment of the disempowered, through which existing power relations can be renegotiated. Empowerment is regarded as the processes through which women gain the capacity for exercising strategic forms of agency in relation to their own lives and in relation to the larger structures of constraint that position them as subordinate to men. In this respect, collective action is integral to empowerment (e.g. Kabeer, 1994, 2011a and b; Kabeer and Huq, 2010). Women’s allies and grassroots organizations play a crucial role in spurring women’s collective action. They can help women challenge the way institutions relate to each other, create space for women to politicize their demands, push for policies which redistribute power (rather than simply resources); and exert pressure on public institutions to be more responsive to women’s needs. They are likely to be much closer to realities on the ground than official development agencies are, and thus more able to tailor strategies to fit local needs. Collective struggles for representation, redistribution and recognition have historically proved more effective than individual action in challenging the structures of oppression (Kabeer, 2008).

These gender-related theories have not previously been developed specifically in relation to SMEs, but a context-sensitive gender approach offers a useful lens for examining possible links between maternity protection and SME performance.

2.5. Summary of theoretical framework

This chapter has presented a theoretical framework which acknowledges that the incentives to implement maternity protection measures are shaped by diverse influences, including economic,

institutional, cultural and social factors. We consider culturally informed gendered assumptions and practices together with economic conditions to form the fundamental backdrop to issues surrounding maternity protection in SMEs. We expect that the implementation of effective and accessible maternity protection practices will be influenced primarily by economic factors, but that institutional factors may also play a role in the adoption of policies, particularly in medium-sized enterprises and some SMEs within global supply chains. In terms of actual practice, we theorize that, in certain circumstances, the impact of employee perceptions of fairness and subsequent reciprocal behaviours will contribute to the development of dynamic capabilities and organizational learning, linked to enhanced or at least sustained productivity. This may also contribute to some modification in gendered workplace assumptions and a greater valuing of women's reproductive as well as economic contributions, although we recognize that such changes will be very slow to take place. It is expected that layers of context including national regulatory frameworks and gendered cultural and normative contexts, as well as SME sectors and their gender composition and ownership, will provide different challenges and that these will be greatest in national contexts where the most fundamental societal changes are needed to empower women.

3. Method

A trans-disciplinary approach is an important feature of this paper. The literature reviewed here largely comprises publications in peer-reviewed journals. The peer-review process tends to improve the quality of research, and suggests that publications adhere to certain minimum scholarly standards. However, given the paucity of peer-reviewed publications dealing with the subject of maternity protection in SMEs as a central concern, we expanded our search to include non-peer-reviewed literature if it was addressing pertinent issues. Our inclusion and exclusion criteria are stated in Appendix 1.

The research team conducted an initial trawl of articles using a key words⁸ search in the large international literature banks (including Google Scholar, Business Source Complete, Emerald, Education Research Complete) and research networks (such as the Social Sciences Research Network and Work Family Research Network), incorporating all work that referred to the subject of maternity protection in firms of all sizes as well as SMEs. We searched particularly for work focused outside the developed world. The peer-reviewed literature identified included publications in a wide range of specialist fields, for instance journals focusing on small business and world business, occupational safety and health, breastfeeding and public health. Having identified important authors we searched under their names, and references made to other works in the articles we found were followed up. In addition, we used our international links and networks (e.g. in Australia, Germany, Japan, South Africa, Spain and United States) to obtain country-specific literature or to verify that no relevant local literature had been missed.

We mainly reviewed works published in the 21st century and only went beyond that boundary where we thought the work particularly relevant. The articles identified were then screened for relevance by the research team. Some were rejected as not being of central interest or not being of an acceptable scholarly standard and therefore were not reviewed and evaluated in detail. However, some of these works are referred to in passing if they provide significant contextual or corroborating information.

It should be acknowledged that the review covers the literature which the researchers were able to identify, collect and review within the short timeframe set for the work. However, we are confident that the main contours of the literature have been adequately delineated. Where we found gaps, further research was conducted in order to ensure that these were not simply the results of an inadequate initial search. Nevertheless, care needs to be taken with respect to the generalizability of the work presented to other national contexts.

8 The literature search was conducted using (combinations of) the following key search words: maternity, maternity protection, maternal (e.g. health), paternity, parental leave, childbirth, SMEs, productivity, sustainability, business case, infant (e.g. health), regulation, policy, gender equality, birth rates, social outcome, organizational commitment, migrant labour and childbirth, child-care, work and family, family-friendly, work-life balance, breastfeeding, lactation.

4. SMEs and maternity protection in context

4.1 SMEs: Definitions, characteristics and heterogeneity

SMEs have been defined in many different ways. The European Commission⁹ and OECD definitions¹⁰ describe *medium* as 250 employees and less, *small* as 50 or less and *micro* as 10 or less. They will be used in this paper, as they are closest to those that can be found in the literature. It will be indicated if the studies reviewed used a different definition wherever possible. However, it is often not indicated in the papers how SMEs are defined or, if the article draws on research on firms of all sizes, results are not differentiated by company size. The relationship dynamics in these three differently sized categories are likely to vary considerably, and the problems with bundling micro, small and medium-sized companies together have been discussed in the literature (e.g. Micheli and Cagno, 2010).

It has been argued that human resource management (HRM) is generally informal and underdeveloped in smaller firms, and that the level of formality increases with the size of the organization (Cassell et al., 2002; Gray and Mabey, 2005; Kotey and Slade, 2005; Maxwell and McDougall, 2005; Maxwell et al., 2007). In this context, some research also suggests that, at least in some respects, medium-sized firms can be more like large enterprises (Micheli and Cagno, 2010; Vickers et al., 2003). Yet “informality” is a dynamic concept (Ram et al., 2001) and the characteristics of formality may differ as much between firms of similar sizes as between small and large ones. In their study of gender-based equal opportunity in UK SMEs, for example, Woodhams and Lupton (2006) found that, overall, the take-up of equal opportunities policy and practice was related to enterprise size. At the same time, their sample included organizations from both ends of a continuum providing examples of “good practice” as well as both direct and indirect discrimination, demonstrating that size is only one variable, interacting with other contextual factors. Furthermore, Marlow (2003; Marlow et al., 2010) warns of creating a dichotomy between formality and informality, as the two can coexist in relation to different aspects in the same organization. As far as the literature permits, we are therefore sensitive to the heterogeneity of SMEs.

Nevertheless, the literature on SMEs more generally (e.g. Edwards et al., 2004; Johnson and Devins, 2008; Kotey and Folker, 2007; Nichols, 1997; Walters, 2001, 2002; Wright, 1998) indicates that a set of key characteristics of SMEs is likely to also influence the different aspects of maternity protection under review, even if there are fine nuances between and amongst firms of different sizes with regard to the strength in which they figure:

- ▶ **Resource constraints and high failure/turnover rates** among small businesses (especially in some sectors) lead to a **focus on short-term planning and immediate outcomes and competitiveness**.
- ▶ Organizational and work cultures are strongly related to the **attitudes of (owner-) managers** and the closeness of workplace relationships.
- ▶ Due to the pressures they face, and a widely held anti-regulation discourse (Kitching et al., 2013), (owner-) managers are often **resistant to government intervention in the form of regulation and prefer more informal approaches to labour management**.

Another characteristic which features strongly in SMEs is the important role of context. Smaller firms have limited power to control their external environment, but (owner-) managers have relatively high power to control their organization of resources, although they must do this in a way that makes the firm competitive. The ways in which resources are deployed in small firms is “shaped by their context” (Edwards and Ram, 2006, p. 899). When (owner-) managers make staffing decisions they are likely to be influenced by local cultures. Consequently, local practices in maternity management will relate to local norms of gender relationships and other societal norms and values. However, culture is complex and

9 See the European Commission Enterprise and Industry site at http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/index_en.htm.

10 See the OECD glossary of statistical terms at <http://stats.oecd.org/glossary/detail.asp?ID=3123>.

influenced by multiple layers of context. For instance, in their comparison of work–life balance policies in Spain and five Latin American countries (Brazil, Chile, Colombia, El Salvador and Peru), Carlier et al. (2012) found that although *formal* family-friendly policies are less common in Latin American than in Spanish firms in general, in the Latin American cases (but not Spain) family-friendly working arrangements are more readily available in SMEs than in larger firms. The authors suggest that this may be due to the importance of strong family-oriented cultural values, reflected in a higher sensitivity on the part of Latin American managers to the need to translate work–family balance policies into practice. This however has to be considered within the context of a high level of machismo in Latin America (Merkin, 2013) which may suggest a particular construction of family. For instance, managers may support women in what is viewed as their traditional roles (i.e. to bear and bring up children) without addressing gendered issues of “career”. Another possible influence is the more uncoded context and “way of doing business” in Latin American countries (Early and Gibson, 2002). Thus a deeper understanding of maternity protection in SMEs will require an appreciation of the influence of cultural values placed on work, family and personal life, as well as relevant policies and practices in place.

The key characteristics of SMEs point to the difficulties in transferring maternity protection practices from large to smaller firms or extrapolating from research on larger business. The influence of socio-cultural context also raises the question of the extent to which practices common in developed nations can be applied to developing countries, given the huge variety of national and regional contexts. As the sparse peer-reviewed research relevant to this review generally examines the outcomes of good maternity protection in SMEs in high-income developed contexts, there is a risk of creating a simplistic “developed/developing world” dichotomy or regional generalizations. There is much diversity within as well as across regions in terms of women’s formal labour force participation. In Asia, for example, female labour force participation is high in China because child-care is relatively available and affordable, while it is particularly low in India because of gender gaps in basic literacy and in level of participation in higher education (Süssmuth-Dyckerhoff et al., 2013). Moreover, while there is, at least in larger companies, some awareness of the need to hire more women returning from maternity leave in order to increase productivity in some emerging economies such as Brazil, India and Mexico, this is rarely recognized in other national contexts such as Malaysia (ibid.). Even where the business case for gender diversity is recognized in large companies, smaller firms rarely consider this (Williams, 2005).

Research on indigenous¹¹ management in Africa has shown the need to match human resource (HR) practices generally with local cultural contexts and expectations (Jackson et al., 2008). It could be expected that the same applies to maternity protection more specifically, although this is more problematic as the aim of this regulation could be viewed as to transform gender values. Other features also have to be taken into account in developing economies, which renders the argument that practices can simply be transposed from developed to developing countries to achieve the same results a rather simplistic one. For example, entrepreneurship in developing countries is mainly found in the informal economy and is concentrated in the form of micro businesses (Debrah and Mmieh, 2009; Jackson et al., 2008; Jackson, 2012; Khavul et al., 2009). In India, 83.6 per cent of workers in a non-agricultural sector are concentrated in informal employment. Other examples of countries in which informal employment represents three-quarters of non-agricultural employment are Bolivia, Mali, Pakistan and the United Republic of Tanzania (ILO, 2012a). The share of workers in informal employment not only differs between sectors but there is also a strong gender difference. For example, the proportion of women in informal employment in manufacturing is often much higher than that of men. In Brazil, 48 per cent of women can be found in informal jobs in the manufacturing sector, compared to 31.7 per cent of men. In India, the proportion of women in informal employment in manufacturing is as high as 94 per cent (ibid.). An important reason for resorting to informal rather than formal employment is women’s lower socio-economic status (low education, low occupational status and low income) (Choi, 2005). At the same time, lack of support for family responsibilities results in the informal economy offering the only opportunity for paid work which meets the needs of flexibility, autonomy and geographic proximity (Cassirer and Addati, 2007). Thus, the environments and contexts for SMEs in the developing world may provide very different imperatives when compared with their counterparts

11 Drawing on Marsden (1991), the authors use the term “indigenous” to refer to “insider knowledge”, or “local approaches to management that reflect knowledge of the local context and local communities” (Jackson et al., 2008, p. 402).

in the developed world (Croucher et al., 2013). The large majority of workers in developing economies are concentrated in small family farms and household businesses (World Bank, 2012), again often in the informal economy. In these contexts, participation in the formal economy is viewed as a privilege and as open to a small elite only (Becker, 2004; De Soto, 1989; Jackson, 2012; Sepulveda and Syrett, 2007). In addition, in developing countries many SMEs in the formal economy are in fact formalizations of what were previously small groups of people working in the informal economy. These SMEs have histories that are primarily rooted in a struggle for individual/family firm survival and are often characterized by precarious financial bases, resulting in a focus on short-term outcomes which does not allow for much long-term investment. Furthermore, the States themselves tend to have highly fragmented structures and policies which require greater coherence in order to address SME issues in a systematic way (Osabutey and Debrah, 2012). De Soto (1989) notes that these imperfections in regulatory systems also provide the foundation on which the informal economy in developing countries is based.

However, the informal economy itself has a heterogeneous structure. Although employment there is often associated with jobs of an exploitative nature, it is also acknowledged that some workers choose informal employment in preference to formal economy work, viewing it as an attractive employment opportunity (Bargain and Kwenda, 2010; Fields, 2005; Günther and Launov, 2012; Sepulveda and Syrett, 2007).

Finally, it must be recognized that a significant proportion of SMEs do not operate as independent producers selling directly to consumer markets, but are “business-to-business” operations and are, invariably, operating at the base of global value chains (GVCs) of which multinational corporations (MNCs) sit at the apex. Cost advantages can be gained from disaggregating large organizations with large workforces into sub-sets of smaller units managed through inter-company contracts rather than through direct employment (Buckley and Casson, 1998). For example, if maternity protection is viewed as a cost and SMEs are exempt this can be one perceived benefit to MNCs, which have not always been committed to ensuring that outsourced workers receive employment conditions comparable to their directly employed workforce. Nevertheless, many years of negative publicity around the conditions of workers in supply chains has put some pressure on MNCs and has increased awareness of the costs associated with ethical reputation which could spill over to affect suppliers. Potentially this can influence some SMEs to enhance maternity protection. Still, such influences often only affect the top end of the chain and many SMEs are not linked to MNCs.

In sum, all these characteristics have to be borne in mind when attempting to understand the nature of maternity protection practices in SMEs in different parts of the world.¹²

4.2 Maternity protection and SMEs

4.2.1 Maternity protection legislation

According to the ILO Maternity Protection Convention, 2000 (No. 183), maternity protection provisions cover the following main aspects: maternity leave and leave in case of illness or complications; cash and medical benefits; health protection at work; employment protection and non-discrimination; and breastfeeding arrangements. In addition, the ILO Workers with Family Responsibilities Convention, 1981 (No. 156) also provides for family-friendly working conditions, labour force reintegration measures, child-care and other family services and facilities, among others.¹³ In Europe, the European Union has set minimum maternity protection requirements for Member States. The nature of maternity protection provisions varies widely across national contexts and regions (see Appendix 2). Nevertheless, despite the diversity of policies there are some general trends across countries. Entitlements to paid leave after the birth of children are granted in most OECD countries, for various lengths of time, paid at different rates depending on hours of paid work. These variations reflect the influence of different objectives

¹² For a comprehensive overview of the heterogeneity of SME contexts in Asia and the Pacific, see Abe et al., 2012; for Latin America see OECD and ECLAC, 2012.

¹³ See also the ILO Maternity Protection Resource Package, available at: <http://mprp.ilo.org/pages/en/index.html>.

including: health and safety, enhancing infant and maternal health and children's well-being, promoting labour supply, and furthering gender equality in labour market outcomes, as well as budget constraints (Thévenon and Solaz, 2013). The United States is an exception, with no paid leave as discussed further in section 4.3, although some paid leave is available in a few states. There is also a trend in some advanced economies to support, to varying degrees, the right for mothers and fathers to share parental leave entitlements after childbirth.

Many developing countries (across Africa and the Caribbean, Latin America, Asia and the Middle East) have attempted to align their laws and policies on maternity protection to ILO requirements. Where maternity leave is paid it may be funded by the State, by employers or by a combination of the two, but in developing countries limited state and employer resources can make this very difficult. In some countries social security laws provide access to maternity cash benefits to groups not covered by labour laws, such as the self-employed, but again owing to a lack of resources in developing countries, social security legislation may only apply to a limited number of sectors (ILO, 2014; Seguret, 1998). Even in the developed world, this protection is usually only available to women registered as working in the formal economy. Legislation is supplemented in some contexts by collective bargaining, contributing to the more effective application or improvement of such measures (ILO, 2014; Seguret, 1998). Employers can also agree to further maternity protection through the terms of individual contracts of employment and enterprise policies.

4.2.2 Limitations of regulation: Exclusions and enforcement

State intervention and multi-stakeholder regulation are accepted as playing an important positive role in enforcing maternity protection practices. However, the extent and effectiveness of such influences on firms of different types and sizes varies considerably across different sectors and national contexts.

In developing countries, employment can mainly be found in small microenterprises in the informal economy which operate beyond the radar of employment regulation (Olivier et al., 2012). However, research in the United Kingdom, a supposedly highly regulated environment, has also shown that regulatory frameworks have had only a limited impact on smaller firms (Marlow, 2003; Ram et al., 2001). As Croucher et al. (2013) emphasize, much literature on regulation is grounded in the need to focus on small firm embeddedness and the impact of socio-economic and stakeholder pressures to better understand how and why they respond in the way they do (e.g. Anyadike-Danes et al., 2008; Barrett and Rainnie, 2002; Croucher et al., 2013; Dubin, 2012; Edwards et al., 2004; Kitching, 2010; Vickers et al., 2003, 2005; Yapp and Fairman, 2006). Ram et al. (2001) point out that enforcement of employment legislation under collective agreement is very limited in small firms, given that trade union recognition is usually low and collective bargaining practically unknown. The same applies to developing countries, where union density tends to be low and collective bargaining reaches only a small share of low-paid workers. This is due to the fact that these workers are less likely to be organized and often work in the informal economy (Hwang and Lee, 2012; Lee and Sobeck, 2012; Oosthuizen, 2012).

Ram et al. (2001) also draw attention to the fine nuances in the impact of employment legislation on small firms, resulting from the law itself, the competitive context of an organization, and also relationships within the firm. Vickers et al. (2005) develop a typology for understanding small firm attitudes and responses to regulation, drawing on the case of occupational safety and health (OSH). They suggest three types of responses in the context of varied regulatory/institutional and market pressures:

1. *Avoiders/Outsiders* are characterized by low awareness of legislative requirements and tend to be non-compliant; they focus on low costs and short-term outcomes and rely on a low-paid workforce, vulnerable to exploitation.
2. *Reactors* constitute the majority of small firms and can be subdivided into (a) minimalists and (b) positive responders to reflect different degrees of responsiveness.
3. *Proactive learners*, which are often, but not always, larger SMEs characterized by good practice, accepting the business case for compliance and tending to regard this as an opportunity for learning rather than a threat.

Despite this range of responses to regulation, including those who are proactive and effectively self-regulating, most small firms follow a reactive approach.

In relation to maternity protection, maternity leave is a universal right in some contexts whereas in others entitlements are conditional on, for example, a minimal period of continuous employment with a particular employer or permanent employment contracts. Thus short-term and casual workers as well as those in informal economies are excluded from the scope of labour legislation and/or social security legislation or from the corresponding law regulating cash maternity benefits. Domestic and agricultural workers are explicitly excluded in many developing countries, as are members of the employer's family or women working in family undertakings (ILO, 2014). Self-employed women are covered in some countries but not in others, even though lack of maternity protection can jeopardize businesses in the case of pregnant SME employers (Rouse, 2009).

Particularly relevant to this review is the fact that in many countries SMEs below a certain threshold of employees are exempt from many or all maternity protection regulations (for example in the United States). In other countries where SMEs are not exempted there are frequent calls for such exemptions to be implemented (Carter et al., 2009; Harris, 2002; Menon, 2013).

Even where SMEs are not excluded, the enforcement of maternity protection law is a widespread problem. In extreme cases employers even insist on women applicants taking pre-hire pregnancy tests, as in Mexico's *maquiladora* industries (Williams, 2005) or require women to sign contractual clauses sanctioning their dismissal should they become pregnant (e.g. Cooke, 2001). Less formal forms of discrimination are even more widely used in developed as well as developing country contexts (Défenseur des Droits, 2012; EHRC, 2010; EOC, 2013; European Commission, 2012; Masselot et al., 2012; National Women's Law Center and A Better Balance, 2013). Enforcement of maternity protection is not always straightforward and even in developed countries employer compliance can be patchy, particularly for the most vulnerable women. For example, there is evidence that pregnant migrant women or new mothers are particularly at risk both in terms of health and safety and unfair dismissal in the United Kingdom (EHRC, 2010) and that low-wage pregnant workers in the United States are routinely discriminated against (National Women's Law Center and A Better Balance, 2013).

Routine inspection and enforcement of maternity regulations is rare, even in developed countries. In the United Kingdom, for example, the burden of enforcement falls to women who must take action against unlawful employers to gain redress. In the context of labour market vulnerability, shortage of time and heightened economic pressure caused by a newborn as well as potential pregnancy and birth-related health issues, women are very poorly positioned to exercise their rights. Consequently, the rate of formal action compared with incidents of discrimination is very low (EHRC, 2010; EOC, 2005).

The problems of exclusion, enforcement and discrimination are magnified in developing countries. The poor quality of enforcement is often symptomatic of the quality of overall governance in these countries. In many countries, part-time, casual, precariously employed and domestic workers tend to be excluded from maternity protection. This is increasingly also an issue in developed countries through the casualization of employment relations and pervasive pregnancy and maternity-related discrimination. However, it is particularly true for the large numbers of women in the developing world who work in the informal economy. There are numerous examples of the inadequacy of actual maternity protection. For example, although Brazil provides rather generous leave entitlements, these apply only to employees with regular work contracts or those who contribute to the Social Security Institute (INSS). Moreover, only half the Brazilian labour force work in formal jobs and are thus entitled to such benefits (Sorj, 2013). In Zambia the horticultural sector accounts for the majority of employment in rural areas, where precarious working arrangements (seasonal, casual and contract) are the norm. Women are more likely to be in non-permanent working relationships than men in this sector, with less employment security and no access to maternity leave (Bell and Newitt, 2010). The reality then is that many women in developing countries experience maternity-related hurdles in the workplace which threaten their economic security and their health as well as that of their children. This, in turn, undermines the development of women's skills which could potentially contribute to businesses and national economies.

In 2005, the World Bank urged less regulation of business on the basis that more regulation stifles job creation and growth (Fields, 2005). In this context, Joshi (2005) summed up the dilemma for

developing countries: would exemption from certain provisions in the labour law be a better option in providing incentives for the creation of increasing quantities of jobs by small enterprises, or would the simplification of compliance requirements achieve a balance between the need to protect workers' rights and enterprise performance? This suggests that a balance is required between enabling SMEs to remain regulation-compliant on the one hand, and being globally competitive and flexible on the other. However, in the specific case of maternity protection it is important to recognize that increasing women's labour force participation is crucial to increasing national GDP as well as to alleviating poverty (Süssmuth-Dyckerhoff et al., 2013). Moreover, a more recent study by Bhaumik and Dimova (2011), using the World Bank's own data (enterprise-level data from nine developing countries), provides evidence that regulation of the work environment can also improve business outcomes.

4.3 Maternity protection in the five case study countries

In Chapter 5 we review the sparse literature on the outcomes of enhanced maternity protection in SMEs. Due to the scarcity of research, this analysis is mainly based on five countries: Australia, Germany, Japan, Spain and United States.¹⁴

Maternity protection regulation, including paid maternity leave, job protection and non-discrimination, breastfeeding and health and safety protection, currently applies to all sizes of firms in Australia, Germany, Japan and Spain. There are some employee eligibility requirements. For example, in Australia eligibility for paid parental (maternity) leave depends on income and number of days worked prior to the birth or adoption (see Appendix 3). In Spain, although maternity leave is paid for all women, conditions must be met to qualify for the full earnings-related maternity leave benefit, and paternity leave pay depends on fathers fulfilling contributory requirements.

Although maternity pay is funded by social insurance in these four countries, this does not mean they are cost-neutral for SMEs. For example, German maternity leave benefits are usually paid initially by employers and later reimbursed by mothers' health insurance. Many small firms find that the time lag between payment and reimbursement can create considerable difficulties, as can the administrative burden involved (Erler, 2013, personal communication).¹⁵ Parental leave benefits in Germany, on the other hand, are paid directly by the State to the recipient.

The United States is an exception. Maternity protection is very underdeveloped in comparison to other parts of the developed world, and even when compared to many low-income countries. There is no comprehensive maternity leave and no national system of paid leave (ILO, 2014). The Family and Medical Leave Act (FMLA) provides for 12 weeks unpaid leave for certain eligible employees, but only in firms employing more than 50 staff (ibid.). The FMLA guarantees only unpaid leave and 40 per cent of the workforce is not covered by this (Klerman et al., 2012). In the absence of state payments employers become important, but only 11 per cent of employees in the United States were provided with any kind of paid family leave by their employers in 2012 (US Bureau of Labor Statistics, 2012). Nevertheless, five states (California, Hawaii, New York, New Jersey and Rhode Island) do provide for paid family leave. For example, the California Paid Leave Program includes SMEs, and despite resistance from some smaller businesses has been relatively unproblematic and even had a positive impact on productivity in some small firms (Appelbaum and Milkman, 2011).

14 See Appendix 2 for details of maternity protection in these countries, and Appendix 3 for a detailed overview of the development and recent evolutions of maternity protection in Australia. It should be noted that some of the research reviewed in Chapter 5 was carried out prior to more recent maternity protection developments in specific countries. This includes research in Australia (e.g. Barrett and Mayson, 2008), carried out prior to the introduction of paid leaves in 2010, and in Spain when SMEs were exempt from the regulation, which is no longer the case (Cegerra-Leiva et al., 2012b).

15 Such administrative difficulties can be managed through sophisticated use of the tax system. For example, small firms in the United Kingdom deduct statutory maternity payments from tax liabilities; this mechanism aids administrative processes and cash flow. When the firm's tax liabilities are lower than the maternity payments, they can apply for funding in advance of maternity payments to manage their cash flow (<http://www.hmrc.gov.uk/payerti/employee/statutory-pay/smp-calc.htm>) [accessed November 2013].

Breastfeeding mothers are entitled to time and/or support for breastfeeding without discrimination in all five countries. However, in the United States, the Patient Protection and Affordable Care Act (2009), also known as Obama Care, which requires that workplaces must provide breastfeeding support, is restricted to firms with 50 or more employees.

In Japan there is a particular emphasis on reversing the decline in the birth rate. This is indicated by the title of the Act on Supporting Raising the Next Generation (2003 – see Atsumi, 2007) which incorporates many aspects of maternity protection. A major policy emphasis is on child-care and family leave. Mothers (and in principle, though rarely in practice, fathers) have the right to take leave until the child is one year old (or 18 months in exceptional circumstances). While on leave, workers receive half their wages as a child-care leave benefit under the employment insurance system. While this applies to all businesses, some concessions are made to SMEs. Small firms are exempt from the requirement to allow workers with children under three years to request short-time work. In addition, while the Japanese law obliges large employers (with 101 or more employees) to formulate measures to support compatibility of work and childrearing and make these publicly available to ensure widespread awareness among employees (Kawaguchi, 2013), smaller organizations are encouraged but not obliged to develop such plans.

Thus the nature, inclusiveness and enforcement of maternity protection regulation vary cross-nationally. There is widespread resistance to maternity (and other) regulation among SMEs on the basis of resource concerns, and a preference for uncodified workplace practices. Nevertheless, the examples provided in Chapter 5 illustrate ways in which the typical SME characteristics can be used to manage employee maternity positively to sustain or enhance performance.

5. Outcomes of maternity protection in SMEs: Productive, sustainable and responsible workplaces

We found the best way to deal with [pregnancy] is to really embrace it...

Small business owner, Australia.¹⁶

5.1 Introduction to the review

This chapter reviews the key international literature on the outcomes of maternity protection in SMEs, addressing the questions of how, to what extent and under what conditions better maternity protection can lead to improved or at least sustained productivity, broadly defined. We examine a range of outcomes of maternity protection related to productivity in SMEs, including reduced turnover and absenteeism, enhanced organizational commitment and various indices of performance and productivity. We also consider social outcomes including gender equality, child and maternal health and sustained birth rates. These are valuable in their own right but also likely to be indirectly related to productivity.

As we have seen, studies of maternity protection in SMEs are very limited and those focusing on productivity outcomes even more so, as SMEs rarely calculate the benefits of their implementation of maternity support. The research includes a few studies that focus specifically on aspects of maternity protection practices in SMEs but are largely descriptive (Adame-Sánchez, 2012; Barrett and Mayson, 2008; Carlier et al., 2012; Ishii-Kuntz, 2013). Rather than empirically testing outcomes, they tend to describe and advocate supportive maternity or parental practices. In doing so they draw on evidence from studies in large organizations that demonstrate links between maternity protection as part of work–life balance or family-friendly programmes and productivity-related outcomes that emerge under certain conditions, such as high levels of perceived family support, or when policies are part of wider HR bundles (e.g. Allen, 2001; Bevan et al., 1999; Perry-Smith and Blum, 2000; Wakisaka, 2007). However, it is important to note that evidence for the “business case” is not always consistent, even in larger organizations, and assumptions that these effects can be transposed into the SME context are rarely tested empirically. We review the few studies that do examine the productivity outcomes of aspects of maternity protection in SMEs. These are limited to developed countries.

Research on maternity protection in SMEs in developing countries is even scarcer. There is some evidence that effective and accessible maternity protection practices are feasible in SMEs, for example in parts of Latin America (Carlier et al., 2012) and the Caribbean (Nunez, 2008). However, we found no systematic studies of the links between maternity protection regulation or practices and SME productivity outcomes in developing countries, and little or no concrete evidence on the extent to which good maternity protection practices in SMEs lead to positive outcomes at the broader societal level. Rather, the literature on maternity protection policies and practices in developing country contexts tends to focus on reforms needed at state level to improve the provision of maternity services and related regulation (Aikawa et al., 2011; Barnes and Kozar, 2008; Bell and Newitt, 2010; Fredman, 2012; Lai-Ching and Kam-Wah, 2012; Ong et al., 2005; Sun, 2009 and 2012), or alternatively, concentrates on maternity protection practices and policies in larger firms¹⁷ (Al-bdour et al., 2010; Chen et al., 2006; Mensah, 2011a and b). The literature calling for improved provision points to negative effects of poor maternity protection for women and families.

¹⁶ Quote from small employer (10 staff), taken from an Australian radio emission on pregnancy discrimination: <http://www.abc.net.au/radionational/programs/lifematters/pregnancy-discrimination-in-the-workplace/5038342> [Accessed November 2013] (see Section 5.3 for more details).

¹⁷ Or presumably firms of all sizes where no information is provided on the size of the firms included in the study.

Below we discuss six areas of research on maternity-related work practices that address our research question to some extent. Resistance on the part of SME employers to maternity protection regulation is at least partly based on fear of the costs associated with the implementation of maternity-related measures. The first area examined is therefore related to perceived costs and negative impacts of maternity protection in SMEs. The second tranche of studies investigates the outcomes for SMEs of maternity, paternity and parental leaves beyond minimum statutory requirements, and other practices such as flexible work and informal child-care arrangements on the return to work, as part of bundles of policies and practices variously labelled family-oriented/-friendly, work-life balance or flexible working arrangements. The third area draws attention to business outcomes of breastfeeding support at work. The fourth focuses on wider societal outcomes of maternity protection in SMEs and how these can also influence business outcomes. This demonstrates that maternity protection is not only about women and gender equality, but also about the health of a nation's future population and workforce. Finally, the last two sections discuss the increasing importance of fathers' involvement in child-care, and the role of gender composition of workplaces and sectors.

5.2 Perceived costs and negative impacts of maternity protection regulation in SMEs

Employers need women in the labour market to increase labour supply and also to increase national productivity and wealth, thereby fuelling consumption markets. Maternity protection regulations can create social norms and a practical framework through which to manage staff maternity. They free SME employers from the costly act of negotiating the many ethical and practical problems that would otherwise arise in managing pregnancy, childbirth and care of a newborn. Provided they are equally enacted, maternity regulations also create a level playing field across employers within regulatory territories. However, SME employers do not necessarily have a detailed awareness of the wider labour market mechanisms in which their businesses operate, and the potential benefits of maternity or other regulations (Kitching et al., 2013). Without a wider understanding, employers are likely to perceive staff maternity as an unnecessary disruption rather than a fact of business life that can potentially be managed productively. (Owner-) managers may also be unaware of the specific effects of particular maternity practices on their small firm. Hence, although the employment of mothers is part of efficient labour markets, individual employers often forget or fail to perceive this at the point when a staff member becomes pregnant. Employers' interpretations of these situations are framed by the (often negative) values and discourses in which they are embedded. Consequently, employee maternity will often be experienced as in opposition to "normal" market operations. This is particularly likely in smaller firms with limited resources to lead to short-term productive disruption, limited management capability to minimize the cost and maximize the productive benefit of maternity, and fewer employees so that maternity is an exceptional rather than a predictable event.

The extent to which smaller firms are at a competitive disadvantage due to the costs and time involved in compliance with regulations and the focus on short-term benefits has been a subject of considerable concern in the literature (e.g. Chittenden et al., 2000; Lancaster et al., 2001). Although rarely quantified, the costs of maternity protection in SMEs are widely perceived by small employers to be greater than the benefits (Alewell and Pull, 2011; Carter et al., 2009), underpinning their hostility or resistance to the introduction of related measures. Alewell and Pull (2011) reviewed the costs of maternity leave regulations in Denmark, Germany, the United Kingdom and United States. Drawing on academic studies as well as on national and international labour market statistics, they found that small employers¹⁸ (together with firms of any size confronted with high-skill leave-takers in short supply) were most likely to report problems and costs associated with maternity leave provisions (and parental leave where it was taken up). While large employers were often able to recruit replacement staff internally, small employers were more dependent on the external labour market and this brought associated costs. Employing a substitute was found to be especially costly for small firms when the period of maternity leave was short. SMEs were more likely to respond to labour shortages created by maternity leaves by trying to increase the working hours of remaining employees, particularly part-time workers, but also sharing out the work to be covered amongst full-time staff. However, this is not always possible as, for

¹⁸ The authors do not provide a definition; one example is given of a firm with fewer than 50 employees.

example, there might be no colleagues doing the same job or having the same skills. Nevertheless, other research (e.g. Becker et al., 2008; Dex and Scheibl, 2002) has shown how such measures can help to cope with maternity at no or low cost to the employer. It is likely that the feasibility and costs of these arrangements will depend on the management skills of small employers in terms of planning a solution in plenty of time, harnessing the knowledge of the pregnant employee in planning a handover and innovative work arrangements. There is, however, limited support available to encourage such practices in small businesses (Rouse and Sappleton, 2009).

While Alewell and Pull (2011) focused specifically on maternity leave regulations, Atkinson and Curtis (2004) examined the impact of employment regulation¹⁹ more generally, including maternity and other family leaves, on the employment relationship in SMEs in the United Kingdom. Although maternity and parental leave are only discussed as one element of provisions, the paper provides important insight into the role of regulation and the uncodified nature of workplace practices. They report that employers claimed high awareness of the legislation (although the level of detail of the knowledge was not tested) but implementation was very limited, suggesting that avoidance is based on resistance rather than ignorance. However, at the same time the complexity of legislation also led to feelings of “losing control”. Employers’ most common views on employment law were that it “is time-consuming, onerous, a burden in terms of cost, too much in favour of the employee, changes too often and is too difficult to keep up with, is difficult to understand and that it is not in proportion to the size of the company” (p. 489). It was seen as reducing the level of independence and giving less room for flexibility (which can be expected to have a negative impact on being able to provide flexible working and leave arrangements for parents). The article reinforces the importance of (owner-) manager attitudes and a high level of paternalism which can lead to a “family-like” relationship. This relationship can facilitate employee-friendly arrangements but may also result in employees not being granted basic employment rights.

5.2.1 Maternity need not harm SMEs

Edwards et al. (2004) argued that employment regulation (in general) does not inevitably damage small firms. Based on an in-depth qualitative study of 18 small firms with between two and 50 employees in the United Kingdom, they proposed that distinctions can be drawn between perceived potential effects, which may be widely reported, and actual experience which may be limited to a much smaller number of firms. For example, interviewees in only three of the 18 case studies could recall recent cases of maternity leave, although this leave was reported to be taken fairly often in these firms. The authors noted that although competitive conditions and specifics of the SME sector could affect how regulation such as maternity protection was experienced, maternity leave was not always regarded as problematic, as a degree of flexibility tended to ease small firms’ responses to regulation. They described the uncodified ways in which this was managed in these companies. For example, one firm reported four cases of employees taking maternity leave in the previous three to four years but reported no problems in arranging cover, which was provided by a reallocation of duties and existing staff working flexibly, while one new father took a few days off and some extended periods of working from home. Edwards et al. (2004) did not measure business benefits and their findings are based on a very small number of cases. Nevertheless, they illustrate some simple steps that may be taken to support maternity without harming SMEs. We discuss a number of other studies that support this view, and which even suggest that uncodified ways of supporting maternity can be cost-effective for SMEs (section 5.3).

5.2.2 Employer resistance to regulation vs. actual experience

Carter et al. (2009) tested the conclusions of Edwards et al. (2004) in a large national survey examining perceptions and experiences of regulation, including (but not limited to) maternity, paternity and parental leave, in small firms in the United Kingdom.²⁰ They confirmed the findings of a gap between resistant

19 Particularly in relation to the Employment Relations Act 1999.

20 Based on a survey of attitudes and opinions on a range of issues in small firms (does not give details of upper limit but includes micro firms). The sample (n = 16,779) was based on a nationally representative survey of the membership of the Federation of Small Businesses.

attitudes on the part of employers and actual experiences, and argued that the hostility of small employers, based on assumptions of reduced productivity, burdensome costs and red tape, masked the relative infrequency of actual negative experiences of employment regulation. Over 70 per cent of small business owners sampled in this study had no experiences of requests for maternity leave or were unaffected by any of the regulations covered (on flexible working, maternity leave, paternity leave and parental leave, working time and disability discrimination). Maternity leave was more frequently cited as having a negative effect than other leave types, but this was still reported by only 10.6 per cent; 70.4 per cent reported no experience or impact of maternity leave and 3.3 per cent reported a positive impact. However, the authors do not provide detailed information on the positive or negative outcomes to which participants were referring. Similarly, only 8.2 per cent reported negative experiences of paternity leave and 6.3 per cent of parental leave, while 2.3 per cent reported positive experiences of paternity leave and 1.6 per cent of parental leave. The fact that the vast majority reported no experience of requests for paternity or parental leave or that it was not relevant is not surprising, as paternity leave was relatively new and parental leave rarely taken up. Again, Carter et al. (2009) note the heterogeneity of small firms in experience of employment regulation in general. The report of positive and negative effects of employment regulation differs by sector. An important avenue for research is to explore the nature of the benefits as well as costs, and how the positive impacts can be achieved in diverse SMEs.

In some contexts regulation may help to reduce the gap between beliefs about and experiences of maternity regulation. Edwards et al. (2004) found that statutory maternity leave, once established, can become taken for granted and a routine in some SMEs in the United Kingdom. There is some evidence that maternity leave regulation may be beginning to have a positive impact on the attitudes of some SME (owner-) managers in contexts where it is less long-established. For example, while an exploratory study by Barrett and Mayson (2008) of SME employers' perceptions of the paid maternity leave prior to its introduction in Australia concluded that "there was no recognition [by the employers] of the greater potential benefits that could flow to the organization, economy and society as a result of not forcing women to choose between career and family as unpaid maternity leave currently can make them do" (p. 289); the Australian Government (2007) reported, however, some positive outcomes of maternity provisions in SMEs, as discussed in the next section. A study by Appelbaum and Milkman (2011) on the introduction of the Paid Family Leave programme in the US state of California in 2002 also demonstrates that small employers' actual experience of maternity protection measures was more positive than previously expected.²¹ After over five years' experience with the legislation, most employers reported either a "positive effect" or "no noticeable effect" on productivity (89 per cent), profitability/performance (91 per cent), turnover (96 per cent), and employee morale (99 per cent). Although smaller organizations had had most reservations, they experienced fewer problems and more advantages than larger firms. These findings are particularly interesting in a country as resistant to maternity protection regulation as the United States, where still only five states provide paid maternity leave.

Nevertheless, experience of implementing maternity protection measures by no means assures that (owner-) managers will be positively disposed to employees' maternity. This creates two dilemmas and methodological barriers in researching the productive effect of maternity on small firms. First, we cannot rely purely on the perceptions reported by small employers who may not have the capacity or disposition to perceive wider productive benefits. Second, negative dispositions and ignorance of the wider productive benefits of the employment of women may itself affect the way in which maternity is managed, militating against positive outcomes. The consequences of these observations are threefold:

1. Our review on the direct effects of maternity on small employers should be supplemented with macro-economic observations on the productive labour and consumption market benefits for small employers of mothers in different contexts.

21 The study draws on an employer survey of 253 Californian ventures (including private-sector businesses and non-profit organizations, stratified by size) and an employee survey of 500 individuals who had experienced an event in the past four years which could have led to a request for paid family leave (such as becoming a parent). The state legislation programme provides paid family leave of up to six weeks per year for bonding with a newborn, adopted or foster child, or for caring for a seriously ill family member. Eligible workers are entitled to up to six weeks of paid leave at 55 per cent of their usual weekly earnings, up to a maximum of US\$987 per week in 2011. The benefits of this legislation became available in 2004, covering also those working for employers with fewer than 50 staff. Apart from the self-employed, it covers workers in the private sector (including non-profit organizations), but most public-sector workers are not eligible.

2. Small employers' perceptions should be treated as partial, due to their ignorance about wider market operations and the costs that would emerge in the absence of a regulatory framework.
3. The real outcome of maternity protection in small firms should be understood as emerging from management practices as much as regulation. These management practices may be constrained by skill, experience and social disposition/context as well as scarce firm resources and developed/developing world contexts.

In sum, the limited research on the impact of maternity protection on SME outcomes, from Europe and North America, finds that although there can be costs to SMEs, especially in labour-intensive sectors and when the conditions of maternity and parental leaves create uncertainties, these are not always as inevitable or as substantial as (owner-) managers perceive them to be. There are also potential benefits, although these are only superficially explored in the literature on the impacts of maternity protection regulation. There may also be potential indirect benefits in terms of sustaining diverse work teams, which evidence suggests can have a positive impact on enterprise behaviour (e.g. Toosi, Sommers and Ambady, 2012). More needs to be known about how to minimize costs and about how small employers are able to report positive impacts even in contexts of ideological resistance to regulation in a range of contexts. Dominant values and discourses about maternity supports in SMEs create methodological problems for research on the productivity-related outcomes in these enterprises. Nevertheless, we discuss below some studies indicating positive outcomes of maternity protection measures in SMEs, and some examples of how the general SME characteristics of familiarity and flexibility can facilitate the implementation of measures that support maternity protection at no or low cost, whether in response to regulation or other drivers.

5.3 Evidence of a link between the availability of family-friendly practices and positive SME outcomes

It is often argued that family-friendly measures can provide positive enterprise-level outcomes (Bevan et al., 1999). Although this is usually discussed in relation to provisions beyond statutory requirements, we will suggest that some of these measures, such as flexible working arrangements, help with child-care or the ability to bring children to work on occasion could improve maternity protection even in contexts where regulation is resisted.

A few studies have examined links between family-friendly (often articulated as work–life balance) policies and practices and positive outcomes in samples comprising exclusively or predominantly SMEs (Atsumi, 2007; Australian Government, 2007; Baughman et al., 2003; Becker et al., 2008; Cegarra-Leiva et al., 2012a; Gerlach et al., 2013; Schneider et al., 2008). While much maternity protection support in SMEs is based on informal negotiations, maternity, paternity and parental leaves may be more likely than other supports to be written into policy (Working Families, 2013). The impacts of maternity-related policies are not always easily distinguished in the work–life balance or family-friendly literature from other policies such as flexible or part-time work or extra vacation time, although the latter can of course support the transition to parenthood. Indeed, maternity-related policies may be more likely to have positive outcomes for both employees and firms if they are part of a bundle of family-oriented policies, but this is not directly tested in related studies. Despite these shortcomings in the research, there is some evidence of positive links under certain conditions and none of the studies demonstrate negative effects of family-friendly policies on productivity. Below we first briefly present the main findings from these studies before discussing what can be learnt from them in terms of how, and under what conditions, good maternity protection may generate positive outcomes for firms.

The Australian Government (2007) reported an overwhelmingly positive impact of SMEs offering carer and family-friendly provisions, based on a nationally representative survey of 1,800 SME operators.²² Overall, four in five of the SMEs surveyed felt there were concrete business benefits in providing family and maternity policies, whether formal or informal. The family-friendly provisions included paid and

22 “Medium” is defined as having 20–199 employees.

unpaid parental and adoption leave plus other policies that could be relevant to maternity, including the ability to bring children to work in an emergency and various forms of flexible working and child-care, but also some non-maternity-related provisions. Business benefits reported included lower staff turnover, a better working environment and happier employees, as well as increased productivity, sales and profitability. However, as in most of the outcome studies, the findings were based on associations/correlations and so did not consider the direction of causality. The possibility cannot be ruled out that the development of maternity protection-related policies is a consequence of, rather than a contributor to, business success in some cases. Nevertheless, the policies are viewed very positively and, in some cases at least, this is likely to be because they have a productive effect.

The following statement from an Australian small business owner²³ provides an example of how the management of staff maternity can lead to positive outcomes:

We found the best way to deal with [pregnancy] is to really embrace it, [...] because what happens is you get such ownership and buying in from that employee and it's really such a valuable thing to do.

She reported that two of her ten employees had been pregnant and that some were planning a pregnancy. In order to show staff that they were valued by their employer, new mothers were given the opportunity to bring their baby to staff meetings and, on their return to work, an effort was made to fit working days around the availability of child-care.

Several academic studies confirm that maternity-related policies as part of work–life balance or family-friendly programmes can have positive outcomes for SMEs, and also clarify that this depends on how they are implemented and supported. A workplace culture in which maternity and parenthood are valued and supported emerges as particularly salient (Cegarra-Leiva et al., 2012a; Gerlach et al., 2013; Schneider et al., 2008). This reflects findings from research in larger organizations on the impact of perceived family-supportive workplace culture (Allen, 2001; Wang et al, 2013).

Cegarra-Leiva et al. (2012a) argue that supportive workplace culture is a condition for maternity and family policies to generate positive enterprise-level outcomes. Based on a survey of general managers in 229 SMEs in the metal industry (a highly male-dominated sector) in south-east Spain, they found that a category of policies labelled “work leaves” which included maternity and paternity leave in excess of what is legally required (but also career breaks and extra vacation), together with a supportive workplace culture was significantly linked to a range of positive SME outcomes. These outcomes included subjective assessments of quality and development of products and services, staff retention, customer/client satisfaction and relations among employees over the previous three years, compared to competitors.²⁴

The importance of a supportive organizational culture for achieving positive outcomes is also reinforced in the studies by Schneider et al. (2008) and Gerlach et al. (2013) in a German context. Telephone interviews were conducted with personnel officers or (owner-) managers across sectors in 2008 (n=1,001) and 2013 (n=994 German firms). Of these, 67 and 62 per cent respectively were SMEs²⁵ The studies examined the status quo in respect of the compatibility of work and family life, as well as

23 From an Australian radio emission on pregnancy discrimination. Available at: <http://www.abc.net.au/radionational/programs/lifematters/pregnancy-discrimination-in-the-workplace/5038342> [accessed November 2013].

24 Although SMEs were defined in the study as those with fewer than 250 employees, the sample comprised mostly small and micro firms (88.2 per cent with fewer than 50 workers and 23.58 per cent with fewer than ten). Perceived family-supportive workplace culture was indicated by managers' estimations of how far certain work–life balance (WLB) related activities were valued, including talking about personal life at work and becoming pregnant or adopting a child. See section 7.1 in the present study for an elaboration of supportive workplace cultures as conditions for positive outcomes to occur. All direct effects were completely mediated by perceived supportive WLB.

25 The study defined small firms as those with 6 to 49 employees, medium-sized businesses as those with 50 to 199 staff, larger companies as having 200 to 499 employees and large businesses as those with 500+ staff.

economic effects of family-conscious personnel policies. The level of family orientation was measured in 21 items across three dimensions:

1. *Dialogue* refers to information and communication processes within the organization (e.g. reactions to ad hoc requests by staff, as well as systematic recording, analysis and interpretation of staff needs).
2. *Performance* includes measurement of the quality and quantity of the range of benefits available.
3. *Culture* refers to the norms and values in the firm with respect to family-consciousness as a more holistic concept (reflected in the management style as well as attitudes of colleagues) and the continuity of the provision of related measures.

The studies concluded that, overall, the provision of family-friendly measures paid off. Mechanisms creating positive outcomes included organizational culture (as defined in no. 3 above), communication and information processes within the organizations, and quantity and quality of family-oriented policies. These outcomes included objective indicators²⁶ of staff retention as well as enhanced staff motivation and productivity, reduced absenteeism and recruitment costs.

This research project studied the availability of measures in firms, not actual take-up. However, the fact that the level of family orientation appears to have an impact on staff motivation and retention supports the claim made in other papers that it is the availability of benefits which leads to some positive organizational outcomes, rather than whether or not provisions are taken up (e.g. Cegarra-Leiva et al., 2012a; Gerlach et al., 2013). Overall, Gerlach et al. (2013) found that family-consciousness had risen since 2008, showing that employers' awareness of the importance of family-friendly work conditions had increased over time. Unfortunately the analysis did not differentiate the findings by size of firm, apart from highlighting overall differences in family-consciousness. Interestingly, whilst small firms (6–49 staff) were the most family-oriented in the first study in 2008, they were the least family-conscious in 2013. This may partly be due to the fact that the sample consisted of a different set of companies from in 2008, although the researchers attempted to achieve similar proportions of firms of certain sizes and from certain sectors for comparability of results. Gerlach et al. (2013) argue that this finding demonstrates that factors such as changes in the competitive environment of recruitment markets as well as staff structure have a more influential role on family consciousness than firm size, sector or location.²⁷

A shortcoming of cross-sectional surveys (Australian Government, 2007; Cegarra-Leiva et al., 2012a) is that they preclude insights into how workplace policies and practices on protection play out in the longer term in SMEs. It can take time for positive impacts to become visible and also for problems associated with maternity-related practices to emerge and be addressed (Becker et al., 2008; Gerlach et al., 2013; Schneider et al., 2008). The comparison of survey results in the German studies by Schneider et al. (2008) and Gerlach et al. (2013) provide some insight into how these processes unfold over time. For example, good maternity protection and family-conscious practices lead to an improved family-oriented image which can enhance recruitment. While most outcomes were reported to be more positive in the second survey, concerns about length of maternity leave, costs caused by vacancies and proportion returning after maternity leave were all found to have a negative effect in that follow-up study but not in the original 2008 survey. This may be because family-oriented policies and practices changed between 2007 and 2012, the timeframe in which the research was conducted. Furthermore, the authors emphasize that the results have to be viewed in the context of the wider societal and political changes that have taken place over the last few years. These studies do, however, point to the need for future research to take a longitudinal approach, monitoring changes over time, to evaluate longer-term positive outcomes for firms and addressing new areas of concern in changing contexts.

26 Respondents received the questionnaire before the telephone interview and were asked to have figures on staff retention and so on at hand; figures were therefore not only based on estimates but also on hard data.

27 Although the study found differences between industrial sectors, these were found to be only weakly significant. Another factor considered was the geographic location of the firm, but the differences identified were not statistically significant.

Given uncertainty as to how to interpret the findings in the German study, it is also important that the mechanisms that cause change are also researched.

Qualitative research is also important to contribute to a deeper understanding of the dynamic processes that underpin the links between effective maternity protection and SME performance and productivity indicated by survey-based research. Two studies from Germany and Japan provide qualitative evidence in this respect. An in-depth qualitative study into ten medium-sized German firms (Becker et al., 2008) provides case studies of firms that reaped economic benefits from the implementation of family-friendly measures and shows that these positive outcomes became visible in the short to medium term in these cases. Although it is not possible to generalize from ten case studies, this again illustrates processes whereby positive outcomes may occur. Becker et al. (2008) also presented the findings of a study on medium-sized²⁸ firms published by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (Prognos, 2003) which calculated the average costs of replacing staff on maternity leave as well as the costs of reintegrating staff upon their return after 6, 12, 18 and 36 months respectively. The study demonstrates the cost benefits of the provision of family-friendly measures that encourage women to return from maternity leave earlier and thereby reduce replacement and reintegration costs. It is argued that the introduction of family-friendly measures can result in a return on investment of 25 per cent.²⁹ The authors highlight that these calculations have to be viewed in the context of an economic climate characterized by a surplus of qualified labour, and argue that the economic benefits of family-friendly measures may increase further in a less tense economic state (Prognos, 2003).

In a non-western context (Japan), Atsumi (2007) also reported positive links between what is referred to as work–life balance support, including child-care leave and reduced hours of work plus supportive workplace practices, and enterprise performance, including faster sales growth. The paper gives only a vague explanation of how outcomes were measured, which limits the conclusions that can be drawn. Nevertheless, the paper again provides some qualitative case examples (derived from data collected from 100 Japanese SMEs) that illustrate the processes involved. For example, it is argued that positive effects occurred because the number of women returning to work after birth was higher in SMEs that had supportive workplace practices. Moreover, these SMEs served as a place of re-employment for women who had quit their job in other organizations after having children, enabling the better development of human capital.

There is thus some evidence that effective and accessible maternity protection as part of wider family-friendly programmes can have a range of positive outcomes in SMEs, including effects on quality and development of products and services, staff retention, customer/client satisfaction, enhanced relations among employees, reduced staff turnover, happier employees, and increased productivity, sales and profitability. Some – though not all – of these are objectively assessed.

Research on enterprise-level outcomes of maternity and family-oriented policies rarely considers developing country contexts. One exception is a study of work–life balance policies implemented as part of corporate social responsibility (CSR) programmes (in large organizations) in the banking sector in Jordan (Al-bdour et al., 2010) which also reported positive outcomes). It found that employees who stated that their employers were providing several initiatives beyond legal requirements, such as special leave to take care of dependants, flexible work schedules, maternity leave and child-care facilities, were more committed to their organizations than those in other organizations. Hein and Cassirer (2010) report similar findings in relation to the provision of workplace child-care solutions, including cases from Brazil, Chile, India, Kenya, South Africa and Thailand (however, mainly drawing on examples from medium and large firms). A further study, again looking at large organizations, reported a significant

28 This study also includes firms with more than 500 employees, which we would define as large.

29 The return on investment depends on the specific situation of each firm, its industrial sector and staff structure (low/high qualified, gender, etc.). The calculation took into consideration the costs of family-friendly measures (including information support, individual/flexible working time arrangements, teleworking, and support with child-care) as well as the savings resulting from their implementation (particularly reduced costs for bridging, staff replacement, turnover and reintegration). It did not take into account less tangible (but plausible) outcomes of family-friendly practices, such as increased staff motivation and identity with the business.

negative relationship between on-site employer-sponsored child-care and absenteeism in South Africa (Anderson and Geldenhuys, 2011). We found no such studies of SMEs.

Only one study failed to find expected measurable productivity gains of most family-friendly benefits, other than child-care assistance (Baughman et al., 2003). This US study, conducted in Onondaga County, New York, included objective outcome measures of turnover (ratio of employees who voluntarily quit) and wage rates through telephone interviews with 120 employers in predominantly small and medium-sized firms (5+ workers) from a range of industrial sectors. The aim was to examine the productivity and wage effects of a number of what the researchers term family-friendly “fringe” benefits, which included unpaid leave beyond statutory requirements. In the US context – where, as we have seen, paid leave is provided in only five states – this covers any unpaid family leave in organizations with less than 50 employees, more than 12 weeks in firms with more than 50 workers, and paid family leave. Other benefits included various forms of flexible work and child-care arrangements. Drawing on economic theories, both direct and indirect effects of family benefits on productivity were expected via (i) improved morale and recruitment and reduced turnover rates and absenteeism; and (ii) cost savings by being able to offer lower wages (except in the case of workers on the minimum wage). However, the findings provided weak support for this theory. Paid leave was rare and the results concerning outcomes for unpaid leaves were insignificant. Possibly due to the small size of the sample, this study did not find sufficient evidence to support the expectations of increased productivity in the case of the majority of family-friendly measures, although child-care assistance significantly reduced turnover rates. The study also did not find statistically significant decreases in wages associated with most family-support measures, although employers providing child-care along with flexible sick leave and flexible scheduling paid significantly lower entry-level wages, and thereby were able to recoup part of the costs. Although limited to child-care measures, the latter finding does suggest that the costs of implementation of maternity-related practices may also partly be reduced by paying lower wages, a strategy that would reinforce gender wage gaps and other inequities. However, despite the shortcomings³⁰ of this study and the failure to find expected significant positive effects, it is worth noting that the research did not show any negative impact of the measures used. This provides tentative support for the view that a minimal aspect of maternity protection (unpaid leaves in exempted firms) does not harm these firms.

Methodological limitations of the studies reviewed above include the reliance on reports of outcomes from single respondents, often (owner-) managers. Baughman et al. (2003) also relied on small business owners to report objective measures over the telephone. As these are not key business performance indicators, they are likely to be estimated. It has been repeatedly established that (owner-) manager perceptions of the negative effects of maternity benefits are prone to exaggeration; consequently, the reliability of this study is open to question. Additionally, all the studies focused on the impact of the availability of policies rather than whether and by whom they were actually used. The literature on family-friendly policies in larger organizations suggests that take-up of policies may be a more sensitive measure of impact than mere availability, as gender norms and manager discretion and resistance can limit the number of employees who are actually able to benefit from them (see for example Brescoll et al., 2013). However, as it is less likely that practices will be formalized in SMEs, especially in smaller firms without HR practitioners, gaps between formal policy and workplace practice may be less of a problem.

To sum up, two key insights can be gained from this section. First, where maternity protection legislation incurs costs, these can be reduced through the implementation of family-friendly measures. Second, although family-friendly measures are mostly discussed in the literature in the context of provision beyond statutory requirements, they can provide no- or low-cost solutions with positive outcomes for mothers and their families, even where regulation is not enforced. Research also suggests that family-friendly programmes, particularly if accompanied by an overall family-friendly workplace culture, can lead to positive enterprise-level outcomes. There is no evidence that this type of support damages small firms.

³⁰ Although an objective measure of turnover was used, this study again relied on single informants. The small sample was also biased towards service and public administration sectors, under-representing retail trade employers. It was also limited in that it did not consider possible mediating factors such as organizational culture or how the policies were implemented in practice.

5.4 The business case for breastfeeding support at work

In this section it will be demonstrated that the provision of breastfeeding support in the workplace, as one aspect of maternity protection, provides another low-cost measure which can result not only in wider societal but also considerable positive enterprise-level outcomes. Although studies of the outcomes of breastfeeding support are carried out predominantly on large organizations, we argue that there may also be important implications for research and practice in SMEs.

The World Health Organization (WHO, 2003) recommends six months of exclusive breastfeeding and thereafter continued breastfeeding with appropriate complementary foods for up to two years of age and beyond (see section 5.5 for social outcomes of breastfeeding support). However, around the globe, the duration rates of (exclusive) breastfeeding fall short of the WHO's recommendations. The return to work is an important factor influencing breastfeeding duration worldwide (Amin et al., 2011; Cattaneo et al., 2005; Cattaneo and Quintero-Romero, 2006; Galtry, 2003; Hawkins et al., 2007; Heymann et al., 2013a; Ukwuani et al., 2001). For instance, whereas Sweden has one of the highest rates amongst industrialized countries of both exclusive breastfeeding for six months and women's labour market participation (Galtry, 2003), Ireland has one of the world's lowest breastfeeding initiation and duration rates, despite being the country with the highest birth rate in Europe (Economic and Social Research Institute, 2012; Tarrant et al., 2011). Furthermore, according to a nationwide survey in Malaysia, 94.7 per cent of mothers initiate breastfeeding, but only 14.5 per cent practise exclusive breastfeeding until the infant is six months old (Ismail et al., 2012).

5.4.1 Business outcomes

Research on the business case for supporting breastfeeding is extremely scant, although some studies indicate that it can lead to considerable enterprise-level benefits to employers. Although the studies reviewed here did not focus on SMEs, breastfeeding support appears to be a measure which is particularly suited to smaller firms, bearing in mind the focus on cost control. Lactation programmes have been identified as low-cost business investments with positive spin-offs, including reduced maternal absenteeism, improved retention and recruitment of women workers, and increased employee morale (Cohen et al, 1995; Galtry, 2003; Mensah, 2011a and b; Paul, 2004). These outcomes are also particularly pertinent to countries where employees' health insurance is subsidized by employers, such as the United States (Galtry, 2003). Cohen et al. (1995) found lower rates of absenteeism (and associated lost income) due to illnesses of infants amongst mothers who breastfed. Of the infant illnesses causing one day's absence for the working mother, only 25 per cent occurred in breastfed babies, while 75 per cent occurred in formula-fed babies. Further, two closely related Ghanaian studies by Mensah (2011a and b)³¹ investigated the impact of support for breastfeeding mothers on their level of satisfaction and commitment to their jobs. In Ghana, at least 50 per cent of women in employment return to work by the time their children are three months old. The demands associated with balancing work and family lead to stress, depression, and reduced job, marital and life satisfaction (Mensah, 2011b). One of the cases presented in the paper demonstrates how the stress associated with returning to work in combination with lack of support (both at work and at home) can lead to reductions in breast milk supply. In turn, further stress is transferred to the job, so that ability to focus on work-related tasks is reduced:

Because I am always on my feet working, I don't get enough breast milk for my baby which could be due to work related stress. Today, I was only able to express 2oz for my son which I know will not be enough for him till I get home. [...] I am here working but to be frank with you I cannot concentrate well at all. I think about my son too much and I make a lot of mistakes.
(p. 94)

31 Mensah draws on 260 questionnaires completed by breastfeeding mothers (aged 24–41) working full time (including five different types of organizations – hospitals, schools, banks, NGOs and government ministries – which were selected as they were among the few organizations in Ghana which employ a high percentage of women). No reference is made to the size (number of employees) of the organizations included in the studies.

On the impact of the provision of breastfeeding support and facilities at the workplace, Mensah (2011a) found that lactating working mothers who had access to breastfeeding facilities were more (actively) committed to and more satisfied with their work than those who did not. These results support Cohen and colleagues' (1995) findings that breastfeeding mothers who did not have access to the facilities to help them combine exclusive breastfeeding with full-time work were absent from work more often. It is argued that, since the presence of workplace facilities (such as private rooms) helps mothers combine exclusive breastfeeding with full-time work, they will strongly identify themselves with the goals of the organization and would desire to remain a part of it (Mensah, 2011a and b). It seems to be assumed that this leads to improved enterprise performance, but this process is only briefly discussed in the literature review section of the paper. Similarly, in their study of managers' attitudes towards breastfeeding support at the workplace, Chow et al. (2011) found that employees who felt that their needs were accommodated were viewed as being willing "to give more". These findings are therefore congruent with social exchange theory (see section 2.3), while the lack of such basic support reflects notions of pregnant and lactating women as non-ideal or "faulty" workers whose needs do not have to be considered (section 2.1).

5.4.2 Challenges

Working women often need or wish to return to work for economic, personal or career reasons before the infant is six months old, and the combination of breastfeeding and employment is not always easy to accommodate in practice (Chow et al., 2011; Paul, 2004). The ILO Maternity Protection Convention, 2000 (No. 183) states in Article 10 (1) that women shall be provided with at least one daily break or a daily reduction of working hours to breastfeed their child. These breaks or reduced daily hours shall be remunerated as normal working time (Article 10 (2)).

Although some of the studies presented in this section included small firms, none of them focused exclusively on SMEs. The benefits that small employers gain from supporting breastfeeding employees thus remain underexplored, and there is strong evidence for the persistence of barriers that impede the continuation of (particularly exclusive) breastfeeding upon return to paid employment. Examples of such studies include Amin et al. (2011) on Malaysia; Chow et al. (2011) on the United States; Guldán et al. (2000) on rural China; Ismail et al. (2012) on Malaysia; Kosmala-Anderson and Wallace (2006) on the United Kingdom; Rea et al. (1999) on Brazil; Yimyam and Morrow (1999) and Yimyam et al. (1999) on Thailand. This is also reflected in high breastfeeding initiation rates but decline over time depending on timing of return to work (Amin et al., 2011; Foo et al., 2005; Forster et al., 2006; Kimbro, 2006). For instance, in Malaysia most working mothers needed to return to work within three months of giving birth (Ismail et al., 2012), and the same applies to Ghana (Mensah, 2011b) and northern rural Viet Nam (Dearden et al., 2002). Mothers who have to return to work shortly after giving birth also often make the decision not to breastfeed at all (Baker and Milligan, 2008; Chatterji and Frick, 2005; Chuang et al., 2010).

Whereas some studies suggest that in developed countries educated women from higher socio-economic groups are more likely to continue breastfeeding than women from lower socio-economic groups, it is argued that in developing world contexts women from lower socio-economic groups are breastfeeding for longer (Lakati et al., 2002a and b). However, the reality is far more complex; the ability to combine breastfeeding and paid work depends on multiple (often interrelated) factors, including cultural/ethnic attitudes towards breastfeeding practices, socio-economic group, industry/sector (Haynes, 2008; Lubold and Roth, 2012; van Esterik, 2012), as well as on whether employment is located in the formal or informal economy (Davis, 1996; Lakati et al., 2002a and b; Ukwuani et al., 2001).

A Nigerian study found that being physically near to the infants was the most significant variable influencing breastfeeding practices (Salami, 2006). This finding is supported by Davis (1996) on breastfeeding patterns amongst women working in the informal economy in Uganda. These mothers were involved in market activities and the fact that they could bring their infants to work facilitated breastfeeding practices. Conversely, obstacles to reconciling breastfeeding and paid work reported by mothers include being too far from their infants while working, employers not allowing it and it being too time-consuming (Dearden et al., 2002; Ismail et al., 2012). The majority of women in formal

employment also find it impossible to bring their babies to work with them, stating that nobody does it, that there is no place to leave the child (safely), or that toxins (such as pesticides in the field) may be harmful to the infant (Dearden et al., 2002; Paul, 2004). Prevention should also be taken to reduce risks at the workplace which may affect the health of the woman and her child during breastfeeding. More difficult to address is the risk that biological/chemical agents inhaled at the workplace enter the mother's breast milk (Paul, 2004).

Expressing breast milk could help many women to continue breastfeeding (Ismail et al., 2012; Lubold and Roth, 2012; Ortiz et al., 2004). However, studies on breast milk expression in the workplace have led to varied results. For example, a US study by Ortiz et al. (2004) found that company lactation programmes can enable working mothers to express breast milk for their infants as long as they wish (see also Cohen and Mrtek, 1994; Cohen et al., 1995). However, the success of workplace lactation support is dependent not only on the provision of facilities such as a private room and good sanitary conditions, but also on the level of knowledge regarding breast milk expression and adequate/appropriate storage. For example, in their study of the feasibility, acceptability and safety of breast milk expression among formally employed women in urban and rural Malaysia, Ismail et al. (2012) found three main obstacles: (i) lack of facilities; (ii) negative feelings such as embarrassment; and (iii) doubts about the safety and hygiene of expressed milk. The Vietnamese study by Dearden et al. (2002) also found that milk expression was not seen as common practice; mothers thought that it was not hygienic and were not sure about how to store it. Similarly, Lakati et al. (2002a) state that breast milk expression is very uncommon amongst working mothers in Kenya and that they saw breastfeeding as a “natural function”, a “superior feeding method”, and therefore the only way to nourish the infant.

Another important aspect influencing the feasibility of combining breastfeeding with work is related to cultural views about maternal bodies, as discussed in section 2.4. However, culturally informed experiences of negative feelings about the maternal body are not exclusive to developing world contexts. For instance, in her UK study of educated mothers in managerial and/or professional occupations, Gatrell (2007) found that breastfeeding was “taboo” within the workplace. In order to comply with organizational expectations, mothers in the study were required either to cease or conceal breastfeeding (see also Gatrell, 2011c and 2013; Haynes, 2008).

However, breastfeeding support at work provides one element of maternity protection which can be a “win-win scenario” for both employers and employees (Addati and Cheong, 2013; ILO, 2013a), at no or low cost for SMEs. There is therefore a need to inform both employers and employees of the health benefits of breastfeeding for mothers and their infants as well as the positive outcomes at enterprise level. Even in western organizations, where mothers are strongly conditioned to temporally and spatially separate their family lives from paid work, there are examples of women practising “unbounded motherhood” by breastfeeding publicly at work, including in senior management meetings. This can be an act of resistance on the part of women, with mixed individual consequences, or part of wider organizational change that is sanctioned by managers (Turner and Norwood, 2013). Some work settings also include more private spaces (e.g. home working, community working close to home and when women have private offices). When these are combined with flexible temporal arrangements or lactation breaks, women are able to identify an appropriate place and space for breastfeeding. Such scenarios and levels of control may be particularly available to self-employed women, depending on the sector of business operation (Rouse, 2009). Clearly, then, there are conditions that can be created at no or low cost to support breastfeeding for women in work.

ILO Recommendation No. 191 recommends the provision of facilities for breastfeeding under adequate hygienic conditions at the workplace or nearby. Numerous countries now have national provisions for breastfeeding facilities in place, often in relation to a minimum number of women employees. For example, in Madagascar, a breastfeeding room must be provided by employers of more than 25 women. Since having the infant nearby also helps to facilitate breastfeeding for mothers, in their earlier Maternity Protection Recommendation, 1952 (No. 95), the ILO suggested complementing the provision of breastfeeding facilities with day-care solutions, at least partly financed by the community or compulsory social insurance schemes. In Chile, firms employing more than 20 women workers are required to have a breastfeeding room for children under two and to provide the opportunity to leave

these children there while the mothers are at work. However, the burden of the entire costs for day nurseries falls mostly on the employer (ILO, 2014). For example, in Brazil, firms employing more than 30 women must provide a day nursery or reimburse the cost of child-care for breastfeeding mothers.³² An unintended consequence is that employers may decide not to hire women of childbearing age (ibid.).

Furthermore, although breastfeeding facilities can frequently be provided at no or low cost, an important concern is that workplaces often lack even the minimal requirements and acceptable sanitary conditions. In these settings there is an urgent need for subsidies to ensure the provision of adequate hygienic facilities to achieve social and business benefits.

5.5 Fertility, reproductive health and other social outcomes

This section discusses the societal benefits of maternity protection in more detail and demonstrates how positive social outcomes can lead to positive outcomes at enterprise level. It draws attention to the role of maternity protection in both developed and developing world contexts.

Family-supportive practices and cultural norms in SMEs can have impacts on a range of positive social outcomes which are not only valuable in their own right but also have the potential to enhance human capital and ultimately translate into positive enterprise-level performance outcomes. Positive social outcomes are important for the gender equality agenda (European Institute for Gender Equality, 2013) and also crucial for wider national developments as set out in the United Nations Millennium Development Goals (MDGs).³³ Maternity protection addresses several of these goals, including eradicating poverty, promoting gender equality, child and maternal health and combatting HIV/Aids and other diseases (ILO, 2012c).

Again, regulation alone is unlikely to be sufficient in contributing to these goals, but needs to be enforced and complemented by workplace maternity and family-oriented practices. In a developing country context (Viet Nam), for example, Vo et al. (2007) called for paid leave, flexible working policies and more vigorous law enforcement because, despite the existence of formal maternity protection laws, low-income mothers experience severe difficulties in trying to meet work demands and exit poverty while at the same time trying to attend to their children's health and development. Vo et al. (2007) did not focus specifically on SMEs, although it is likely that they are the subject of discussion, as SMEs dominate the business landscape in Viet Nam. Again, however, there is a paucity of research specifically examining maternity protection in SMEs and assessing social outcomes in developing countries.

Barrett and Burgess (2008) argue that SMEs can contribute to redressing social and economic exclusion by offering employment opportunities to those who would find it difficult to access work in larger organizations. Maternity protection and family-friendly policies and cultures have obvious potential links to gender equality (Cruz, 2012) and are important in developing country contexts for the economic empowerment of women (e.g. Chatnani, 2010; Datta and Gailey, 2012; Golla et al., 2011; Holmes and Jones, 2013; Hutchens, 2010; Kabeer and Natali, 2013; Loh and Daheshisari, 2013; Musa and Idembe, 2011; Nwoye, 2007; OECD, 2012; Razavi, 2011; Xia et al., 2011).

However, these potential links in SMEs are ambiguous and often contested, particularly in terms of economic equality. In OECD countries policies on leave after childbirth have had a positive, albeit marginal, role in the rise of female employment, but women still pay a price for taking up leave, in the form of reduced earnings and progression (Thévenon and Solaz, 2013). In Chile, where maternity

32 Similar requirements to provide a day nursery also exist in Guatemala, Honduras, Paraguay, Venezuela and Viet Nam, and for 100+ female employees in Costa Rica, Nicaragua, Niger and the Philippines (ILO, 2014).

33 In September 2000, 189 world leaders committed to working together to develop a safer, more prosperous and equitable world in the Millennium Declaration. The Declaration was translated into eight measurable goals to be reached by 2015 which are known as the Millennium Development Goals: 1. Eradicating extreme poverty and hunger; 2. Achieving universal primary education; 3. Promoting gender equality and empowering women; 4. Reducing child mortality; 5. Improving maternal health; 6. Combatting HIV/Aids, malaria and other diseases; 7. Ensuring environmental sustainability; 8. Developing a global partnership for development (ILO, 2012c; United Nations, 2013a).

protection is a long-standing right, working women who demand maternity protection are often considered to be abusing the system (Casa and Herrera, 2012). Moreover, the wage penalty for motherhood is well documented (Budig et al., 2012; Gough and Noonan, 2013; Lai and Masters, 2005; Tharenou, 2013), although paid maternity leave can protect women's wages in some contexts (Boushey, 2008). The wage gap between women with and without children is commonly attributed to lower human capital, due to breaks in employment and from full-time work, which maternity protection aims to minimize. An alternative explanation is segregation, with women who have or plan to have children self-selecting into more family-compatible occupations and establishments at the price of lower earnings and progression opportunities. The characteristics of SMEs can provide such contexts in some cases (Baughman et al., 2003). This can reinforce the gender wage gap. However, long-term underutilization of women's skills is not an inevitable consequence. Atsumi (2007) found that women taking leave or reducing hours in SMEs may be less disadvantaged than those in larger firms because their ability is assessed based on long-term personal relationships rather than on prejudiced views of returners' abilities. Thus support for maternity protection and family-friendliness in small firms has the potential to be particularly powerful in supporting gender equality more generally, as this is a form of work more available to the most disadvantaged women, who may be excluded from employment in more formal larger businesses.

5.5.1 Fertility and reproductive health

Good maternity protection has also been widely credited with the potential to help sustain national birth rates in ageing societies (Duvander et al., 2010; Lalive and Zweimüller, 2009; Risse, 2006). However, this research rarely takes account of size of firms. An exception is Atsumi's (2007) study which suggests that in Japan child-care leaves and reduced hours may have a positive impact on fertility, including in SMEs where women had more children than in large companies. However, the direction of causality is unclear in this case, due to the possibility of self-selection.

Paul (2004) emphasizes the hazards that unsafe working conditions pose to fertility and points out the need to reduce reproductive health hazards in the workplace as far as possible.³⁴ The type and level of effect they can have on pregnancy and breastfeeding depends on the nature of the hazard and the timing of exposure. It should also be noted that such hazards affect not only women and their children; some reproductive hazards can lead to reduced fertility in men and also affect their ability to father healthy children. For instance, men's exposure to some harmful substances can affect the quality of their sperm and cause miscarriage, birth defects or stillbirth in their partner's pregnancy. In addition, pregnant women and lactating mothers need to know their HIV status in order to benefit from prevention and care interventions and reduce transmission.³⁵ SME employers can thus play an important health and safety role in relation to maternity in societies where birth rates are high as well as low, and for men as well as women, as it is in the interest of employers and nations to ensure the health of their current (and future) population and workforce for both societal and economic reasons.

There is a dearth of studies considering the effect that employment practices have on problematic reproduction (e.g. couples seeking fertility treatment, women experiencing miscarriages, stillbirth or pregnancy-related health problems, and women or infants facing ill health or disability postpartum) in developed as well as developing country contexts. Similarly, we know very little about how small employers manage these scenarios. Given the relative frequency of these situations, this represents a significant knowledge gap.

In contexts with high birth rates the situation is somewhat different; sustained birth rates may not be perceived as a positive societal outcome among decision-makers in developing countries. Frequent

34 Such hazards include working time/conditions (e.g. night/shift work, long hours, and restrictions on breaks); physical and mental demands; movements and postures (arduous work, prolonged sitting or standing, stressful work); exposure to biological, chemical and physical agents; and hygiene problems.

35 Antiretroviral (ARV) drugs and other measures can dramatically reduce the risk of transmission. Women who are living with HIV and become pregnant may face additional health risks themselves. In the most-affected countries, AIDS-related illnesses are the leading cause of maternal mortality. Maternal deaths worldwide could be reduced by 60,000 per year if women received appropriate HIV diagnosis and treatment (ILO, 2012b).

pregnancies are an issue for the management of labour and are particularly problematic for SMEs. In these settings there is a general concern about “unintended fertility outcomes” of maternity protection. Legislation in countries such as Malaysia, Sri Lanka and Zambia therefore limits maternity leave or cash benefits to a certain number of births, or spaces these provisions over a certain number of years as measures of fertility control (ILO, 2014). The underlying reasons for high birth rates are highly complex and the matter can only be addressed through long-term systemic change, as suggested in the Social Relations Approach (see sections 2.4 and 9.1). Nevertheless, it remains essential to protect mothers and babies in these contexts to ensure a healthy workforce, as well as for social reasons.

5.5.2 Social outcomes of breastfeeding support

The positive health effects of breastfeeding for both infant (Duijts et al., 2010; Horta et al., 2007; Horta and Victora, 2013; Léon-Cava et al., 2002; Paul, 2004) and mother (Ip et al., 2007; Lobbok, 2001; Léon-Cava et al., 2002; Paul, 2004) – and hence potential benefits of breastfeeding support at work – have been well documented.³⁶ The societal outcomes are therefore clear: breastfeeding results in healthier mothers and babies. Furthermore, the considerable economic costs associated with formula feeding and other infant foods mean that, for low-income workers, breastfeeding sometimes provides the only feasible feeding option (Lakati et al., 2002b; Léon-Cava et al., 2002). Increased breastfeeding rates can also substantially reduce the costs to the State where formula milk is subsidized, as is the case in the United States (Galtry, 2003), as well as health-care costs due to improved health of mother and child (Bartick and Reinhold, 2010; ILO, 2012b; James and Lessen, 2009; Léon-Cava et al., 2002).

Exclusive breastfeeding can substantially reduce early childhood mortality, particularly in developing country settings with high rates of miscarriages as well as maternal and infant mortality (Arifeen et al., 2001; Bhutta and Yusuf, 1997; Cattaneo and Quintero-Romero, 2006; Horta and Victora, 2013; Jones et al., 2003; Lobbok, 2006; Mhrshahi et al., 2007; WHO, 2000a;). Higher breastfeeding rates in these countries could also reduce the risk of death from infectious diseases in the first two years of life (Cattaneo and Quintero-Romero, 2006; Horta and Victora, 2013; WHO, 2000a). Infants who are exclusively breastfed for the first six months are 14 times more likely to survive than infants who are not breastfed at all (United Nations, 2013b). Early childhood mortality is often due to malnutrition and inadequate complementary foods and this impact is increased in unhygienic settings (Butz et al., 1984; Lobbok, 2006; Paul, 2004).³⁷ As long as an infant is breastfed, it is nourished appropriately without depending on the parents’ socio-economic ability to provide (Retherford et al., 1989). According to Jones et al. (2003), 13 per cent of cause-specific under-5 deaths in developing countries could be prevented through availability of breastfeeding interventions to 90 per cent of the target population (exclusive breastfeeding for six months).³⁸ There is therefore a need to ensure that women are advised appropriately in ante- and postnatal counselling. Research has shown the efficiency of this type of support (López-Martínez et al., 2006) and also demonstrates the cost-effectiveness of breastfeeding advice/counselling in comparison with other forms of intervention (Adam et al., 2005).

The promotion and support of (exclusive) breastfeeding addresses several of the Millennium Development Goals, particularly in contributing to the eradication of extreme poverty and hunger, the promotion of gender equality, the reduction of child mortality and the improvement of maternal and infant health (ILO, 2012b; Lobbok, 2006). The example of breastfeeding also illustrates how these different goals intersect. Beneficiaries of increased exclusive breastfeeding rates include women, their children, their families and their employers, as well as (developing) economies and societies at large.

36 The benefits of breastfeeding for mothers include a reduced risk of breast and ovarian cancer. For breastfed babies benefits include short-term effects such as a stronger immune system and lower risk of infection. For instance, they are less likely to suffer from diarrhoea, respiratory and middle-ear infections than formula-fed babies (Horta and Victora, 2013; Paul, 2004). In developed countries, there is evidence on long-term benefits such as some protection against overweight or obesity, as well as of a causal effect of breastfeeding on IQ, although the magnitude of this effect seems to be modest (Horta and Victora, 2013).

37 Higher breastfeeding rates could avoid the risks associated with the preparation of artificial foods in unclean conditions (Butz et al., 1984; Paul, 2004).

38 The causes included diarrhoea, pneumonia and neonatal sepsis. The study took into account that women living with HIV can transmit the virus to the child through breastfeeding. Otherwise breastfeeding would have been estimated to prevent 15 per cent of infant deaths.

Exclusive breastfeeding is also a suitable option for many mothers living with HIV, especially in the presence of antiretroviral treatment (WHO, 2010). Although the virus can be transmitted to the child through breastfeeding, it is suggested in settings where it is likely to lead to the best outcome for the infant. In such cases it is recommended to continue breastfeeding until the child is 12 months old and adequate support therefore becomes even more critical (ILO 2012b and c; WHO, 2010).

In summary, four key points can be drawn from this section. First, maternity protection is not only of importance in employment contexts; it is also key to the gender equality and wider development agendas. Second, positive societal outcomes of maternity protection can result in positive outcomes at SME level, such as enhanced human capital and reduced sickness absence. Third, breastfeeding support provides an example of a no- or low-cost measure which can result in considerable positive outcomes in enterprises and in the wider society, as well as extensive savings to health-care systems. Fourth, maternity protection is crucial in developing as well as developed countries. SMEs with good maternity protection can play a role in supporting maternal and child health everywhere in the world, thus contributing to future and healthy workforces and consumers. As set out in the ILO's (2002) Decent Work Agenda, it is therefore essential to provide work conditions characterized by freedom, equity, security and human dignity.

5.6 Bringing men into the picture: The role of fathers

Maternity protection is not only about women. SMEs with good workplace practices can help to enhance gender equality and other social outcomes by providing forms of work for mothers and supports for new fathers that are often not readily available in larger firms. Opportunities for fathers' involvement in child-care are essential for gender equality, although this is rarely recognized in more patriarchal societies. Men's take-up of paternity leave, parental leave and flexible working practices increase fathers' involvement with their young children (Tanaka and Waldfogel, 2007). Such involvement enhances the resources of paternal capital available to children via quality father-child interactions (O'Brien, 2009), thus contributing to child development. The need for increased paternal involvement in parenting is driven not only by high rates of maternal employment, but also by changing patterns of kin support. The level of child-care support available from extended family networks varies, influenced by cultural, ethnic and socio-economic factors, but due to social and economic changes it is generally, much less available today than it was a few decades ago (Chen et al., 2000; Mahon, 2011; Mensah, 2011b; Miller-Cribbs and Farber, 2008; Sarkisian and Gerstel, 2004).

Statutory parental leaves that include a dedicated quota of leave for fathers that cannot be transferred to mothers – as are available, for example, in the Nordic countries and Germany – increase the likelihood of men taking up their leave entitlements (Haas and Rostgaard, 2011; Ray et al., 2010). Such non-transferable “use it or lose it” leave for fathers also contributes to a more gender-egalitarian parental leave policy (Ray et al., 2010). Nevertheless, the provision of statutory paternity and parental leave alone is not necessarily sufficient to motivate men to take this up. Even in countries such as Sweden where a quota of “Daddy leave” is well established, fathers are more likely to take up these leaves if their workplace is supportive in this respect (Haas et al., 2002). There is mixed evidence about associations between enterprise size and father-friendliness. Some research suggests that large employers are more likely to be supportive of paternal leaves (Smeaton, 2006; Smeaton and Marsh, 2006; Whitehouse et al., 2007) but others found no differences by size of firm (Haas and Hwang, 2009). Ishii-Kuntz (2013) found SMEs in Japan to be more supportive of fathers' leaves than larger firms in that country. These inconsistencies may be due to the diverse contexts in which the research is carried out. For instance, enterprise size may be irrelevant in Sweden, a country with a high level of ideological support for active fathering (Haas and Hwang, 2009) whereas in more traditionally gendered societies fathers may have to rely on informal support which may be more readily available in smaller organizations. In a web-based survey of volunteers, Ishii-Kuntz (2013) compared the effects of work-related factors on involvement in child-care among Japanese fathers with preschool children in large firms and SMEs. The findings indicated that greater levels of reported autonomy at work, as well as companies' accommodation of parental needs (including parental leave and fathers' evaluation of these provisions) increase fathers' involvement in child-care for men working in SMEs. This was not the case in larger companies where job stress reduces such involvement. Perceived autonomy is particularly significant in Japan, where working

hours and presenteeism are common, especially in large companies. Men may be more willing to take up leave in smaller firms where there are fewer opportunities for promotion and, therefore, less to lose (Atsumi, 2007).

Within SMEs the proportion of men and women employees may make a difference to the likelihood and impacts of family or father-friendly provisions. Such practices tend to be more often reported and expected to yield positive outcomes in female- than male-dominated firms (e.g. Australian Government, 2007). Traditional gendered assumptions would support a view that fathers are less likely than mothers to want or benefit from family leaves and flexible working, making father-friendliness irrelevant. However, the studies by Cegarra-Leiva et al. (2012a and b), where 77.7 per cent of the sample were men, indicate that work–life balance policies and supportive culture in SMEs in the male-dominated metal industry in Spain are linked to job satisfaction and positive business outcomes such as reduced intention to leave among managers, suggesting that men also value these supports in this context and reciprocate in ways that benefit firms.

In addition to contributing to gender equality, fathers' involvement with their children can have a number of positive spin-offs for SMEs. For example, a Swedish study revealed that men who take parental leave benefit in health terms and this, in turn, can reduce sickness absence for men (Månsdotter et al., 2007). This study found that fathers who took parental leave were not only better off than other fathers, in terms of mortality, but also reported less sickness leave and in-patient care. There are also positive impacts on child well-being and development (Huerta et al, 2013). Moreover, Huerta et al. (2013) note that the superior development of children of involved fathers is related to the quality and not the quantity of father–child interactions. Fathers' involvement therefore does not necessarily imply more time away from work, and thus arrangements that enhance family life need not have negative implications for SMEs.

Research has also shown the important role of fathers in breastfeeding promotion and support³⁹ (Bar-Yam and Darby, 1997; Ekström et al., 2003; Rempel and Rempel, 2011; Vaaler et al., 2011) and that their involvement can increase breastfeeding rates (Mitchell-Box and Braun, 2013; Pisacane et al., 2005; Susin and Giulianini, 2008; Wolfberg et al., 2004). For instance, in Italy, Pisacane et al. (2005) found that educating fathers in how to prevent and manage the most common lactation difficulties was associated with higher rates of exclusive breastfeeding at six months. Mensah (2011b) also points out the importance of fathers providing social support for breastfeeding working mothers, particularly those who wish to continue the practice of exclusive breastfeeding. She found that breastfeeding women who received social support at home were more committed to and satisfied with their jobs. These studies however, do not take into account the influence of this involvement on fathers' working time arrangements. In Spain, working fathers enjoy the same rights to breastfeeding breaks as mothers, to provide support to their partners for the first nine months of their infant's life, irrespective of the employment status of the mother⁴⁰ However, fathers' perceptions about breastfeeding and providing social and structural spousal support⁴¹ are influenced by numerous factors, including ethnicity, cultural background, education level and socio-economic status, as well as public images of breastfeeding (Dowling et al., 2012; Lubold and Roth, 2012; Taşpınar et al., 2013; Tomori, 2009; Vaaler et al., 2011; van Esterik, 2012), and any interventions aimed at educating men about the benefits of breastfeeding will have to be sensitive to these influences.

5.7 The role of gender composition of workplaces and sectors

As emphasized earlier, SMEs are not homogenous entities. The provision of maternity protection and its outcomes are influenced by factors such as staff structure (e.g. proportion men and women and of

39 See also Ekström et al. (2003) on the role of grandmothers in providing breastfeeding support.

40 They are entitled to up to two breaks per day for a total of an hour, or to shorten their workday by 30 minutes. See European Union press release at http://europa.eu/rapid/press-release_CJE-10-94_en.htm [accessed November 2013].

41 Such support can include becoming educated about breastfeeding benefits; frequent difficulties associated with lactation and how they can be prevented; and the provision of moral and practical support, as well as rearrangements of work within and outside the household and night-time sleep practices.

low- and highly skilled workers) (Gerlach et al., 2013; Goss, 1991), and sector (Australian Government, 2007; Carter et al., 2009; Edwards et al., 2004). One important factor may be the gender of owners and employees. If maternity protection is perceived to be purely a cost, economic theory would predict that SMEs with a higher number of female staff would be more reluctant to provide basic or enhanced maternity protection due to higher perceived costs of take-up compared to paternity leave. This would particularly apply to unskilled women workers who are easily replaceable.

On the other hand, institutional, resource-based and social equity/exchange theories would all predict that employers in female-dominated SMEs would be more likely to implement good maternity-related policies and to reap benefits via enhanced recruitment and retention, commitment and performance associated with perceptions of fairness and support. This applies especially to women in skilled jobs, who are better positioned than other women to exert pressures for support because of the costs of recruiting new staff if they leave. Gerlach et al. (2013) provide some evidence for the importance of these dynamics, pointing to the need to look at both the quantity and “quality” of female employees. They find that companies with a higher proportion of female staff (over the median) are more family-conscious than those with a low proportion of women employees. However, this finding needs to be viewed in combination with the “quality” of female employees. Their results demonstrate that the proportions of women in management and other key (indispensable) roles, as well as of women educated to degree level, all influence the level of family-consciousness of an organization. This points to the importance of empowering women through access to education and skills training and opportunities for human capital and career development, in order to enhance the “quality” of the female workforce and the jobs women undertake, and to incentivize SME employers to provide adequate maternity protection. In turn, this can have positive economic and social outcomes. However, there are many contexts, particularly in the developing world where deeply embedded cultural attitudes to women, among other factors, reduce their educational and developmental opportunities (see section 8.4.3). This, together with the availability of a pool of informal, cheap labour, undermines the potential cost–benefit argument for adequate maternity protection in SMEs.

Gender composition of the workplace interacts with sector. The Australian Government (2007) reported that female-dominated SMEs were more likely to report family-friendly practices and expect positive outcomes, while male-dominated firms were more likely to believe that they were unlikely to reap benefits from such provisions. Of all sectors, the building and construction sector was least likely to feel that offering flexible provisions was beneficial. Gerlach et al. (2013) also found that the construction sector was least family-conscious, although differences between industrial sectors were found to only be weakly significant. It is possible that, as well as gendered occupational cultures, sector experience of maternity and family-friendly working is important here. Smaller employers’ tendency to exaggerate the effect of employment regulations on enterprise performance may be a consequence of limited and sporadic experience of incidents of employee maternity which, when they occur, often seem to be less disruptive than expected (see above, section 5.2). Managers in female-dominated industries will have more frequent experiences of maternity and so more confidence in managing them productively. However, sectoral differences may also relate to the different health and safety implications of maternity, which are likely to be highly significant in work normally deemed masculine, such as construction, due to its heavy physicality.

Nevertheless, the finding by Cegarra-Leiva et al. (2012a), that work–life balance policies⁴² in the male-dominated metal industry are linked to perceptions of a more supportive organizational culture and positive business outcomes, suggests that men too value these supports, challenging traditional gendered assumptions. The authors argue that their findings support social exchange theory (Blau, 1964) in that employees who have reason to feel they are treated fairly are more satisfied and favourably disposed towards their employer and therefore more committed and productive. However, the authors treat the issue as gender-neutral, neglecting the possible influence of the gender composition of the sector. The survey asked only about the availability of family policies and not take-up, which is typically lower in male-dominated contexts. It is possible that actual take-up may be less relevant to perceptions of a supportive culture and fairness among male workers. For men, the knowledge that, for example,

42 I.e. those described as work–life balance policies in this particular study.

enhanced paternity leave is available if they wish to use it may be sufficient to signal fairness and motivate reciprocal affective commitment and positive work behaviours. Women tend to have greater need to be able to make use of policies, particularly in cultures where the division of unpaid care work,⁴³ including child-care, is most unequal, and thus the ability to use family-oriented policies or practices may be more important than the mere availability of supports for some workers.

These examples demonstrate the complexity of factors influencing the outcomes of maternity protection and family-oriented measures, as well as the limited comparability of results of studies on their outcomes in different contexts.

5.8 Summary and discussion

Despite fears amongst SME employers of the effect of maternity protection regulation, there is no evidence from outcome studies that this type of support inevitably damages small firms. There are reports that small business owners exaggerate the likely effect that maternity will have on them, reflecting fear and a discourse of resistance to employment regulations. In contrast, research suggests that small employers can make use of no- or low-cost measures which are suited to the characteristics of SMEs and can even lead to positive enterprise-level outcomes. As maternity is an inevitable part of the experience of employing women and, increasingly, active fatherhood is an inevitable part of employing men, proactive management of maternity and paternity appears to create positive effects for small employers embedded in managing real people in real life circumstances, rather than abstract “ideal workers”.

The literature on links between maternity protection as part of family-friendly practices and outcomes for firms is limited in scope and method. Nevertheless there is some preliminary evidence from Australia, Europe, Japan and North America that effective and accessible maternity protection can have positive outcomes in terms of enhanced employee satisfaction and commitment, associated with reciprocal improvements in performance and productivity, particularly when measures are part of bundles of family-oriented policies and practices and are supported by a family-oriented organizational culture. This implies shifts in gendered assumptions about ideal workers, although this is not made explicit or tested. However, the research suggests that the provision and outcomes of maternity protection and family-friendly programmes are likely to differ according to staff structure, gender composition and industrial sector.

In any case, research suggests that family-friendly measures can reduce costs incurred by compliance with maternity protection legislation. Breastfeeding support, as one element of maternity protection, provides a key example of a “win-win scenario” for both employers and employees. The same applies to some forms of child-care support, such as providing a family room or dedicated office space where children can do their homework after school. Although these measures are mostly discussed in the literature (at least in developed countries) in the context of provisions beyond statutory requirements, they can offer no- or low-cost solutions with positive outcomes for everyone involved, even where regulation is not enforced.

National context also emerges as important, not only in relation to differences in regulation and socio-cultural context but also in the motivation to undertake research on this topic. In Europe, high levels of regulation and resistance from SMEs are an important factor motivating research. In Spain, the predominance of small, often family businesses combined with EU-led regulations appears to have motivated research and is likely to be a key factor driving the debate. In the United States, the lack of paid leave and minimal state support informs economics-based research questions. In Japan, widespread concerns about low fertility underlie the drive for research, to strengthen pressures on firms to enhance maternity protection in order to increase the birth rate. In the developing world, where maternity protection is not regarded as a priority, where such regulation is poorly enforced, and

43 As Razavi (2007) emphasizes, taking care of children and infants includes direct care work such as bathing and feeding them, accompanying them to the doctor and taking them for walks, as well as further related activities such as cleaning, washing, cooking and shopping.

where small businesses often fall outside the scope of regulation, there is little incentive to research these questions, which may explain the gap in the research. However, maternity protection is relevant not only in western and developed country contexts; it is important for the future of populations and national economic development everywhere in the world.

While most outcomes research has been carried out in western contexts, there is some indication of potential positive outcomes for SMEs in Japan. However, we have not been able to find any comparable research in SMEs in developing countries. This is an important gap, as small enterprises make up the great majority of employers in these contexts. The rapid rise in women's employment is one of the factors that boosted growth rates in the Asian tigers (Young, 1995). The World Bank argues in its *World Development Report 2012: Gender equality and development* (2011) that closing these gaps is a core development objective in its own right but is also "smart economics". Clearly, more evidence about how maternity protection can be made "smart" – to fulfil social as well economic goals, in a wider range of contexts – is urgently required.

6. Achieving positive business and social outcomes: Processes

On the question of how supportive maternity protection practices can enable SMEs to reap positive benefits, the limited available evidence supports a view that, at least when practices are part of a wider bundle of family-oriented policies and practices, these outcomes are generated through processes of economic, social and knowledge exchange. These processes can be interdependent and are not mutually exclusive. The links may also be achieved via positive social outcomes.

6.1 Economic exchange

Baughman et al. (2003) found limited support for the economic theoretical perspective that SMEs can compensate for limited resources and lower wages by offering informal support for pregnant women and new parents. Yet there is evidence that exchanging lower wages and also fewer opportunities for advancement for flexibility and support for maternity and motherhood might be a deliberate strategy adopted by some family-oriented women (Atsumi, 2007; Barrett and Khan, 2005). In some contexts, this might be the only option for women. Atsumi's (2007) finding that some women move to supportive SMEs after having children supports this view. While there is a risk that such opportunities can encourage excluded groups into low-paid and low-quality jobs (Barrett and Kahn, 2005; Marlow, 2006) and reinforce gender inequalities, studies measuring subjective aspects of job quality find that flexibility and uncodified arrangements are often valued by employees (Barrett and Khan, 2005). Gender equality will not be achieved by reproducing conditions in which women work and are paid under their potential to accommodate an unfair and, in some cases, unwanted burden of unpaid care. Nevertheless, it seems likely that employers can count on gaining goodwill from staff in exchange for positive maternity practices. The challenge is to make this a win-win situation in which women and employers work together to enhance productivity and job quality at the same time as producing family-friendly working conditions.

6.2 Social exchange

There is more support in the literature reviewed above for a social exchange view of the processes involved. Although formal family-oriented policies are less common in SMEs than in larger organizations (den Dulk and van Doorne-Huiskes, 2007; Wood and de Menezes, 2010) and uncodified practices do not always equate with more maternity support, in contexts where employees perceive a family-friendly culture and supportive maternity practices, positive employee motivations and behaviours result (Cegarra-Leiva et al., 2012a; Gerlach et al., 2013). The study by Gerlach et al. gives some indication of the process. Specifically, in relation to current staff, they found that the availability of family-oriented arrangements improves staff satisfaction, increases motivation and reduces absenteeism. Satisfaction leads to improved retention, which in turn leads to improved human capital accumulation and client retention, and reduces recruitment costs and number of vacancies. The follow-up study shows that the established availability of family supports also improves the quality of applicants and thereby reduces recruitment costs.

Overall, these outcomes suggest that reciprocity is key to the social exchange process, resulting in increases in productivity. As an example of social change and reciprocity, Dawson (2004) illustrates how a woman who is a senior or long-standing employee may receive exceptional treatment in recognition of her contribution and the incentive to keep her; her good will may also be drawn upon by her employer through her working during the maternity period. One example of a relatively low-cost benefit is providing time off for men to attend their partners' antenatal appointments. In their report on benchmarking good SME family-friendly practices, Working Families (2013) argue that the firm's recognition and support for expectant fathers' changing circumstances can enhance good will and engagement. Sometimes reciprocity is implicit, while in other contexts it may be very explicit, with employers and employees acknowledging the importance of "give and take" (Barrett and Mayson, 2008; Dex and Scheibl, 2001 and 2002).

6.3 Knowledge exchange

Several examples are provided in this report of how SMEs can learn from experiences of supporting maternity that involve knowledge sharing and exchange. This includes learning from experiences of managing maternity effectively or from the experiences of other SMEs. Knowledge gained may be used to manage future employee maternity but also applied more broadly, for example in managing sickness absences or flexible working effectively and providing developmental experiences to other staff members.

Small firms are less likely to use replacement staff to cover for maternity absence; they instead rely on reorganizing the roles and workloads of existing staff (e.g. Allewell and Pull, 2011). As discussed in more detail in Croucher et al. (2013), they prefer less formalized training methods (Kitching, 2008), as these are readily available, congruent with a focus on short-term outcomes and low cost, and fulfil the need to adapt to rapidly changing market environments. Small firms therefore focus on making best use of the resources at hand, and develop their competencies through informal knowledge exchange and organizational learning. Knowledge exchange has also been acknowledged as a common informal training method used by small family firms (Kotey and Folker, 2007). Busy small enterprise owners suffer from a lack of time to strategically develop their businesses, however, and so lack “strategic space” (Jones, 2006). The RBV and dynamic capabilities frameworks presented in section 2.3 suggest that adaptations to organizational processes prompted by staff maternity require small business (owner-) managers to reorganize their resources to competitive advantage. It seems likely that they will do so by rearranging the resources at hand, particularly via knowledge exchange between staff. However, small business owners are not always skilled in such strategic orientation (Jones, 2006). This paucity of capability, combined with a tendency to work “in the business” rather than to make strategic space to work “on the business” means that they may not spontaneously adapt in the most competitive ways to staff maternity. This helps to explain heterogeneity in outcomes and fear about negative effects among small business owners. Knowledge exchange is an important yet underutilized theory in exploring the mechanisms that link staff maternity, organizational change and small business outcomes. Rouse and Sappleton (2009) found that there are few, and confused, services available to help small business owners create productive knowledge exchange. It also seems that negative discourses about employment regulation block productive behaviour by small business owners when faced with managing staff maternity (see Kitching et al., 2013). Thus, while knowledge exchange is an important framework for understanding the productive effect of maternity in small firms, it is relatively poorly explored to date in research, policy and lobbying discussions.

7. Effective maternity protection and positive outcomes for SMEs: Conditions under which positive relationships are more likely to materialize

Conditions that protect maternity and parenthood and also take account of SME needs are most likely to contribute to relationships with positive outcomes. The limited evidence reviewed above suggests a number of conditions for these positive links to materialize. We discuss these conditions separately for developed and developing countries. This is for two reasons. First, the evidence available is predominantly from developed (although not exclusively western) countries. Second, economic and socio-cultural conditions differ across the spectrum of developed and developing countries, especially with regard to gender, although there is of course also much variation within as well as between developed and developing countries. We deal in both sections with business and social positive outcomes because, as discussed previously, these are interrelated. Positive social outcomes help to ensure that firms retain women workers and achieve the potential business benefits discussed in earlier sections.

7.1 Developed countries

7.1.1 Regulation: Collectively funded⁴⁴ paid leaves involving minimal uncertainty for SMEs and the enforcement of non-discrimination

The positive business outcomes of effective and accessible maternity protection for firms are achieved by increasing the likelihood of women returning to work and fully utilizing their skills to contribute to SMEs' performance and productivity, within the context of limited resources. Enabling or empowering both women and men to combine reproductive and productive roles without disadvantage is also crucial for a range of social outcomes which can also contribute to positive business outcomes. The enforcement of non-discrimination against pregnant employees, new parents and other workers with family responsibilities is also a fundamental condition. As costs are a basic issue for SMEs, regulation that protects maternity at minimal or no cost to employers, and which provides supports to enable SMEs to manage any disruptions or potential costs, are fundamental conditions for positive links. Paid leaves funded by compulsory social insurance or public funds (as per ILO Convention No. 183, Art. 6) are important in this respect and can encourage SMEs to find effective ways of managing staff maternity with mutual benefit. Two studies in the United States, for example, appear to support the importance of paid leave, although the methodologies used limit firm conclusions. Baughman et al. (2003) found no significant economic effects in SMEs of policies beyond statutory requirements, including unpaid family leaves, while a 2011 study of the California Paid Leave Program showed that most employers found that Paid Family Leave (funded by an employee-paid payroll tax) had a positive effect on productivity, profitability/performance, turnover and employee morale, with smaller firms reporting that they experienced fewer problems and more advantages than larger firms (Appelbaum and Milkman, 2011).

However, some financial support from the State to encourage compliance with maternity regulation is also important in some circumstances. For example, when a health and safety issue causes a woman to be suspended on full pay during her pregnancy (an entitlement available in the United Kingdom, for example) this involves considerable costs for SMEs and could threaten the sustainability of very small firms. Thus financial support is essential. The same also applies to paid prenatal visits and paid breastfeeding breaks; for instance, in Belgium and Estonia, social security and the State cover the costs of breastfeeding breaks (see ILO, 2013b). It also applies to the provision of formal child-care facilities. For example, the French Government provides tax breaks and direct subsidies to companies (Hein and Cassirer, 2010).

44 Taking into account paid leaves funded by social insurance provision or public funds.

7.1.2 Good workplace maternity protection policies and practices as part of bundles of family-oriented programmes

The studies of impacts of family-friendly policies and practices in SMEs (see section 5.3) tend not to separate out the impacts of maternity protection per se but do appear to suggest that it is bundles of policies and practices that enable new parents to combine work and care. These include provisions for gradual return to work and other opportunities for flexible working and child-care support (e.g. Barrett and Mayson, 2008; Becker et al., 2008; Hein and Cassirer, 2010). For example Becker et al.'s German study demonstrates that the provision of flexible working arrangements upon return to work can improve staff motivation and reduce the length of maternity leave. One owner-manager interviewed reported that, as the result of their family-friendly practices (possibility to return to work part-time or to bring children to work), the first employee who became a mother chose to return to work on an hourly basis one month after her child was born. She started to work five hours a week and gradually increased her working time to four days a week. Another German study (Prognos, 2003) suggests that such arrangements can considerably reduce the costs of maternity cover. It is noteworthy that an early return to work and gradual phasing into longer working days seems to be the primary pattern adopted when small business owners themselves have a baby. This strategy reflects strong commitment to business survival, but also flexible working practices in which conventional and gendered ideas about both paid work (e.g. temporal and spatial separation of caring and paid labour) and motherhood (exclusive female care for newborns) are challenged (Rouse, 2009).

However, bundles would ideally extend beyond the usual flexible working supports (such as flexible working time arrangements) to provide positive conditions for effective maternity protection. These include breastfeeding support and informal child-care support, such as provisions for mothers to bring a child to the workplace, which can help reduce absenteeism and turnover (Atsumi, 2007; Becker et al., 2008; Hein and Cassirer, 2010), and also enabling parents to work flexibly from or near home to reduce the productive cost of coordinating paid and unpaid work. Workplace equal opportunities or anti-discrimination policies and practices are also important alongside maternity protection, and increase the likelihood that maternity protection will not just increase retention but also enhance women's developmental opportunities and hence benefit firms (Charlesworth and Macdonald, 2007; Takeishi, 2007).

7.1.3 Breastfeeding support

In order to help women in paid employment to continue breastfeeding, the World Health Organization (2003, para. 12) recommends "paid maternity leave, part-time work arrangements, on-site crèches, facilities for expressing and storing breast milk, and breastfeeding breaks". A growing body of research has shown that an increase in maternity leave entitlements, particularly if paid, can increase the duration of breastfeeding (e.g. Aikawa, 2011; Baker and Milligan, 2008; Guendelman et al., 2009; Ogbuanu et al., 2011). There also is a need to create more opportunities, including an accepting culture, for working fathers to become more involved in providing social and structural spousal support to enable the initiation and continuation of breastfeeding. However, as pointed out in section 5.4, most success stories on company lactation programmes are based on studies in large firms. There is therefore a need to take into consideration the limited resources of small firms when developing policies and social marketing campaigns that target small employers (Brown et al., 2001). Whereas the suggestion to provide on-site child-care facilities is a more ambitious expectation for SMEs, it does not take much for small employers to create the minimum enabling conditions to help continue breastfeeding. Examples include the rearrangement of working time (Lakati et al., 2002a and b; Yimyam et al., 1999), as well as the provision of private facilities or areas/spaces and adequate hygienic conditions which allow safe breastfeeding and breast milk expression and storage (ILO, 2012b; Paul, 2004; WHO, 2000b).

However, it is not always sufficient to provide the necessary facilities to support breastfeeding (Chen et al., 2006; Kosmala-Anderson and Wallace, 2006). There also is a need to educate both employers and all employees about the need to accept and assist breastfeeding mothers as well as new fathers (whose wives might be breastfeeding) in order to create a supportive organizational environment (Chow et al., 2011; Ismail et al., 2012; Mensah, 2011a and b). In order to create an accepting environment,

it will be necessary to overcome “taboos” related to breastfeeding and breast milk expression as well as feelings of embarrassment associated with these practices (Gatrell, 2007), and to recognize and support the role of fathers in enabling breastfeeding (Mitchell-Box and Braun, 2013; Pisacane et al., 2005; Rempel and Rempel, 2011; Vaaler et al., 2011). Acceptance of public breastfeeding in the workplace, respectful provision of private space to pump breast milk and provision of a clean fridge in which to store breast milk (Turner and Norwood, 2013) seem relatively simple arrangements. Small employers may, however, require simple communication from advice providers, and encouragement to communicate productively with their staff on maternity, to realize that these simple measures can have such positive effects (Rouse and Sappleton, 2009).

7.1.4 Help with child-care

Support for child-care is a basic condition for positive outcomes of good maternity protection. Without this, parents and especially mothers may be unable to work or be distracted by concerns about children’s safety and welfare. Ideally, an infrastructure of accessible and affordable care is needed. However, there are also some forms of child-care support which are of no or low cost to the employer. These include the provision of opportunities to bring children to work in an emergency or even as a regular arrangement. Becker et al. (2008) provide examples of SMEs in Germany which made it possible for their employees to bring children in after nursery. Hein and Cassirer (2010) provide further examples from Denmark and Singapore of firms that had converted office space into a family room where older children could do their homework before or after school, play computer games or do other activities.

With respect to formal provisions (which are often required to comply with national regulations), cooperation between different firms is a good solution if formal help with child-care would not otherwise be feasible: for example, due to the small size of the organization or low demand due to the small number of staff with young children. A German example of such cooperation is provided by Oganowski and Ostendorf-Servissoglou (2011). The day nursery “Bärcheninsel” was set up in a residential area close to an industrial park by 11 firms in 1994, offering 40 child-care places for children aged six months to six years. It is funded collectively by the state, employers and employees. A collaboration of this sort has numerous advantages, one of which is its flexibility. Employers can contribute depending on their financial situation or level of demand and can leave the scheme at any time. They do not have to provide the necessary rooms/facilities and the administrative burden is taken over by nursery staff. An initial challenge can be the demands on coordination between the participating firms to ensure that everyone’s requirements and expectations are met. However, according to Oganowski and Ostendorf-Servissoglou, issues of this kind tend to be more relevant in the start-up phase; they settle with experience over time. Another challenge can be to find a few dedicated staff members who are motivated to set up and/or become part of the managing committee of the collaboration. In the case of the “Bärcheninsel” day nursery, several other similar projects are located nearby, demonstrating the high demand for and success of this child-care model. Similar examples of such inter-enterprise crèches have been identified in the French context (Hein and Cassirer, 2010). Although shift work and atypical hours can provide a barrier to collaboration, it may become possible again in geographical settings where such working time patterns are a common feature across a number of businesses (for example, in the same industry).

Despite the important benefits of formal child-care provision for both employers and employees, these can be more costly. The costs can, however, sometimes be offset by productivity gains. This was demonstrated by, for example, Baughman et al. (2003) in the United States (see section 5.3), who found that child-care assistance significantly reduced turnover rates and also appeared to compensate for lower wages in SMEs. Nevertheless, it may take time for such benefits to become apparent, and so the fact that the burden of costs currently lies with employers in many contexts is a cause for concern, particularly where national provisions mandate the establishment of day nurseries for small firms. There is therefore an urgent need to free at least small and micro firms from the financial burden of having to cover the costs for child-care and to provide funding for formal child-care through social insurance schemes and government subsidies. For instance, in France companies are provided with a service, initiated by the Government, which carries out the necessary administrative procedures to apply for

subsidies to set up an on-site day nursery or an inter-enterprise crèche. This service also offers a helpful response to one of the key arguments of employers' opposition to family-friendly policies – that they do not have time to deal with maternity management.

7.1.5 A supportive workplace culture

A perceived supportive or family-oriented organizational culture, albeit reported mainly by managers in the research discussed above, appears to be crucial to achieving positive outcomes of maternity protection practices via the social exchange process (Atsumi, 2007; Cegarra-Leiva et al., 2012a; Gerlach et al., 2013). In SMEs, especially smaller firms without HR professionals, family-supportive workplace cultures particularly reflect positive (owner-) manager attitudes to maternity protection. Supportive organizational culture can, however, be difficult to define (Lewis and Rajan-Rankin, 2013). In relation to maternity protection gender-sensitive culture is fundamental, and ideally gender-transformative culture which recognizes the role of men as fathers as well as women's breadwinner function. However, this is not always explicit in the research. The concept of supportive organizational culture tends to be operationalized in SME research in terms of measures that have been used in research in large organizations. We consider below some of the conditions that characterize supportive maternity protection cultures in SMEs.

Dialogue, give and take, and realistic expectations of employers and employees

Supportive culture can perhaps best be demonstrated in SMEs with reference to specific practices to encourage give and take between pregnant employees and their employers (Barrett and Mayson, 2008; Dex and Scheibl, 2001). Despite the scarcity of evidence of positive links between effective and accessible maternity protection and productive outcomes, all studies highlight the potential benefits of uncodified workplace practices in SMEs, which can make it easier to solve maternity issues despite resource challenges (Atsumi, 2007; Australian Government, 2007; Becker et al., 2008; Cegarra-Leiva et al., 2012a; Gerlach et al., 2013). This is often achieved through dialogue between employer and employees, which enables the perspectives of both the pregnant employee/new mother and the needs of the SME to be taken into account (Gerlach et al., 2013). One of the key arguments of employers' opposition to family-friendly policies is that they do not have time and skills to deal with maternity management, suggesting resistance to dialogue. It is often assumed that this goes beyond the nature and rationale of their business. Yet Gerlach et al. particularly noted the importance of dialogue in helping to ensure realistic expectations on both sides in enabling positive business outcomes. Dialogue helps to build trust and identify productive ways forward for dealing with, for example, antenatal appointments and maternity leave (Dex and Scheibl, 2002) and emergencies related to child-care (sick child, temporary child-care arrangement failures). A key person in this interaction is the woman herself, who knows the demands of her job best and can be instrumental in finding simple but effective solutions if given the opportunity (Atsumi, 2007; Gerlach et al., 2013). In some instances, these solutions may involve challenging gendered assumptions about both paid work and care; for example, by enabling women to work and care simultaneously (e.g. breastfeeding at the workplace, caring for a newborn while working in the early postpartum period or when responding to a business priority or by working at home when babies are asleep) (e.g. Turner and Norwood, 2013). It is noteworthy that working and caring simultaneously is a key strategy employed by entrepreneur mothers (Rouse and Kitching, 2006), particularly postpartum (Rouse, 2009).

For dialogue to take place it is important that women are aware of any basic entitlements. Appelbaum and Milkman (2011) found in their US study in California that more than half of their participants were not aware of their entitlement to Paid Family Leave. Low-wage workers and immigrants (there was considerable overlap between these groups) were least likely to be aware of their rights to this provision. Many respondents who knew of Paid Family Leave also feared negative consequences at work if they made a claim. It should be noted that it is important for women to maintain the right to confidentiality and not sharing information. However, a supportive culture that makes it possible to disclose maternity issues increases the likelihood of mutually beneficial practices emerging.

Positive use of workplace practices

There are a number of examples from studies in different national contexts demonstrating how uncodified workplace practices can, in some circumstances, facilitate flexibility and support for maternity protection, and generate positive outcomes for firms (Barrett and Mayson, 2008; Becker et al., 2008; Dex and Scheibl, 2001 and 2002; Edwards et al., 2004). For example, Atsumi (2007) describes some interesting cases. In one case a top researcher at a small company planned child-care leave, creating a difficult situation. Before going on leave she ranked tasks in her work by difficulty, assigning easier ones to a temporary worker and training her co-workers to take over more difficult tasks. When she returned to work another worker continued with the easier tasks and she took back the more difficult ones. It is reported that this increased the productivity of the top researcher and improved business performance as this way of working spread to other parts of the company, although the performance measure is not stated. In another case, a worker planned to take child-care leave in a machine parts maker with 40 employees; the whole company took a complete inventory to eliminate waste rather than replacing the employee. As a result they were able to accommodate the request for child-care leave and also cut waste. The author argues that this improved business performance (although again it is not clear how this is measured). In both cases child-care leave was viewed as an opportunity for innovation and positive change, and the pregnant employee was a key player in developing practical solutions. A strategic and knowledge-intensive approach was adopted and a dynamic capability was utilized – i.e. reorientating organizational resources to new competitive advantage. Such skills may be scarce in small firms (Jones, 1996) unless directly encouraged through support services (Rouse and Sappleton, 2009).

Higher levels of uncodified workplace arrangements in SMEs compared to larger organizations can be a condition for or an obstacle to positive maternity protection outcomes. In some contexts workplace practices can limit support and result in employers not providing basic employment rights (Atkinson and Curtis, 2004) or being seen to be providing support unevenly (Dex and Scheibl, 2001). However, the positive use of flexibility is a product of negotiation, trust and reciprocity. Under these conditions, uncodified arrangements in smaller firms can make it easier to manage maternity more effectively in practice than in larger organizations with complex HR systems policies or bureaucratic hierarchies (Atsumi, 2007; Australian Government, 2007; Carlier et al., 2012; Nunez, 2008; Working Families, 2013). This can be seen not only in the range of provisions offered by SMEs but also in the practical way in which these are provided. For example, the Australian Government report (2007) argues that, in contrast to larger organizations, the operators and employees of SMEs often work closely together and in many cases have the flexibility to offer conditions beyond the minimum statutory provisions for employees. Some common workplace practices, such as an (owner-) manager open-door policy and working through work-family problems together, were distinct from the more formal approaches usually reported in larger organizations. Of course, a potential danger in relying on workplace practices is that flexibility will be all in favour of the employer: requiring the woman to work when and where the employer needs, regardless of her care burden or health status. Structure is thus also important to guide and, ultimately, mandate certain protections for the woman. An example may be the implementation of “Keeping in Touch Days”⁴⁵ in the United Kingdom, which permit employees to work on up to ten occasions during their maternity leave without losing maternity pay entitlement but which are voluntary; employers cannot compel women to offer them this flexible resource, and there may be circumstances (for instance, poor maternal or infant health) that would make paid work during maternity leave impracticable.

Multi-skilling

One way in which informal flexibility can be achieved in SMEs is through multi-skilled teams, often encouraged through job rotation, which help to more easily cover for staff on maternity leave and ensuring substitutability between employees (Dex and Scheibl, 2002; Lewis and Cooper, 2005). One of

45 Usually paid by social security as flat-rate statutory maternity pay, but may be topped up by employers (see <http://www.acas.org.uk/?articleid=1410>).

the participants of Dex and Scheibl's study, an acting HR manager from a medium-sized firm, explained that all team members were multi-skilled and could therefore cover for one another:

All staff [...] are training all of the time. We organise teams to be able to cover for any type of leave request, maternity, paternity or emergency leave. They learn by doing sabbaticals in each other's teams. A staff member can elect to move into a different team for a 6-month period to see if they like it better or just to learn a new skill. (p. 15)

Systems such as “buddying” and skill mirroring have been successfully used in SMEs to ensure flexibility of cover (CIPD, 2013; Working Families 2013). However, multi-skilling may be less suitable for a workforce which consists of highly skilled staff. (Dex and Scheibl, 2002). Also, it may not be possible in very small firms where overall labour capacity is low. In this case, use of contractors or temporary staff, or a reduction in business operations, may be necessary during a maternity leave (Rouse, 2009).

As noted in earlier sections, the creation of a multi-skilled staff requires strategic action from small business managers. In the example above, an HR manager was the lead. In small firms which lack such roles, support is required to foster strategic adaptations, as opposed to panic that tends to undermine productive action (Lewis and Cooper, 2005; Rouse and Sappleton, 2009). If multi-skilling can be used as a tool to manage flexible working time arrangements and absences generally, rather than just to cover for maternity-related absences, this helps to embed this approach amongst all staff and thereby limits resentment of co-workers.

Organizational structures

Smaller firms are usually less hierarchical than medium and larger firms. Atsumi (2007) argues that flat organizations can lend themselves to a supportive ethos because they challenge the typical male continuous career trajectory. A lack of hierarchy can encourage women – and also men – to take the time they need for family without worrying about loss of advancement opportunities (Atsumi, 2007). Despite this benefit, however, lack of opportunities for progression can also result in lack of opportunities to learn and develop, limiting benefits to women who opt into this kind of enterprise in return for family-friendly working.

7.1.6 Organizational learning and willingness to experiment and innovate

If the above conditions are in place it is more likely that experiences of managing maternity protection in SMEs will create learning and encourage innovations. Willingness to question workplace practices that are taken for granted is a prerequisite for effective maternity protection with positive outcomes. Although scarcity of resources is, almost by definition, a characteristic of small businesses, their capacity to create effective practice out of scarce resources is also a hallmark of their competitive capability. Indeed, a key competitive advantage of small businesses is that they are not made sclerotic by capabilities that have “hardened” through formalization and hierarchical control but, instead, are able to command and adapt resource orientation flexibly (Danneels, 2008). By redefining the resources to hand and reapplying them competitively when dealing with maternity issues, small firms may therefore be able to acquire, reconfigure, integrate and exploit resources innovatively. The small number of available case studies suggests that this can have productive effects beyond managing maternity, by encouraging a more flexible, lean and multi-skilled workforce (e.g. Atsumi, 2007; Dex and Scheibl, 2002). This kind of firm may be capable of competitiveness in the short term and have the dynamic capability of being skilled and willing to reconfigure resources to adapt to future shocks within or outside the business, resembling what Vickers et al. (2005) term *proactive learners*. Expanding such practice to a wider range of small firms is likely to depend on wider social change in terms of challenging discourses about the negative effect of regulation or “red tape” on small businesses, which may deter learning and positive adaptation. It also relies on timely and practical business support that encourages (owner-) managers to create the strategic space required to work “on their business” and engage staff to find positive solutions to challenges posed by staff maternity (Rouse and Sappleton, 2009).

7.1.7 Information and support targeted at SMEs for managing maternity in sustainable ways

Underpinning all the optimal conditions discussed above, targeted information and support for SMEs is fundamental (Dawson, 2004; Rouse and Sappleton, 2009) although not explicitly addressed or evaluated in any of the outcome studies. (Owner-) managers, especially in smaller firms, rarely have time or resources to trawl through multiple and often confusing sources of information. Good, accessible information outlining SME employer obligations, but also making the case for and providing models of managing maternity in ways that can benefit the firm as well as employees and families, can avoid SME employers panicking when an employee becomes pregnant (Rouse and Sappleton, 2009) and enable positive thinking about competitive adaptations. Information on low- or no-cost interventions are particularly useful (Becker et al., 2008; Chow et al., 2011). Becker et al. (2008) present a “work and family audit” (*audit berufundfamilie*) which promotes the development and support of family-friendly policies tailored to the size, related needs and abilities of the individual enterprise in which the audit is undertaken (with a focus on low-cost and practicable measures which can be implemented without causing a considerable administrative burden). After successful implementation of the agreed measures, the firm is provided with a certificate which is a European trademark and is given access to the exclusive network of other accredited business. Reaccreditation takes place every three years to ensure provision is sustained in the long term. The importance of information and support and other benchmarks are discussed further in section 9.1 below. Such formal solutions will be attractive to some businesses, but advice must clearly also provide “smart” interventions that quickly win the trust of sceptical (owner-) managers by demonstrating competitive effect in the form of practical ways of adapting capabilities in small firms to reduce or eradicate the cost of staff maternity. More case studies are needed to demonstrate such linkages in order to inform such advice services.

7.2 Developing countries

While there is a lack of literature directly examining aspects of maternity protection and outcomes in SMEs in developing countries, the few studies that address this question in large organizations (Al-bdour, 2010; Mensah, 2011a and b) appear to suggest some similarities to developed countries in terms of the value of bundles of practices and the need for information and support. However, wider literature also suggests some fundamental differences.

Supportive organizational cultures in terms of attitudes, values and assumptions are important conditions for successful maternity protection in developing as in developed countries, although the components of supportive cultures are likely to differ. Particularly important for generating positive outcomes are supportive environments for mothers to breastfeed, support from colleagues and informal support for child-care (Becker et al., 2008; Chen et al., 2006; Mensah, 2011a and b; Vo et al., 2007). In Mensah’s (2011a) study on lactating working mothers in Ghana, women who received support for working and caring from either their spouses or family members or from colleagues reported more satisfaction with their work and were more committed to their jobs than women who did not feel supported. The author argues that managers should educate all employees about the need to accept and assist breastfeeding mothers in order to create a supportive organizational environment. Chen et al. (2006) also highlight the importance of the removal of barriers to breastfeeding at work which would bring Taiwan (China) closer to WHO guidelines.

Supportive workplace environments would also recognize the importance of women’s free access to pre- and postnatal medical care, as indicated in the ILO Social Protection Floors Recommendation, 2012 (No. 202). This is important for maternal and child health as well as families’ economic stability (Babalola and Fatusi, 2009; Chakrabarti and Chaudhuri, 2007; ILO, 2011), with potential benefits to SMEs in terms of, for example, reduced sickness absence. There is much heterogeneity and inequality in access to or take-up of prenatal care. The literature from a range of developing countries, including Guatemala, India, Nicaragua, Nigeria, Tajikistan, Viet Nam and others, reveals a myriad of individual, household and community factors which influence women’s opportunities and decisions to access antenatal health services (Babalola and Fatusi, 2009; Chakrabarti and Chaudhuri, 2007; Kamiya, 2011; Say and Raine, 2007; Sepehri et al., 2008). These factors include, for example, level of education,

poverty rates, distance to care facilities and perceived quality of care. Women's roles in the family are considered as both facilitators and barriers to accessing prenatal care. For instance, there is evidence that their status within the household is closely linked to reproductive health-care utilization (Kamiya, 2011). The author found that in Tajikistan women's autonomy within the household (measured by their decision-making on household financial matters) increases the likelihood of them receiving antenatal and delivery care, although such autonomy has a negative effect on the probability of their attending four or more antenatal consultations, possibly related to increased responsibilities within the household. However, we have been unable to find any research on the impact of women's employment roles (whether in SMEs or larger organizations) on take-up of maternity services in developing countries. The literature tends to identify the barriers to maternal health services and highlight the responsibilities of government policy-makers and communities to address these, but does not consider the role of employers as barriers or sources of support.

Support for child-care is another basic condition for new mothers in developing countries and can again have positive organizational as well as social outcomes in some conditions (Hein and Cassirer, 2010; Heymann et al., 2013b; Mensah, 2011a; Vo et al., 2007). Although much child-care is still undertaken informally in extended families, the patterns of kin support have been changing in recent years (e. g. Chen et al., 2000; Mahon, 2011; Mensah, 2011b). When families are geographically scattered, for example, it is more difficult for such arrangements to be sustained. However, given the longstanding tradition of kin networks, some mothers feel uneasy when help from trusted family members is unavailable. For example, Mensah (2011b) found that women who were receiving their child-care support from non-family caregivers such as babysitters or house helps, although satisfied with their work, appeared less committed to their jobs. Employees felt they had to sneak out during work hours to check on their children. Again, these studies do not explicitly focus on SMEs or do not specify the size of the firms under investigation.

An important condition in developing countries may be the integration of maternity protection issues within wider economic and social agendas. While there is very little evidence of formal or informal maternity support in SMEs in these countries, two surveys suggest that extra maternity-related provisions are more prevalent in SMEs than in larger organizations in Latin America (Carlier et al., 2012) and also in Caribbean countries, albeit in sectors that do not rely on temporary and unskilled workers (Nunez, 2008).⁴⁶ In both cases the conditions for implementing these provisions in SMEs appears to be the acceptance of a wider agenda of improving working conditions, of which maternity protection is a constituent part, rather than a focus on maternity per se. In Carlier et al.'s study of a range of Latin American countries, maternity protection practices were developed under the wider umbrella of work-life balance. As in developed countries, there is some limited evidence that maternity protection as part of a bundle of family-friendly programmes can have positive effects on employee commitment in large companies (Al-bdour, 2010; Mensah, 2011a and b), but there is no evidence relating to SMEs. Terms such as family-friendly policies and practices and work-life balance originated in the West and have been transferred to non-western (including developing) countries via policies in multinationals (Lewis et al., 2007). These concepts may have less resonance in locally owned SMEs in developing countries. In contrast, in Nunez's survey of Caribbean countries, maternity benefits (the nature of which were not specified in the report) were conceptualized as internal CSR initiatives, as was the case in Al-bdour's (2010) study of large Jordanian banks. Positioning maternity protection as an aspect of CSR suggests recognition of wider social barriers such as endemic poverty, maternal and child health issues, and the social case, but may possibly place less emphasis on the business case for supporting maternity protection. Maternity protection is also key to the gender and development agenda as set out in the Millennium Development Goals (ILO, 2012c).

Overall, however, the paucity of concrete evidence/systematic literature on the implementation of maternity protection in SMEs in developing countries creates particular challenges when making a case for the adoption of effective and accessible maternity protection practices, especially concerning the

46 This survey of CSR in small and large companies in the Caribbean found that although more large companies provided benefits such as pension plans and life insurance, 13 per cent more SMEs offered employees maternity benefits than did large companies. This varied by sector: tourism and hospitality, for example, with a high turnover of staff, a large temporary workforce and few needs for highly trained and skilled workers, provided the least benefits.

conditions under which such practices could lead to enterprise productivity and/or positive outcomes at the broader societal level. The fact that this topic is not even on the research agenda is a source of concern, particularly as the development of women's economic labour is crucial for economic development in developing countries and because the wider literature reveals a number of fundamental barriers to the implementation of effective maternity protection, as discussed in section 8.4 below. Thus the conditions under which effective maternity provision can have positive outcomes for SMEs include a combination of appropriate regulations and supports, together with bundles of workplace policies, which may be formalized (especially in larger SMEs) but tend to be largely uncodified practices. Supportive workplace cultures are crucial, fostering positive use of uncodified arrangements within which employers and pregnant/post-birth employees as well as fathers can negotiate win-win solutions. (Owner-) managers' openness to finding practical ways of dealing with maternity issues is a necessary condition for learning from these experiences.

7.3 Indicators of effective maternity protection

The indicators set out in tables 7.1 and 7.2 provide a tool for capturing and monitoring the impact of new developments or interventions in maternity protection and working conditions for pregnant women, and mothers and fathers of young children, to promote enterprise sustainability and achieve positive societal outcomes.

Table 7.1 Indicators of effective maternity protection

Conditions	Outcomes	Indicators
Well-enforced regulation on maternity protection with minimal costs to the employer, including paid leaves	<ul style="list-style-type: none"> – Reduced turnover, more women returning to work after childbirth and fully using their skills – Sustaining workforce, skills and knowledge – Women able to sustain breastfeeding on return to work – Social exchange – high staff morale 	<ul style="list-style-type: none"> – Number of women returning to work at the same or equivalent position, paid at the same rate – Number of women sustaining work and advancing at work (if appropriate) – Higher rates of exclusive and sustained breastfeeding – Productivity of workers
Maternity protection as part of bundles of family-oriented and equal opportunities policies including breastfeeding support, formal and informal child-care support and the promotion of gender equality	<ul style="list-style-type: none"> – More women returning to work and shorter maternity-related absences – More family-supportive workplace culture – Less absenteeism among mothers and fathers – Social exchange – high staff morale 	<ul style="list-style-type: none"> – Number of women returning to work at the same or equivalent position, paid at the same rate – Number of women advancing at work (if appropriate) – Number of men taking up family-friendly measures, in particular leave and part-time work – Number of non-parent employees taking up work-life balance measures – Fewer days lost through maternity or child-care-related absence – Productivity of workers

Conditions	Outcomes	Indicators
Supportive workplace cultures	<ul style="list-style-type: none"> – Higher levels of retention, and commitment and loyalty to the firm among women workers who are pregnant or new mothers and also fathers – Innovative practices that challenge oppressive worker and mothering/fathering discourses – e.g. breastfeeding or caring for newborns in the workplace; early phased returns to work 	<ul style="list-style-type: none"> – New business practices – A more satisfied workforce – Employees contributing to long-term success of the firm –e.g. coming forward with new ideas or directions for developing the business – Employees more willing to “step up to the plate” when needed
Dialogue	<ul style="list-style-type: none"> – Innovative solutions to maternity-related absence specific to jobs in question – Lower levels of co-worker resentment and higher morale among all employees – Increased productivity – The firm learns valuable lessons for dealing with future maternity and other forms of absence, and builds the dynamic capability to reorganize resources to competitive advantage when business resources or environments change 	<ul style="list-style-type: none"> – Records of consultations with employees – Employee participation together with management in devising solutions that meet the needs of employers and all employees rather than only that of parents. – Number of working days lost due to maternity or child-care issues
Positive use of workplace practices	<ul style="list-style-type: none"> – Speedy decision-making possible to deal with maternity issues and find win-win solutions – Opportunities for innovation and learning – Simple and cost-free solutions enabled 	<ul style="list-style-type: none"> – Increased collaboration between employers and employees as a means of resolving difficulties rather than reliance on formal HRM – Evolution in maternity protection policy and practices toward ones which rely on cooperation and collaboration to resolve problems – Lower costs associated with maternity protection issues – Employees report they can approach employer because there are no formal barriers
Multi-skilling and positive management/redistribution of workload among co-workers	<ul style="list-style-type: none"> – Staff substitution enabled – Lower levels of co-worker resentment and higher morale among all employees 	<ul style="list-style-type: none"> – Change in working patterns – Sustained productivity

Conditions	Outcomes	Indicators
Flat organizational structures	<ul style="list-style-type: none"> – Women and men taking the work–life balance arrangement that they need without fear of loss of developed opportunities 	<ul style="list-style-type: none"> – Higher retention of employees – More women and men employees able to go part-time because of child-care issues – Number of parent and non-parent employees taking up work–life balance measures
Willingness to question taken-for-granted ways of doing things, learn and innovate	<ul style="list-style-type: none"> – Productive outcomes of maternity protection become apparent – Gendered assumptions about pregnant workers and new mothers and fathers are challenged. – Changes in practices, values and attitudes of (owner-) managers concerning maternity, paternity and work roles 	<ul style="list-style-type: none"> – Changes in policies and practices toward those which are pro-female in relation to recruitment, compensation, promotion – Increased reputation in the market
Good information and public support targeted at SMEs	<ul style="list-style-type: none"> – (Owner-) managers do not panic when faced with pregnant workers – (Owner-) managers make time to work “on” the business in devising productive solutions to staff maternity – (Owner-) managers spend less time and resources in maternity management and focus on business sustainability, productivity and development – Small businesses move towards being learning organizations with the dynamic capability to reorient resources to competitive advantage when faced with internal or external shocks 	<ul style="list-style-type: none"> – Increased awareness among employers and employees in relation to maternity protection issues – Productive solutions to the staffing challenges posed by staff maternity – Routine systems for learning and resource reconfiguration in the face of internal and external shocks – Productivity of workers and business returns

Table 7.2 Additional indicators of effective maternity protection in developing countries

Conditions	Outcomes	Indicators
Breastfeeding support	<ul style="list-style-type: none"> – Meeting WHO guidelines, and contributing to maternal and child health – Higher levels of commitment to the firm 	<ul style="list-style-type: none"> – Number of women returning to work after childbirth – Improved child health – Higher rates of exclusive and sustained breastfeeding. – Level of absenteeism related to maternity and infant care as well as maternal and infant illness
Child-care support	<ul style="list-style-type: none"> – Parents and especially mothers able to work, contributing to family income and to firms – Children receiving quality care – Reduced child-care-related absenteeism 	<ul style="list-style-type: none"> – Number of women returning to work after childbirth – Improved child health and safety – Working days missed for child-care reasons
Integration of maternity protection within wider agendas (family-friendly policies, CSR, economic development)	<ul style="list-style-type: none"> – Awareness of social as well as business case for maternity protection 	<ul style="list-style-type: none"> – Development of bundles of informal or formal workplace practices which can support maternity and wider social needs
Changes at institutional level (State, market or employer, community, family) in their policies and practices toward maternity protection	<ul style="list-style-type: none"> – Empowerment of women – Women able to renegotiate power relations at all levels (involvement in politics, in decision-making, in the workplace) – Maternity-friendly laws, policies and practices enacted at state and employer levels – Cultural values and taboos challenged, also at community and family levels – Assumptions about masculinity challenged 	<ul style="list-style-type: none"> – Increased awareness among women and men of their maternity protection and caregiving rights in the workplace – Employers more aware and supportive of maternity protection rights and caregiving role of fathers – Women and men able to collectively provide feedback to employer on their interests and concerns about maternity protection and family responsibilities – Increased recognition of the role of men as fathers, as well as women's breadwinner function – Number of men involved in child-care – Number of women in decision-making roles in SMEs

8. Incentives, disincentives and obstacles to providing effective and accessible maternity protection in SMEs in diverse global contexts

In this chapter we first consider the role of regulation as an incentive or disincentive for the implementation of good maternity protection practices and conditions in SMEs. We then proceed to discuss what can be learnt from the literature about motivators and obstacles in various contexts.

8.1 Regulation: Incentive or disincentive?

The extent to which regulation serves as an incentive or disincentive for SMEs to implement good maternity protection depends on the nature of the provisions, how well they are enforced, and how far SMEs are supported in complying and able and willing to learn. The typology by Vickers et al. (2005) of small firm responses to regulation, which includes *avoiders/outsidiers* on one side of the spectrum and *proactive learners* on the other, demonstrates the varying characteristics and motivations of small firms and the different contexts in which they operate. It raises the question of the extent to which policy intervention can induce *avoiders/outsidiers* and *minimalists* to become *positive responders* and/or *learners*.

Most SME employers will have to manage employee maternity at some point and where regulation (a) involves minimal costs to SME employers and (b) is enforced, it can become an incentive for SMEs to develop effective and productive strategies. Regulation can encourage positive thinking about maternity issues by providing a framework for action, especially if accessible and practical support is available (Rouse and Sappleton, 2009). It can of course also provide an economic incentive to avoid the costs of litigation associated with non-compliance (Dawson, 2004). However, if regulation is enforced and perceived to be excessive and involve high costs, it can become a disincentive. At the extreme this may lead to SME employers avoiding employing women of childbearing age or finding ways to dismiss them if they become pregnant (Cooke, 2001; Dawson, 2004; Williams, 2005). For example, these effects are evident in Malta where employers, including SMEs, are expected to finance the first 14 weeks of maternity leave (Borg, 2011); this is an expense which can be unsustainable (Borg, 2012).⁴⁷ Employer liability for maternity cash benefits is still the funding system used in 25 per cent of countries in the world and is particularly prevalent in Africa, Asia, the Middle East and the Pacific (ILO, 2014 and 2011). Such observations raise questions about balance between enforcement and support. Another example is national regulations which request the provision of formal child-care facilities dependent on the number of women employees, which mostly have to be financed entirely by the employer. These regulations not only put an often unrealistic financial burden on small employers, but also reinforce notions of women as a problematic workforce and support the limited role of fathers with respect to their involvement in child-care (although they too could benefit from the provision of child-care facilities).

Lack of enforcement of regulation, particularly in many developing countries due to the poor quality of governance structures (see for example ILO, 2012d), together with the exclusion of many categories of workers, is a major disincentive to SME employers to develop effective and accessible maternity protection, as discussed in section 4.2.2 above. Governments vary in the extent to which the enforcement of maternity protection is a priority. However, lack of enforcement also has broader economic consequences for firms and national economies. For example a report by the Equalities and Human Rights Commission in the United Kingdom (EHRC, 2010) estimated that British employers spend GBP 126 million each year to recruit and re-train replacements for women who have left the labour market as a result of pregnancy and maternity-related issues. In addition to this, the UK Government

47 The Government funds an additional four weeks (at a flat rate). This was introduced in 2012 (when the leave was increased by two weeks from 14 to 16 weeks) and in 2013 (when it was increased by another two weeks from 16 to 18 weeks). See also <http://www.timesofmalta.com/articles/view/20120216/business-comment/Implications-of-maternity-leave-extension-on-micro-enterprises.407063>.

is disadvantaged by loss of tax revenue and extra benefit payments (EOC, 2005). Despite these costs, pregnancy discrimination increased in the recent recession in the United Kingdom (EHRC, 2010) and elsewhere in Europe (Bettio et al., 2013).

8.2 Key motivators and incentives

The key motivators and incentives for SMEs to implement good maternity protection are both economic and social, and can vary across contexts, sectors and types of SME (for example those employing skilled or unskilled workers). They include (i) a business case; and (ii) institutional pressures and perceived social responsibility, reflected in beliefs that this is the right thing to do. The two can overlap at least to some extent. Disincentives include perceived and/or actual financial costs, and operational issues particularly related to absence management. Other disincentives or obstacles relate to lack of information and support, and socio-cultural factors.

8.2.1 The business case

The strongest incentive for the implementation of effective and accessible maternity protection, as indicated in the studies reviewed here, is a belief that this can enhance productivity (Barrett and Mayson, 2008; Cegarra-Leiva et al., 2012a; Dawson, 2004; Rouse and Sappleton, 2009). The business case is more often made in relation to family-friendly policies and practices in general (rather than maternity protection per se) (e.g. Bevan et al., 1999), in larger businesses (with economies of scale), and especially in relation to valued workers or recruitment and retention needs (Kossek et al., 2010). However, the studies reviewed in section 5.3 provide some emerging evidence that effective maternity protection can also have a range of positive business outcomes in SMEs (e.g. Atsumi, 2007; Australian Government, 2007; Becker, 2008; Cegarra-Leiva et al., 2012a; Gerlach et al., 2013). Nevertheless, it is rare for SMEs to systematically quantify the costs and benefits of good maternity protection or to communicate positive business outcomes. This limits opportunities for SMEs to learn from competitors that have effective and productive maternity protection practices. Moreover, as the business case is often expressed in terms of the retention of trained and highly valued workers, especially in tight labour markets, a purely economic argument is often a less persuasive incentive in SMEs with workforces that are largely unskilled, particularly in developing countries with a large labour surplus. When female workers are easily replaced and the business case is less evident, a sense of social responsibility may become more important for motivating employers.

8.2.2 Social responsibility and institutional pressures

A belief among some SME (owner-) managers that supporting reproduction and families is the right thing to do, sometimes articulated more formally as a commitment to CSR, particularly in medium-sized firms, can be an incentive to experiment and learn about less obvious positive outcomes (Dex and Scheibl, 2001 and 2002; Kawaguchi, 2013; Nunez, 2008). This is less frequently reported than economic incentives. However, there is some indication that the basis for positive (owner-) manager beliefs about social responsibility and links between good maternity protection and positive outcomes can vary across national contexts (Carlier et al., 2012; Nunez, 2008); types of ownership (Adame-Sánchez and Miquel-Romero, 2012); industrial sector (Gerlach et al., 2013); and gender composition of SMEs (Gerlach et al., 2013; Kawaguchi, 2013).

In some national contexts socio-cultural norms can be an incentive to support reproduction in order to conform to what tends to be normatively acceptable employer behaviour. For example, one of the explanations offered by Carlier et al. (2012) for their findings that Latin American SMEs seem to offer extended maternity leave policies more often than large companies do, is that in these contexts such support is considered as a cultural given because family, albeit traditionally defined, is so important for them. Firms' notions of what constitutes CSR can also be context-dependent. For example, Kawaguchi (2013) reported that CSR, specifically articulated as helping to counteract the declining birth rate, was

the primary motivation reported by Japanese employers, particularly in small firms,⁴⁸ for promoting child-care leave and reduced hours after childbirth. The gender composition of workplaces can also be a major institutional factor motivating support for families in some contexts (Kossek et al., 1994; Wood and de Menezes, 2010). In Kawaguchi's study, for example, reported incentives included the need to increase morale and sense of belonging among female employees in SMEs. However, the influence of pressure from female employees may depend upon whether women are in decision-making or key roles (Gerlach et al., 2013). Ownership of SMEs can also make a difference. A Spanish study comparing family-owned and other SMEs found that (owner-) managers' perceptions that work-life balance (broadly defined) is associated with positive corporate performance were found only in family businesses (Adame-Sánchez, 2012).

8.3 Main disincentives

8.3.1 Financial costs or anticipated costs

Costs or anticipated costs can be a major disincentive for (owner-) managers in SMEs, given their focus on short-term outcomes and cost control. Smaller firms in particular often cannot easily quantify the costs or perceive the benefits of good maternity protection. Even if maternity leaves are funded by the State, there can be costs to maternity protection in SMEs related particularly to absence management during leaves, including loss of productive time, recruiting/training new members of staff and administrative costs. Work-sharing arrangements are often not feasible in SMEs, and employing a substitute can be especially costly for small firms when the duration of maternity leave is short or when there is a high level of uncertainty about the timing of the women's return to work (Alewell and Pull, 2011). As discussed in section 7.1.1, numerous countries now also have national provisions which require employers of a certain minimum number of women workers to have child-care in place, which mostly puts the burden of costs on the employer (ILO, 2014). There are also costs, although often minimal, related to the protection of pregnant women from health and safety risks, time off for prenatal visits and breastfeeding breaks. The focus on costs, however, can mean that (owner-) managers are often not even aware of any potential positive outcomes or innovative means of reducing costs. Indeed, in their survey of information about strategies available to SMEs and support available for managing maternity in the north-west region of England, Rouse and Sappleton (2009) found that all available information focused on employee rights and ignored potential productivity benefits.

8.3.2 Practicalities and disruption

SMEs commonly identify practical as well as economic difficulties in rearranging or replacing staff, and difficulties caused by a reduced workforce. Dawson (2004) found the biggest problems reported by SME employers in the United Kingdom to be the "time and trouble" of managing replacement cover. SMEs are generally more dependent on the external labour market for replacements than larger organizations and hence many report difficulties in recruiting replacement staff internally or finding work-sharing agreements for maternity-related cover. Employers may be concerned about possible negative consequences for colleagues of higher workload and low morale, and also the reliability of new/replacement staff. The training and induction of new employees, and the fear that temporary staff may not be reliable, can be experienced as a burden, diverting the firm away from its profit-making objectives.

We have reviewed examples of ways in which absence can be managed in productive ways (e.g. Atsumi, 2007; Becker et al., 2008), but in the absence of information, guidance and support, these practical issues can be strong disincentives to experimenting with ways of managing employee maternity. We discuss some recommendations for addressing these disincentives in Chapter 9.

8.4 Obstacles

The obstacles to effective maternity protection and potential positive outcomes largely follow from the incentives and disincentives discussed above. For example, while understanding of the business

⁴⁸ The study was based on a national survey of larger organizations and a regional survey of companies with fewer than 300 employees.

case or normative beliefs that providing good maternity protection is the right thing to do incentivises employers, the absence of these understandings and beliefs underpins much resistance to maternity protection among SME (owner-) managers and, taken to extremes, the business case can lead to discrimination against some women.

8.4.1 Negative (owner-) manager attitudes and lack of information, support and communication

Often (owner-) manager resistance to or anxiety about maternity protection is based on very real constraints and support needs. However, negative attitudes to, and experiences of, maternity protection can be exacerbated by a paucity of specific information and support which could help them develop strategies for supporting maternity. Regulation is often complex and, particularly in smaller firms without HR professionals, there can be misperceptions of costs, ignorance of potential benefits, lack of understanding of both employer and employee rights, and confusion about the best strategic way of handling maternity issues (Dawson, 2004; Rouse and Sappleton, 2009). For example, in the United Kingdom many employers overestimate the cost of maternity leave because they are unaware that SMEs can reclaim 105 per cent of statutory maternity pay to cover administration costs (Dawson, 2004). Thus, well-intended policy intentions fail to soften SME employers' attitudes. Similarly, Dawson found that ignorance of employer rights exacerbates practical problems of absence management. For example, some SME employers participating in Dawson's study⁴⁹ did not ask women for evidence or information about antenatal appointments because they did not want to seem heavy-handed, although they are fully entitled to do so. As appointments vary in frequency and length, employers were unsure if women were taking advantage of the situation or if the time away from work was all genuine, and this generated resentment.

Misunderstanding of regulation, alongside the uncodified and ad hoc nature of the decision-making process in SMEs often results in inconsistencies in provision of maternity protection measures and discrimination between employees (e.g. Barrett and Mayson, 2008; Dawson, 2004; Dex and Scheibl, 2001). For example, in their UK study of flexibility in SMEs, Dex and Scheibl (2001) found an example of women returning from maternity leave being granted flexible working hours because employers believed (incorrectly) that this was a statutory right, while other women were refused this right. Discrimination can also be the result of too great a focus on the economic case for maternity protection at the expense of fairness arguments. Barrett and Mayson's (2008) study on maternity protection in small firms in Australia, for example, revealed that owner-managers were more likely to support "good" or highly valued staff, whilst less valuable or expendable employees were treated more rigidly. Thus highly skilled employees are often in a better place to negotiate maternity protection arrangements than low-skilled workers who have little option to demand better provisions, as discussed in section 2.2.

Lack of information on maternity protection provisions that involve little or no cost or effort particularly undermines opportunities for SMEs to reap positive outcomes, as illustrated by Chow et al.'s (2011) study of US managers' views on workplace breastfeeding support in firms of all sizes. Some small employers argued that it was easier for them to provide the relevant facilities than for larger firms, while others expected related requirements to be more difficult to accommodate. However, closer examination revealed that participants generally had very limited knowledge of the facilities and support required and the possible resulting benefits. Again, we are reminded that general discourses about employment protection and women influence small business owner behaviour, not just the "hard facts" of maternity regulations and management problems.

8.4.2 Gendered societal and ideal worker assumptions

While many obstacles can potentially be overcome by adequate information and support, other aspects of (owner-) manager resistance to good maternity protection can be more deep-seated within cultural values. Gendered workplace assumptions and attitudes can hamper the introduction into the workplace

⁴⁹ Interviews with 19 companies, which were selected as having had maternity experience and were organized into three focus groups. Employers with fewer than five employees were excluded.

of some aspects of maternity protection and obscure the potential benefits of provisions such as support for the gradual return to work after maternity leave. For example, a macho work culture, manifested in a long hours work culture and overvaluing of continuous work trajectories, can be an obstacle to the valuing of women's reproductive and occupational roles (Lewis, 2001 and 2010; Herman and Lewis, 2013). These expectations render managing maternity and work very difficult, and in national contexts where this is the case it is often associated with low birth rates. For example, Spain has typically long working hours and is considered one of the worst countries in Europe in relation to equal opportunities for women. This is reflected in the fact that it has one of the lowest birth rates in the European Union (Cegarra-Leiva et al., 2012a). Furthermore, stereotypical views that pregnancy and new motherhood lead to low work commitment and increased sickness absence, lower reliability, productivity and overall performance, can be a further obstacle or disincentive to good maternity protection provision (e.g. Gatrell, 2011a; Nettleton, 2006), despite the paucity of sound evidence to support these assumptions (Gatrell, 2011a). On the contrary, research has shown that pregnant women often attend work when they are ill as they fear being labelled "unreliable" (Buzzanell and Liu, 2007; Gatrell, 2011a and b; Haynes, 2008) and adopt strategies of "secrecy, silence and supra-performance" in order to blend in (Gatrell, 2011c). All these assumptions and prejudices can obscure the potential productive benefits of good maternity protection and make (owner-) managers who are influenced by them reluctant to experiment and learn about ways of achieving win-win outcomes.

8.4.3 Specific obstacles and challenges facing developing countries

The manifestation of culturally informed gendered assumptions creates particular obstacles to effective maternity protection in developing countries, thus depriving many SMEs of access to a valuable workforce. This is reflected in poor enforcement of maternity protection and lack of consideration of simple cost-free provisions such as breastfeeding support or flexible working hours. This has to be understood in terms of the wider social structures, processes and relations in the broader context which give rise to women's disadvantaged position in developing countries (Kabeer, 1994).

For example, patriarchy, a social and ideological construct which considers men as superior to women, is still accepted as the natural order of society in many developing countries. Women experience discrimination and unequal treatment not only in terms of employment but also health care, education, control over productive resources, decision-making and livelihood. Men control women's production, reproduction and sexuality. The extent of control varies due to differences in class, caste, religion, region, ethnicity and socio-cultural practices. There is a general belief that women seek security and fulfilment in domestic life and that their feminine behaviour serves to discourage them from entering employment (or in remaining employed when pregnancy occurs), politics and public life in general. In such contexts maternity protection can be a low priority for management and decision-makers (e.g. Al-Jabari, 2011).

Related to this are the cultural beliefs about maternal bodies. Female reproductive functions – menstruation, pregnancy, birth – are viewed as taboo and expected to be hidden in many contexts (Akhter, 2007; Barak-Brandes, 2011; Clulow, 2005; Dasgupta and Sarkar, 2008; Mahon and Fernandes, 2010; Sumpter and Torondel, 2013). This may explain the low uptake of maternity services in many developing countries even where such services are available (Chapman, 2003; Finlayson and Downe, 2013; Gleib et al., 2003; Mathole et al., 2004; Mumtaz and Salway, 2005 and 2007; Pallikadavath et al., 2004; Simkhada et al., 2008). These cultural beliefs directly affect the extent to which SMEs engage with maternity protection policies and practices. In particular, entitlement to time off work for antenatal care or support for breastfeeding at work are likely to be largely irrelevant in the contexts of these taboos. Sense of entitlement to workplace support is also limited in many developing country cultures, because maternity protection issues are seen as the jurisdiction of the family, not the firm, and family and community networks are relied upon as the main source of help.

Finally, the significant share of informal workers who fall outside of maternity protection laws and practices is a particularly severe problem in developing countries, which undermines any possible business case and if not addressed will ensure the locking out of a significant proportion of women workers from maternity protection legislation.

Thus there are a number of common incentives and disincentives or obstacles – especially the need for financial and informational supports – to effective maternity protection that has the potential to sustain or enhance SMEs globally and enhance economic development. There are also some specific issues and needs across national and socio-cultural contexts and across diverse SMEs. Given fundamental obstacles in many developing country contexts, where questions about these links are not even considered or on the research agenda, there are no “one size fits all” solutions to maternity protection issues in SMEs.

Some implications for both general and targeted policy and other interventions and supports are discussed in the next chapter.

9. Recommendations: Policy, interventions and further research

9.1 Implications for policy and other recommendations

This review highlights the importance of a carrot and stick strategy for creating the favourable conditions discussed above. It suggests that, in order for maternity protection to be effectively enforced, it needs to be balanced with incentives and supports (economic, informational and practical) to encourage positive practices within SMEs. These supports need to take account of specific circumstances such as the needs of very small firms and those in developed and developing country contexts.

Financial compensation and government supports

Although some aspects of maternity protection, such as breastfeeding support, can be cost-free or low-cost, some specific maternity provisions can create considerable expense for SMEs, which may be especially difficult for micro and small businesses. Government investment in business support is needed to “trade off” any cost of complying with maternity legislation and treating pregnant women fairly. For example, financial support could be available if workplace risk assessments require suspension on full pay of pregnant workers due to health and safety concerns, and for costs of recruiting/training a new member of staff (Dawson, 2004). Financial support in such cases will reduce the fear of associated productivity losses and can lay the foundations for encouraging strategic planning and innovations that could sustain SMEs and enable some productivity gains.

State providers can also help small businesses to manage costs, for example through speedy means of managing the cash-flow problems that can emerge from maternity pay that is only later reclaimed from the State. They can also help by simplifying administrative procedures or enhancing access to temporary replacement services for managing maternity-related absences, for example by funding paid work placements or internships in SMEs. If small firms can deploy more complex or skilled work to existing staff or trusted contractors, and employ trainees to cover other tasks, the internal workforce could become more skilled and productive while an opportunity is also created for a jobseeker.

Government can also incentivize good SME behaviour by granting tax advantages or public subsidies to encourage SMEs to introduce and implement effective and accessible maternity protection and other family-friendly measures, and to sustain them in the long term. For example, SMEs could be subject to differential taxation rates depending on the extent to which their actions take into account the maternity needs of their workers, such as supporting breastfeeding, child-care solutions and protecting health and safety of pregnant and post-birth workers. They could also be provided with subsidies to support the setting up of facilities such as information and communication technology systems (e.g. laptops including enterprise software and access to the Internet) that enable staff to work remotely.

Strategies are also needed to promote the access of informal labour in SMEs to maternity-related social security guarantees and benefits, as a way to progressively promote transition to formalization of SMEs and their workers.

Support the self-employed who may also be SME employers

Paid maternity leave for self-employed women who employ others can help ease the transition to parenthood while sustaining their SME businesses. Without support to solve the problem of how to manage maternity when self-employed, there may be two consequences: (i) the businesses of childbearing women may fail; and (ii) women in their childbearing years may be dissuaded from starting a business due to better maternity protection in employment.

For the self-employed, taking an extended period of leave (beyond the labour and the first weeks postpartum) may not be viable due to the necessity of maintaining business operations and networks. Instead, the self-employed tend to reduce their working hours and try to work and care for their infants simultaneously in a phased return to work. Their business operations are often reduced to a level that covers only outgoing business costs, or ensures that business relationships are maintained and future sales secured. The woman's own income must still come from a maternity payment. In most EU countries, for example, the self-employed as well as employees are entitled to some maternity or parental leave with compensation. As an example, good practice in Belgium enables self-employed women and those assisting their partner/spouse to use their leave "weekly" in a very flexible way. A European Directive (2010) stipulates that self-employed women assisting spouses or partners must receive sufficient maternity benefit to allow them to interrupt their professional activity for at least 14 weeks. Member States may decide whether the maternity benefit is allocated on a mandatory or voluntary basis.

In countries where maternity pay is managed via an insurance scheme, protection for the self-employed may not be universal or even widespread. Where a large proportion of self-employed women can be found in the informal economy due to constraints rather than choice, it may not be feasible to compel the self-employed to participate in these programmes. In such contexts, the provision of maternity payments from public funds may be the only alternative, justified by the crucial role it plays in (i) protecting women in the most insecure forms of work and alleviating poverty; and (ii) promoting rates of female entrepreneurship by protecting businesses during maternity and providing an incentive for women of childbearing age to risk small enterprise.

Provide informational support and awareness-raising strategies for SME employers

SMEs need targeted and accessible information about the requirements of maternity protection regulations and how to implement them. This should focus not only on employer obligations but also on the potential productivity advantages of meeting these obligations in effective ways. Evidence about the business returns on supporting the pregnant worker fairly and productively, and strategies for achieving these benefits, need to be available and supported by relevant case studies from SMEs of different sizes and sectors. It is important that information (i) raises awareness of the need for supportive workplace cultures for improving business results; (ii) reinforces ideas of informal reciprocity/give and take; and (iii) encourages negotiation and realistic expectations on the part of employers and employees.

For employers overwhelmed by the quantity and detail of maternity protection regulations, very basic information is needed and this can link to further details for those who want or need to know more. Rouse and Sappleton's (2009) recommendations about how to support SMEs in managing maternity productively, based on research in north-west England, include the concentration of resources on one integrated and very accessible package of support for SMEs on managing maternity. They recommend creating a permanent and live service that is regularly updated about any changes in regulation and evolving good practice. If this is regularly monitored and evaluated, it will help to draw wider lessons about the effectiveness of different styles of intervention and media in assisting small firms to learn about and absorb regulation and to respond strategically.

It is particularly important that the services made available to help small firms actually reduce the "time and trouble" costs of managing maternity and provide some immediate productive benefits. This will help to challenge negativity about the process of having to adapt to staff maternity.

Provide informational support and awareness-raising strategies for employees in SMEs

There also is a need to ensure that employees are informed of their entitlements and not penalized by employers if they make requests, for example for paid leave or other forms of maternity protection. Often pregnant women are unaware of their rights or afraid to ask for them (Appelbaum and Milkman, 2011). Raising awareness among women of the potential business case for maternity protection could enhance their sense of entitlement to support, at least in some contexts (Lewis and Smithson, 2001),

and may encourage them to collaborate with their employers in thinking through realistic and productive ways of managing maternity with mutual benefit. This is particularly important in developing countries.

Develop and publicize existing guidelines and audits of good practice adapted to specific contexts

Some guidelines already exist in specific contexts. For example, the ILO (2009) provides an action manual and trainer's guide which suggests various low-cost family-friendly measures for small enterprises in both developed and developing settings. Rouse and Sappleton (2009) provide advice on how to support the manager and worker in producing an audit of the woman's role before she takes leave and in managing the return to work. This includes a structure to create a comfortable re-induction after leave to aid retention, all supported by case studies. Becker et al. (2008) present a "work and family audit" (audit berufundfamilie) which promotes the development and support of low-cost family-friendly policies which are tailored to the size and related needs and abilities of the individual enterprise in which the audit is undertaken. In the United Kingdom, the charity Working Families introduced an SME-specific benchmark on family-friendly practices, designed to allow firms of between 10 and 250 employees to evaluate and compare their practices. It recognizes that these firms may have limited formal policy provisions for work-life balance but can nevertheless provide a family-friendly workplace through their practice ethos and culture. In 2013, the first year of awards based on this benchmark recognized cases of new ideas and methods which could be adopted and adapted more widely (Working Families, 2013). The generalizability of these instruments to other national contexts would need to be evaluated, but they may form the basis of similar initiatives elsewhere.

Promote ongoing dialogue between policy-makers, SME employers and workers

Just as dialogue between pregnant employers and employees tends to be associated with simple but mutually acceptable and effective solutions to maternity issues in SMEs, dialogue between policy-makers and SME employers and workers is crucial. However, there are variations in the extent to which this takes place cross-nationally. As SMEs tend to be resistant to regulation, they need to feel that policy-makers understand and take account of their specific issues. For example, in the United Kingdom, Carter et al. (2009) have argued that "small firms fail to benefit from the advantages of being able to influence the design of regulation which tends to accrue to large organizations and specialist producer groups" (p. 264–5). Strategies are needed for involving stakeholders in creative thinking about mutually beneficial solutions that take account of specific needs and concerns.

Encourage workers' initiatives

Given that one of the key reasons stated by small employers for not implementing family-friendly measures is the lack of time to deal with maternity management, there are several ways in which employees can take the initiative to set up measures that suit their needs without disrupting the day-to-day business of the firm. Examples include collaborating on the organization of child-care (see section 7.1.4) or on flexible working-time arrangements. Important conditions for such initiatives to be successful and sustainable are ongoing dialogue between employers and employees, as well as amongst employees, and a supportive organizational culture which appreciates the mutual benefits of such arrangements. Workers' initiatives are also of particular relevance in contexts where trade union recognition is low, and collective bargaining "virtually unknown".

Develop bundles of policies and practices in SMEs

This review suggests that at the workplace level a holistic approach is most likely to be associated with positive outcomes. This involves supplementing maternity protection requirements with provisions for a gradual return to work and other opportunities for flexible working, breastfeeding and child-care support such as provisions for mothers to bring babies to work as well as procedures to ensure non-discrimination.

Challenge gendered assumptions and stereotypical attitudes to pregnancy and breastfeeding at work

The business case, information and support are all needed to challenge deep-seated gendered assumptions and stereotypical thinking that underpins notions of “ideal workers” that preclude maternity and “ideal carers” that preclude paternity. Education can play an important role here, not just in terms of providing information but also in encouraging a questioning of taken-for-granted assumptions and values about women, men and different ways of achieving business competitiveness. For example, assumptions that commitment to the firm can only be demonstrated by continuous and full-time employment can be challenged by evidence (Lewis and Cooper, 2005; Rapoport et al., 2002), as can assumptions that pregnant women and new mothers are unreliable employees (Gatrell, 2007 and 2013) or that men are unwilling or unreliable fathers (e.g. Barker and Verani, 2006; Haas and Hwang, 2009).

The lack of breastfeeding support at work in many developing country contexts illustrates the fact that obstacles are not only economic but can stem from deep-rooted cultural beliefs about the role of women in society. There is a need to educate both employers and employees about the need to accept and assist breastfeeding mothers in order to create a supportive organizational environment and to abolish taboos related to breastfeeding and breast milk expression as well as feelings of embarrassment associated with these practices (Gatrell, 2007; Mensah, 2011a and b). Change initiatives and interventions may need to go beyond workplaces to address societal deeply-held convictions about women and men and their reproductive and economically productive roles.

Use a multi-pronged approach to empower women in developing countries

There is an urgent need to address fundamental economic and cultural conditions underpinning the severe challenges in translating maternity protection policy into practice in developing countries. In many contexts the lack of enforcement of regulation and of practical support for maternity protection can not only harm women and their families, but also reduce the benefits that SMEs can accrue from their female labour force and hold back national economic development.

Empowering women goes beyond simply reallocating economic resources and extending legislation and state benefits. It involves a broader redistribution of power (Kabeer, 1994; March et al., 1999; Razavi and Miller, 1995). We recommend adopting the Social Relations Approach (SRA, see section 2.4) as a tool for bringing about transformation for women in their experiences of maternity protection. This approach draws attention to the need to challenge the social structures, processes and relations in the wider context that give rise to women’s disadvantaged position. The SRA advocates a multi-pronged approach, with strategies adopted at state, market, community and family levels to combat gender inequality. The rationale is that as institutions change, so will the ways they relate to each other, ultimately impacting on gender inequality for pregnant workers and new mothers.

Thus, at state level, strategies to reverse gender inequality would include enacting laws and policies which guarantee rights to pregnant workers and pre-/post-birth workers in line with ILO standards. The State would also support employers in better recognizing women employees’ needs and in implementing supportive policies. Firms which implement maternity protection policies and practices would be rewarded (tax benefits, lucrative contracts). The State would further increase women’s participation in decision-making at enterprise and state level on matters which impinge on their well-being (such as maternity issues). At market level, industries may appoint monitors to regulate and supervise the implementation of best practice codes on maternity protection. Industry regulators may also encourage firms to enhance the level of awareness of maternity rights among women workers so that more women are able to take advantage of maternity-related schemes. At community and family levels, appropriate programmes in schools challenging norms and encouraging women to be more assertive can be developed. Existing culture surrounding maternal bodies can be challenged through designing innovative curriculum.

Most importantly, women need to take collective action to challenge the structures which give rise to their subordination. In this respect, employers’ and workers’ organizations as well as NGOs are potentially powerful allies. They can create space for discussion about empowerment and relationships

and provide counselling, advice and information concerning maternity protection issues. They play a crucial role in helping women gain an understanding of their position at work. They can help increase awareness among women of issues surrounding maternity and pregnancy, create space for them to politicize their demands and exert pressure on employers and the State to be more responsive to their needs. Most importantly, they are instrumental in organizing collective action on the part of women to renegotiate power relations. In the context of developing countries, the literature demonstrates the invaluable role that NGOs play in transforming the consciousness of women and enabling them to challenge existing power structures (Kabeer, 1994, 2005, 2008, 2011a and b; Kabeer and Huq, 2010; Kabeer et al., 2013).

Monitor good practices within global value chains

Monitoring good practices in multinational (MNC) supply chains can be a further strategy for enhancing maternity protection practices in developing country contexts. Growing awareness of the problem of MNCs using global value chains to pursue a “race to the bottom” for low-cost competition in the developing world is resulting in greater scrutiny of MNCs by NGOs, ethical shareholder activists and consumer activists to equalize basic rights for workers in the supply chain. Social reporting initiatives such as the ILO’s Global Compact and the tripartite Global Reporting Initiative (GRI) are increasingly used among MNCs (Roper et al., 2011) as a means of benchmarking stated ethical aspirations against an auditable reporting process. These initiatives explicitly require MNCs to disclose their activities, not only in how they treat their own workforces but also how they monitor, screen and take action on breaches of pre-defined codes on the workforces *amidst their suppliers*. As a specific example, in the GRI, HR4 deals with *non-discrimination* amidst suppliers and requires the participating company to disclose information on the total number of discrimination incidents and actions taken or status of the incidents among suppliers. This might increase incentives for SMEs who seek business from MNCs to adopt appropriate maternity arrangements. Recommendations, however, would be (a) to further enhance the specific reference to maternity protection within such codes; and (b) to further promote the take-up of such codes among larger companies who wish to make any claims to corporate social responsibility in order to maintain legitimacy among ethical consumer and shareholder activists.

Target employers of informal labour

Finally, we have noted that particularly in developing countries a high proportion of women work in the informal economy. Strategies are needed to encourage employers of informal labour to find no-cost ways of supporting pregnant women and new mothers. This is challenging. However, identifying existing examples of good workplace practices with positive outcomes would be a good starting point.

9.2 Recommendations for future research

As the business case is a major incentive to (owner-) managers to develop effective maternity provisions in SMEs, further research examining this is of central importance. However, the starting points of current research are very different in developing and developed countries, so different recommendations are appropriate to catalyse change. Ultimately, when discussing the link between maternity protection policies and practices and positive outcomes in developing countries, this review raises more questions than it provides answers, given the fertile yet largely neglected and unexplored nature of this issue in such countries.

Basic research is necessary to ensure that questions about the feasibility, practice and outcomes of maternity protection in SMEs are on research agendas in developing countries, where the availability and use of maternal care services are often limited. Research on maternity issues often overlooks women’s employment, whether in small or larger organizations. Research on access to and take-up of maternity care services does not consider the role of employment and employers. More needs to be known about, for example, the financial costs to employed women of taking time to attend preventive antenatal visits;

medical care needed due to complications and hospitalizations; and the relative roles and responsibilities of employers and others in making these visits possible. Workplace practices to support maternity protection also need to be explored in relation to the informal employment contexts where most women work in the developing world. Targeting informal employers will be particularly challenging and will call for innovative ethnographic approaches. Future research in the developing world could usefully include (i) the identification of current good workplace practices and ways of measuring their impact; and (ii) action research involving the evaluation of costs and benefits of simple interventions such as the provision of time or space for breastfeeding, child-care, and training workers in multiple skills. Particular attention should be given to the targeted dissemination of findings to other SMEs in particular sectors and/or regions which may encourage learning and contribute to some attitude change in (owner-) managers. In medium-sized firms in developing countries, bundles of maternity-related policies and practices may be developed and evaluated, but it will be important to ensure that these are appropriate to specific contexts and not assume transferability of findings from research in large firms or in developed countries.

In developed countries, further research is needed to build on, extend and improve the methods used in the current very sparse research on the outcomes of maternity protection in SMEs. The current scarcity of research relates to perspectives and methodologies and not simply to the quantity or coverage. For example, it would be of interest to further explore and provide more evidence on the link between “enabling environments” based on collectively funded paid leave provisions and positive outcomes at the enterprise level.

There is a need for greater use of objective measures of productivity outcomes alongside subjective measures. More longitudinal research would be useful to identify and monitor the longer-term impacts of maternity protection provisions for SMEs. This could help to identify positive outcomes that take time to materialize and also to highlight adaptations that may be needed as circumstances change. More attention should be given to the experiences of SMEs of different sizes and in different sectors, as specific details of size and sector are often missing from current research.

Vickers et al.’s typology (2005) has been identified as providing a useful framework for studying small firms’ attitudes and responses towards regulatory/institutional and market pressures. Since it was developed based on research on organizational safety and health, testing its applicability to maternity protection may help to identify the right balance of regulatory measures and other forms of intervention which can influence avoiders/outsideers and *minimalist reactors* to become *positive responders* and *proactive learners*.

Future research should also place less reliance on the evaluation of outcomes by (owner-) managers or HR managers and give more attention to the experiences of workers, including pregnant and post-birth women and their colleagues, and also fathers. As discussed earlier, SME employers – like all respondents – are partial and biased observers. This draws our attention to the particular scarcity of ethnographic studies that observe the effects of maternity practices directly rather than relying on the reports of employers, and points to the lack of understanding of how the productivity challenge can be met, from the perspective of pregnant employees and new parents. There is also a dearth of studies considering the effect that employment practices have on problematic reproduction (e.g. couples seeking fertility treatment, women experiencing miscarriages, stillbirth or pregnancy-related health problems, and women or infants facing ill health or disability postpartum); the same is true of the effect of employment practices on enterprise-level and societal outcomes in high fertility contexts. Similarly, we know very little about how small employers manage these scenarios.

In-depth qualitative case studies will be important for highlighting the processes by which positive outcomes are generated, the conditions for positive outcomes, the obstacles encountered and ways of overcoming them.

In both developed and developing countries, action research would be useful to encourage multiple stakeholders (workers, owners, managers, umbrella groups of SMEs, local and national policy-makers and NGOs) to think creatively about ways of supporting SMEs in managing maternity protection to achieve at least sustainability and possibly productivity benefits.⁵⁰ Engaged scholarship is needed,

50 For example, Rouse and Sappleton (2009) involved stakeholders in their research on the information needs of SMEs in north-west England and in thinking about solutions.

perhaps within a model of action learning or experimental research, in which different practices and outcomes would be framed, enacted and researched with the buy-in of stakeholders.

9.3 Conclusion

Effective maternity protection is feasible in SMEs; the research reviewed indicates that it can at least help to sustain firms and at best have a range of positive productivity-related outcomes as well as wider social benefits. Many practices to support pregnant workers and new parents involve few or no costs. Often these practices are easier to implement in the context of workplace arrangements of SMEs than in larger firms. Even practices that involve some costs can be offset by enhanced productivity. The enforcement of maternity protection regulation is important, but SMEs also need targeted supports that take account of their specific circumstances. This is likely to be particularly important in developing countries where there is a dearth of research on this issue and where the prevalence of low-skilled, informal work can challenge the business case.

APPENDICES

Appendix 1

Inclusion and exclusion criteria

	Inclusion	Exclusion
Review period	1 January 2000–1 December 2013, with exceptions for key theoretic works	n.a.
Linguistic scope	English, Spanish and German languages	Other languages
Type of publication	Peer-reviewed; others included where they addressed issues of central importance and met scholarly standards	Personal views Practitioner literature Works where method not reported, unsystematic or incoherent
Practices	Maternity, paternity and parental leave; work–life balance and family-friendly measures; healthy and safe pregnancy/workplace; lactation programmes and other breastfeeding support, child-care	

Appendix 2

Maternity, paternity and parental leave entitlements, selected countries

	Paid maternity leave (maximum length)	Paternity leave (maximum length)	Parental leave (maximum length)	Who pays the benefits
Australia	52 weeks: the law refers only to Parental Leave.	3 weeks under Parental Leave, 2 of these paid ("Dad and Partner Pay") at national minimum wage (NMW level).	24 months (4.5 paid at NMW level, the other 19.5 months unpaid). Employed parents are entitled to 12 months of combined Maternity, Paternity and Childcare/Parental leave after the birth of a child. Each parent who meets eligibility criteria is entitled to 12 months Parental Leave; this period can be extended by a further 12 months, if the employer agrees. A couple cannot exceed a total of 24 months leave between them.	No paid maternity leave, but 18 weeks of government-funded Parental Leave Pay (at NMW level).
Austria	16 weeks: 8 before and 8 after the birth. It is obligatory to take leave, which is paid at 100% of earnings.	No statutory entitlement; but collective agreements sometimes provide one to two days of paternity leave.	24 months (paid). All employees with a young child are entitled to payment whether on leave or not. Parents can choose from different payment options (flat rates for different leave periods or an income-related rate). Payment can even be spread over 36 months at a lower rate if both parents apply.	Both Maternity Leave and Parental Pay (<i>Elternkarenz</i>) are funded through employer contributions based on their salary bill, general taxes and public health insurance.
Brazil	17 weeks (120 days) in the private sector and 6 months in public sector (the supplementary 60 days are optional for private companies) paid at 100% of previous earnings.	5 days in the private sector, 10 days in the public sector, paid at 100% of earnings.	No statutory entitlement.	Funded from contributions into a social security fund paid by employers and employees.

	Paid maternity leave (maximum length)	Paternity leave (maximum length)	Parental leave (maximum length)	Who pays the benefits
Denmark	18 weeks (4 before and 14 following the birth). Public-sector employees are paid at 100% of earnings. Private-sector employees are entitled to a minimum level of maternity benefit, which is subject to negotiation with the employer.	2 weeks.	14.9 months (10.7 paid). Although each parent can take 32 weeks of leave, each couple together can only claim 32 weeks of paid leave.	Funded by the State from general taxation, except for the first 8 weeks during which municipalities bear half of the cost. Parents who are not entitled to paid maternity leave from their workplace can receive maternity maintenance from their municipal office in their place of residence.
Finland	About 18 weeks (105 working days). The first 56 days are paid at 90% of previous annual earnings and the remaining days at 70–75% of earnings.	9 weeks.	6.1 months (paid). The entitlement is per family. Benefits during Maternity, Paternity and Parental Leave are earnings-related, with an upper ceiling.	Maternity Leave is funded by the health insurance scheme which is financed by employer contributions (73%) and employees (27%). In 2013 employers paid 2.09% of their total salary bill and employees 0.79% of their taxable earnings. Parental Leave is funded by the federal Government through general taxation.
Germany	14 weeks (6 before and 8 following the birth) at 100% of earnings, with no ceiling on payments.	No statutory entitlement, but sometimes collective agreements provide one to two days of Paternity Leave.	36 months (12 paid+ bonus 2 if both parents take at least 2 months of leave).	Funded by social security up to a ceiling, and by the employer. The mother's health insurance pays a flat rate of €13 per day and the employer covers the remaining amount, so bears most of leave costs.

	Paid maternity leave (maximum length)	Paternity leave (maximum length)	Parental leave (maximum length)	Who pays the benefits
Japan	14 weeks (6 before and 8 following the birth); six weeks are obligatory.	No statutory entitlement.	12 months (paid + bonus 2 if both parents share some of the leave).	Funded from the Employees' Health Insurance system, financed by contributions from employees, employers, local government and the State.
Norway	9 weeks (3 before and 6 following the birth) as part of Parental ("Birth") Leave.	2 weeks. Payment depends on individual or collective agreements and most fathers are covered by such.	Payments may be taken either for 49 weeks at 100% of earnings or for 59 weeks at 80% (up to a ceiling). The law refers only to "Birth Leave", part of which is reserved for mothers, part for fathers, and part for parents to divide as they choose.	Parental ("Birth") Leave (which includes maternity leave) is funded from general taxation.
Spain	16 weeks. Six weeks are obligatory and must be taken following the birth; the remaining 10 can be taken before or after the birth, paid at 100% of average earnings.	3 weeks (15 days), paid at 100% of earnings with upper ceiling.	36 months (unpaid). Some regional governments have introduced flat-rate benefits since 2000, but some of these have already been reduced or abolished since 2009 due to the financial crisis.	Both Maternity and Paternity leave are financed through social insurance contributions from employers and employees. Employers pay 23.6% of gross earnings and employees 4.7% to cover common contingencies such as pensions, sickness and leaves.
South Africa	4 months (paid up to 60% of earnings).	No separate Paternity Leave entitlement, but fathers can use up to three days of Family Responsibility Leave at the time of the birth.	No statutory entitlement.	Family Responsibility Leave is fully paid by the employer and is available for a maximum period of 3 days in a 12-month period (5 days for domestic workers). An employee must have been employed for longer than 4 months and work at least 4 days per week in order to qualify for this leave.

	Paid maternity leave (maximum length)	Paternity leave (maximum length)	Parental leave (maximum length)	Who pays the benefits
Sweden	2 weeks obligatory leave for women as part of Parental Leave (to be taken either before or after the birth).	2 weeks (so-called father's quota as part of Parental Leave).	36 months (15.9 paid, of which 13 well paid). Can be used until a child's 8th birthday. For eligible parents, 13 months are paid at 80% of earnings (with upper ceiling) and the remaining 3 months at a flat rate. Two months of Parental Leave are reserved for each parent and cannot be transferred.	Funded by the Swedish Social Insurance Agency, financed through employers (and the self-employed) who pay 31.42% on all employees' earnings, of which 2.2% is earmarked for "parental insurance". The shortfall is paid by the Government.
United Kingdom	52 weeks (obligatory 2 weeks after the birth). Paid at 90% of earnings for 6 weeks and a flat rate thereafter.	2 weeks (paid at flat rate of £136.78 a week or 90% of average weekly earnings (whichever is less)).	8.4 months (unpaid): 18 weeks per parent per child up to the child's 5th birthday.	This payment is administered by employers. Medium and large employers can claim back 92% from the Exchequer and small employers can claim back 103%.
United States	12 weeks of unpaid leave; however, this provision covers only individuals who work for employers with 50 or more employees.	No statutory entitlement.	There is no separate Parental Leave, but parents may take up to 12 weeks unpaid leave for childbirth or the care of a child up to 12 months as part of the federal Family and Medical Leave Act; employers with less than 50 employees are exempt. Five states (California, Hawaii, New Jersey, New York, Rhode Island) and Puerto Rico provide some benefit payments (at around 50% of earnings).	No payment in most US states (see Parental Leave). In California, family leave is funded by employee contributions.

Sources: Moss (2013), except for Denmark: <http://denmark.angloinfo.com/healthcare/pregnancy-birth/leave-benefits/>, and Finland: http://europa.eu/epic/countries/finland/index_en.htm and ILO, 2014.

Appendix 3

Australia: Maternity protection for women in SMEs

by Marian Baird and Irina Kolodizner

The regulatory environment

The regulation of maternity protection in Australia is multi-layered, involving the *Fair Work Act 2009* (Cth), the *Paid Parental Leave Act 2010* (Cth), federal and state anti-discrimination legislation, and the *Workplace Gender Equality Act 2012* (Cth).

The Fair Work Act 2009

The Fair Work Act (FW Act) is the main piece of workplace relations legislation applicable in Australia. One of the core objects of the Act is to acknowledge the special circumstances of small and medium-sized enterprises (SMEs). It defines a small business employer as a business which employs fewer than 15 permanent full-time and regularly and systematically employed casual employees.

Of the provisions impacting women employed in SMEs, only the unfair dismissal and redundancy pay provisions of the FW Act make explicit provision for small business employees. The remaining provisions make no distinction and apply to all women who are national system employees (although the unpaid parental leave standard extends to all women).

The FW Act affects women employed in SMEs in these ways:

1. By the operation of the Act's unfair dismissal provisions. Small business employees cannot make a claim for unfair dismissal in the first 12 months of their employment (as opposed to 6 months for other employees). One of the criteria for a person to be characterized as unfairly dismissed is that the dismissal is not consistent with the Small Business Fair Dismissal Code. The Code provides that it is fair to dismiss an employee summarily on grounds of serious misconduct and that in other cases, a valid reason based on conduct or capacity to perform the job must be given for dismissal. A valid reason could include pregnancy or maternity where not being pregnant or having children is an inherent requirement of the job.
2. The Act exempts small businesses from the requirement to pay redundancy pay, thereby limiting an employee's entitlements in this regard.
3. The Act prohibits employers from taking adverse action (which, in relation to an employee, refers to dismissing the employee, injuring the employee in their employment, altering the employee's position prejudicially or discriminating against the employee) because of family or carer's responsibilities or pregnancy. Other matters include the employee's sex, sexual preference, marital status, family or carer's responsibilities or pregnancy, as well as race, colour, age, physical or mental disability, religion, political opinion, national extraction or social origin.
4. The Act provides an entitlement to 10 days paid personal/carer's leave for each year of service and 2 days unpaid carer's leave for each occasion that a member of the employee's immediate family or household requires care or support due to illness, injury or unexpected emergency.
5. The Act provides an entitlement to unpaid parental leave. Parental leave refers to maternity leave, paternity leave and adoption leave. The entitlement is contained in the National Employment Standards and operates as a minimum standard which can be extended upon by awards, agreements or common law contracts which may provide more generous entitlements. It is available to all employees who satisfy the statutory criteria, regardless of business size. An employee with

completed 12 months continuous service is entitled to take 12 months unpaid parental leave where the leave is associated with the birth of their child or the placement of a child with the employee for adoption (and the employee will have responsibility for the care of the child). An employee is entitled to request an extension of the period of unpaid parental leave taken by a further period of up to 12 months and the employer may only refuse the request on reasonable business grounds. Requests for parental leave must be in writing at least ten weeks prior to the start date (unless that is not reasonably possible).

6. The Act provides a job guarantee: regardless of business size, employees on parental leave have a legal right to return to their pre-leave position, or a position of equivalent pay and status, once they return from leave.
7. Regardless of business size, the employer must take all reasonable steps to give an employee on unpaid parental leave information about and an opportunity to discuss the effect of any decision that will have a significant effect on the status, pay or location of the employee's pre-leave position.
8. The Act provides for unpaid special maternity leave specifically for pregnancy. Regardless of business size, a female employee is entitled to a period of unpaid special maternity leave if she is not fit to work during that period due to a pregnancy-related illness or if the pregnancy ends within 28 weeks of the expected date of birth of the child otherwise than by the birth of a living child.
9. The Act provides that a pregnant employee, regardless of business size, is entitled to be transferred to a safe job or to take "paid no safe job leave" where she gives her employer evidence that she should not continue in her present position due to illness or risks arising from pregnancy or hazards connected with the position. An appropriate safe job is one that has the same ordinary hours of work as the employee's original position or agreed ordinary hours and is paid at the employee's full rate of pay.
10. The Act provides for the "right to request" flexible work arrangement on return from parental leave. This entitlement does not apply solely upon the return from parental leave. Employees with at least 12 months continuous service may request a change in working arrangements to care for a child under school age or under 18 with a disability. This can include a change in hours of work, a change in the pattern of work or a change in location of work. An employer can refuse, in writing, on reasonable business grounds.

The Paid Parental Leave Act 2010 (Cth) (PPL Act)

In addition to the entitlement to unpaid parental leave under the FW Act, the PPL Act establishes parental leave pay, with payments commencing from 1 January 2011.

Under the PPL Act, all eligible working mothers can receive up to 18 weeks paid parental leave at the rate of the national minimum wage. The scheme contemplates that one person, predominantly the mother, will be the eligible primary carer for a child born or adopted after 1 January 2011 for the full 18 weeks but also allows for transfer to secondary and in some cases tertiary carers.

All women are eligible for paid parental leave, subject to meeting a work, income and residency test. This is regardless of the size of the business for which the woman works.

In order to be eligible, an employee must:

- ▶ be the primary carer of a child born or adopted after 1 January 2011;
- ▶ not have returned to work after taking leave (or not engaged in paid work from the birth or adoption of the child);
- ▶ be an Australian resident or citizen;

- ▶ receive a taxable individual income of AUD 150,000 or less in the previous financial year (subject to indexation on 1 July commencing 1 July 2014); and
- ▶ have worked for at least 295 days of the 392 days prior to the birth or adoption of the child and worked for at least 330 hours during that 295-day period and have had not more than a 56-day gap between consecutive working days with at least one hour of work being performed.

Parental leave pay is a fixed rate for all eligible parents and is calculated by reference to the national minimum wage, which is currently approximately AUD 606.40 per week. It can be received before, after or at the same time as other parental leave entitlements.

Anti-discrimination legislation

State and federal anti-discrimination legislation prohibits discrimination on grounds including sex, marital status, carer's responsibilities and pregnancy.

At the federal level, the *Sex Discrimination Act 1984* (Cth) (SD Act) strives to eliminate discrimination, both direct and indirect, on grounds of sex, marital status, pregnancy or potential pregnancy or breastfeeding in areas of work, accommodation, education, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of Commonwealth laws and programmes as well as to eliminate discrimination on grounds of family responsibilities in work. The Act also strives to eliminate discrimination involving sexual harassment.

The Act renders it unlawful to discriminate on grounds of sex, marital status, pregnancy or potential pregnancy, breastfeeding or family responsibilities when determining who should be offered employment (as well as in the arrangements made for the purposes of such determination), in the terms and conditions on which employment is offered and the terms and conditions afforded and when offering opportunities for promotion, transfer or training. It also renders it unlawful to dismiss an employee or subject an employee to other detriment on the aforementioned grounds.

The Act further provides that it is not unlawful for a person to discriminate against a man on the ground of his sex by reason only of the fact that the person grants to a woman rights or privileges in connection with pregnancy, childbirth or breastfeeding.

At a state level, each Australian state and territory has enacted anti-discrimination legislation, which includes:

- ▶ Anti-Discrimination Act 1977 (NSW) (NSW AD Act)
- ▶ Discrimination Act 1991 (ACT) (ACT Discrimination Act)
- ▶ Anti-Discrimination Act 1996 (NT) (NT AD Act)
- ▶ Anti-Discrimination Act 1991 (QLD) (QLD AD Act)
- ▶ Equal Opportunity Act 1984 (SA) (SA EO Act)
- ▶ Anti-Discrimination Act 1998 (TAS) (TAS AD Act)
- ▶ Equal Opportunity Act 2010 (VIC) (VIC EO Act)
- ▶ Equal Opportunity Act 1984 (WA) (WA EO Act)

Each of these statutes contains provisions prohibiting discrimination on the basis of sex, pregnancy, breastfeeding and status as parent or carer.

While there is slight variation in the terminology utilized in the various state and territory statutes, discrimination is generally taken to mean treating a person unfavourably or less favourably because they have a particular attribute or imposing a condition or requirement that has or is likely to have the effect of disadvantaging certain people because they have a particular attribute.

For example, discrimination on grounds of sex is defined in the NSW AD Act as treating a person less favourably than treating another of the opposite sex in the same circumstances or requiring a person to comply with a requirement or condition with which a substantially higher proportion of persons of the opposite sex comply or are able to comply. The definition is identical to discrimination on grounds of carer's responsibility, with the distinction being that the person in the comparative position does not have the same carer's responsibilities (rather than being a person of the opposite sex).

Carer's responsibilities are defined in the NSW AD Act to include responsibility to care for or support any child or step-child of the person in need of care or support or wholly or substantially dependent on the person or whose guardian the person is as well as any immediate family member in need of care or support.

In the context of employment, the anti-discrimination legislation in each state and territory, like the SD Act, renders it unlawful for an employer to discriminate against a person on grounds including sex, pregnancy, breastfeeding and parental or carer's status/responsibility in the arrangements the employer makes to determine who should be offered employment and in determining who should be offered employment, in the terms on which the employer offers employment and the terms and conditions the employer affords an employee, by denying an employee access or limiting the employee's access to opportunities for promotion, transfer or training or any other benefits associated with employment, or by dismissing an employee or subjecting the employee to any other detriment.

While certain of the state legislatures chose to expressly address each ground of discrimination, such as sex, individually – as exemplified in the NSW AD Act, the SA EO Act or the WA EO Act – other legislatures simply rendered it unlawful to discriminate on a number of grounds and itemized the grounds collectively (see, for example, the ACT Discrimination Act, the NT AD Act, the QLD AD Act, the TAS AD Act, the VIC EO Act).

At common law, it is an established defence to a claim of discrimination to assert that the action or requirement was necessitated by the inherent requirements of the job. This is also recognized in legislation such as the ACT Discrimination Act where it is stated that it is not unlawful to discriminate on grounds of sex in relation to a position as an employee, commission agent, contract worker or partner if it is a genuine occupational qualification for the position that the position be filled by a person of the opposite sex. Similarly, the NT AD Act contains an exemption for discrimination in the area of work where the discrimination is based on a genuine occupational qualification or a person's inability to adequately perform the inherent requirements of the work. The QLD AD Act provides that an employer may impose genuine occupational requirements for a position. The TAS AD Act provides a number of exemptions entitling persons to discriminate on grounds of gender including in religious institutions, in education, in accommodation and in the provision or use of facilities. In employment, however, the primary exemption is genuine occupational qualification or requirement. The VIC EO Act also entitles an employer to limit the offering of employment to people of one sex where this is a genuine occupational requirement of the employment. A similar exemption also exists under the WA EO Act.

A number of the state and territory anti-discrimination legislative schemes provide that it is not unlawful discrimination against a man on grounds of sex to grant to a woman rights or privileges in connection with pregnancy, childbirth or breastfeeding.

[The Workplace Gender Equality Act 2012\(Cth\) \(WGE Act\)](#)

This Act applies to all businesses with 100 or more employees. It does not, therefore, cover small businesses.

The principal objects of the WGE Act are to provide and improve gender equality in employment and in the workplace, to support employers to remove barriers to the full and equal participation of women in the workforce and to promote the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities), as well as to foster workplace consultation and improve the productivity and competitiveness of Australian business.

The Act establishes the Workplace Gender Equality Agency and requires employers to prepare written public reports containing information concerning the gender composition of the workforce and of governing bodies, equal remuneration between men and women and, significantly, the availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities, as well as consultation with employees on issues concerning gender equality.

Employers covered by the Act which do not comply are potentially subject to being named in a public report produced by the Workplace Gender Equality Agency.

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