

Delhi High Court on Maternity Leave

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Why in News?

Recently, the Delhi High Court has ruled that maternity leave cannot result in loss of role or career prospects, reinforcing workplace equality and protecting women employees.

High Court Rulings

- **No professional disadvantage after maternity leave** - A woman returning from maternity leave in a private company is generally **entitled to resume her previous position**.
 - She must **not be placed at a professional disadvantage, including:**
 - A reduction in her responsibilities,
 - Curtailment of her managerial authority, or
 - Limitations on her prospects for career advancement.
- **Scope of protection under Section 12, Maternity Benefit Act** - It provides protection beyond:
 - Continuity of employment
 - Continuity of wages
- It also ensures the right to return to work without any substantive disadvantage in:
 - Professional status
 - Responsibilities
 - Authority
 - Prospects of career advancement
- This protection applies when any disadvantage arises solely due to pregnancy or the use of maternity leave.

Delhi High Court's Ruling

No role loss



- **Original post is unavailable** - If a woman's previous position is unavailable for valid and documented organizational reasons, the employer must offer her a role as equivalent as possible in the following areas:
 - Pay
 - Grade
 - Status
 - Responsibilities
 - Managerial authority
 - Prospects of advancement
- **Post-maternity adjustments are protected** - A woman requesting adjustments due to post-maternity circumstances in any of the following areas:
 - Duties
 - Working hours
 - Workplace
 - Role, should not be considered to have waived her statutory protections.
- Such arrangements **cannot** be used against her in **performance appraisals or in promotion decisions**.
- **Directions to the Central government** - The court directed the Centre, within six months, to frame rules/schemes or issue directions on:
 - Pregnancy-related workplace accommodation
 - Protection of role and status after maternity leave
 - Lactation support
 - Creche functionality
 - Grievance redressal mechanisms
 - Protection against retaliation for availing maternity-related rights.

Reference

[The Hindu | Delhi HC on Maternity Leave](#)

