

**ANALYSIS OF MATERNITY LEAVE POLICY
CASE STUDY: SOUTH KOREA AND THAILAND**

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วิทยานิพนธ์เรื่องนี้มีวัตถุประสงค์เพื่อศึกษาวิเคราะห์สิทธิลาคลอดในเชิงเปรียบเทียบ ในด้านสิทธิคุ้มครองแรงงานหญิงมีครรภ์ กรณีศึกษา ประเทศเกาหลีใต้และประเทศไทย โดยใช้แม่แบบสิทธิลาคลอดตามหลักสากลอิงจากอนุสัญญาว่าด้วยการคุ้มครองมารดา คศ. 2000 และข้อเสนอแนะฉบับที่ 191 ออกโดยสำนักงานแรงงานระหว่างประเทศเป็นตัวชี้วัด อีกทั้งมุ่งเน้นศึกษาค้นคว้าในด้านการออกบัญญัติกฎหมายลาคลอดในกฎหมายแรงงานและกฎหมายว่าด้วยการจ้างงานที่เกี่ยวข้องของทั้งสองประเทศ

จากการศึกษาพบว่า เมื่อเปรียบเทียบกฎหมายแรงงานและกฎหมายว่าด้วยการจ้างงานที่เกี่ยวข้องของทั้งสองประเทศเข้ากับแม่แบบสิทธิลาคลอดตามหลักสากลแล้วนั้น การออกบัญญัติกฎหมายลาคลอดของประเทศไทยมีลักษณะเป็นรองต่อแม่แบบสากลและกฎหมายลาคลอดของประเทศเกาหลีใต้ กล่าวคือ ลักษณะกฎหมายไทยเพื่อการคุ้มครองมารดานั้นขยายโอกาสในการปกป้องสิทธิแรงงานสตรีมีครรภ์น้อยกว่ากฎหมายแรงงานสากลและของเกาหลีใต้ใน 3 กรณี คือ 1) การละเลยข้อบัญญัติกำหนดช่วงระยะเวลาพักบังคับ 6 สัปดาห์หลังคลอด เพื่อความปลอดภัยของครรภ์มารดา 2) การละเลยข้อบัญญัติคุ้มครองสถานภาพแรงงาน อาทิ สิทธิเข้ากลับทำงานในตำแหน่งเดิมหลังลาคลอด และสิทธิประโยชน์ที่ลูกจ้างหญิงมีครรภ์ที่พึงได้รับระหว่างลาคลอด อาทิ การพิจารณาปรับค่าจ้างหรือสวัสดิการ 3) สิ่งอำนวยความสะดวกเพื่อการให้นมบุตร นอกจากนี้ สืบเนื่องจากการเสนอร่างเพื่อแก้ไขกฎหมายลาคลอดของศูนย์นมแม่แห่งประเทศไทยในการขยายระยะเวลาลาคลอดจาก 90 วันเป็น 180 วันและเสนอสิ่งอำนวยความสะดวกเพื่อการให้นม ผู้วิจัยเห็นว่าข้อเสนอดังกล่าว เป็นข้อเสนอแนะที่ดียิ่ง หากแต่อาจจะนำมาซึ่งการรื้อถอนสิทธิหรือปิดกั้นโอกาสจากแรงงานสตรีหากจะมีการปรับใช้ในอนาคตกอนไกล ทั้งนี้อันเนื่องมาจากสถานการณ์การเมืองและนโยบายปรับค่าจ้างขั้นต่ำรายวัน แต่อย่างไรก็ตาม เพื่อให้สอดคล้องกับการเตรียมตัวรับการรวมประชาคมอาเซียนและเพื่อยกระดับมาตรฐานตามหลักสากล ผู้วิจัยเห็นว่าการพัฒนากฎหมายแรงงานสตรีก็ถือเป็นสิ่งที่ควรคำนึงถึง

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PUTTIDA PHUTTHARAK : ANALYSIS OF MATERNITY LEAVE
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This study examines national legislation concerning current maternity leave policy and protection in a comparison between South Korea and Thailand with an international maternity model as shaped by Maternity Protection Convention 2000 (No.183) and its Recommendation (No.191) by International Labor Organization (ILO). National Labor laws and employment-related acts have been compiled for the sake of analysis. As analyzed with ILO regulations as benchmarks, findings show that Thai maternity leave policy is inferior to international standards and either to Korea's one in 3 points. Firstly, in term of amount of leave, pregnant employee in the two countries is eligible to take 90 days leave but what differs is restriction on pre and post natal. Korea government seems to be more concerned on health security before and after childbirth with 6 compulsory postnatal leave whereas Thai laws allow leave voluntarily. Such case, Thai working mother is more likely to be at high risk of before-birth health insecurity if the mother prefers to postnatal leave as a whole. Secondly, in term of employment protection and discrimination, obviously, Thai working mother is more likely to confront high risk on job insecurity even though she is guaranteed not to dismissal. Still, promotion determination while taking a leave and same-position resumption when return are not ensured their places. Thus, after having a 90-day leave, the mother could be placed in lower position or not equal to the previous wage legally while Korean mother is protected her position. Lastly, in term of breaks for breastfeeding and childcare provision, Thai laws seem to see breastfeeding facilities as personal matters since no article legislates maternity facilities - nursing hours and breastfeeding facilities - in workplace whereas Korean laws openly shows appreciation on settlements of breastfeeding facilities in order to support maternity benefits, especially for the employed mothers who commit parental leave. Moreover, Korean employed mother is entitled to paid nursing recesses for more than 30 minutes twice per day when her child's age is less than 12 months. Overall, seemingly, Thai maternity-related legislation takes distance to meet ILO maternity standards, rather than South Korea. Meanwhile, as a result of a proposal to leave extension to 24 weeks and breastfeeding facilities by Breastfeeding Center, the author sees that it is a challenging reform which would bring discrimination if it was applied in near future due to political situation and increasing minimum wage campaign currently. Besides, to be alert to ASEAN integration, woman-related labor reform should take in to account in Thai society.

Field of Study : Korean Studies..... Student's Signature

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LIST OF ABBREVIATION

Abbreviation	Full name
EEA	Equal Employment Act
ILO	International Labor Organization
LSA	Labor Standards Act
NHA	National Health Assembly
OECD	Organization for Economic Cooperation and Development
TFR	Total fertility rate
UNDP	United Nations Development Program
UNICEF	United Nations International Children's Emergency Fund

CHAPTER I

INTRODUCTION

1.1 Background

This first chapter gives an explanation on research background in fields of its significances and origin in global context, and current situations relating to maternity leave between South Korea and Thailand which is subjected to research objectives and expected outcome as written below.

Maternity leave has been adopting in every societies, by and large, in relation to improve social and protection standards on women employment. These days, in a specific picture, maternity leave helps employed women balance between working tasks and family tasks. Yet, it also has played significant roles which are beneficial for both individual and societal level. In a connection with societal level, for instance, maternity leave has been the subject of significant tax credit reform in Britain to encourage working women in economic participation after legislated in 1978 (Waldfoegel et al.; 1998, p.iii). In Norway alike, maternity leave has become one form of 7 parental leave reforms during 1989 – 1991 in order to share childrearing responsibility between spouses. Historically, in European countries, maternity leave was utilized to boost female labor force participation by providing longer leave with cash benefit as same as maternity leave schemes in Australia which have been planned by Australian Federal Government in a purpose of economic boost – with payments to parents more likely to be spent rather than saved. (Gorden, 2009) In connection with individual level, maternity leave has supported maternity well-being. For example, in Kenya, the leave was extended from 2 months to 3 months leave in order to decrease maternal mortality. Besides, other objectives appear as to decrease infant and young children mortality, to decrease perinatal and neonatal mortality of mothers, to promote child and maternal health, to promote human rights, and to enhance employability of mothers.

According to Kamerman (2000), maternity leave is defined as job-protected leaves for employed women at the time they are due to give birth and following childbirth. In other words, maternity leave benefits employed women in case of childbirth that providing paid or unpaid time off work to care for a child or make arrangements for the child's welfare. However, in employment system, after a deliver, those employed

women become less competitive in Korean labor market and are committed discrimination among colleagues whereas some are responded by dismissal which obviously shows bias on human resource recruitment. With this matter, Korean government is trying hard to strengthen maternity benefits and protection in any fields. Thus, we can see that maternity leave has been used to follow a process of social changes in a nation and functioned in various aspects, rather than protecting employee physical conditions after a deliver.

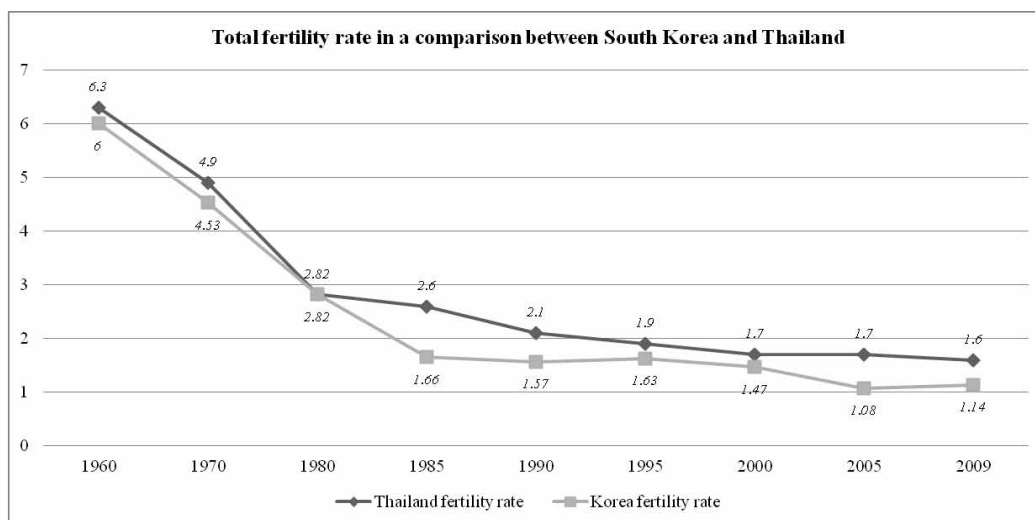
Apart from this, an author would like to jump to historical story of maternity leave to present its background. Paid maternity leave was first established as a part of an enactment of social insurance by Bismarck in Germany during 1880s in aim to protect physical well-being of female working employees. The first national social insurance law was enacted in 1883, providing health insurance and paid sick leaves. Soon after France followed. (Koven&Michel, 1993 cited in Kamerman;2000, p.7) Eventually, this idea has been distributed throughout Europe region. With its significance, International Labor Organization (ILO) has realized on and initiated implementation as a Convention in 1919. The first Convention is named as ‘Maternity Protection Convention 1919’¹. By that time, it was specified to provide only 12 weeks leave with cash benefits to working women in order to protect physical health at the time of childbirth. (Kamerman, 2000) Afterwards it was revised twice in 1952 and 2000. In 1952, by the second Convention, more benefits were provided on longer leave duration to at least 14 weeks with job protection on dismissal and basic medical cares. Currently, a latest international provision of maternity protection still covers similar regulations as previous Conventions but what further amended are access to medical benefits of women and child for sake of physical well-being and compulsory leave provision and nursing breaks. Additionally some higher-standards have been required on Maternity Protection Recommendation (No.191) such as longer leave duration to 18 weeks, non-discrimination for determination of her rights on career during leave period, access to more medical benefits and breastfeeding facilities in workplaces and hospitals.

¹ This first convention was aimed to deal with maternity protection, covering women working in industry and commerce, and provided with 12 weeks maternity leave. In term of cash benefit, employed women should receive a cash benefit that would be at least two-thirds of prior earnings. This convention was revised in 1952 and 2000. With these amendments, more benefits were introduced and called as Maternity Protection Convention 1952 (No.103) and Maternity Protection Convention 2000 (No.183), respectively.

Thus, it is clear that maternity leave policy has been structuring by ILO and standardized in global practices under Conventions over decades. However, despite implementing of nations, we found that maternity leave policy are not easily structuring with national practices under differential social circumstances. As this study aims to investigate only in South Korea and Thailand, descriptive current situations in both countries are solely presented.

Considering situations in both countries, we found that they have nothing in common to share as a cause on social changes; however, one of solutions owing to the changes is similar as on maternity-related policy development. Considering a situation in South Korea, South Korea is confronting new social challenges as a consequence of global changes. For years, South Korea has encountered low fertility rate and aging population society since fertility rate was declining in 1960. At that time the rate was indicated at 6.0 and rapidly declined to 1.05 in 2005. (See table I) In order to halt, South Korea government pushed efforts on several strategies to boost demographic growth.

Table I : Total fertility rate in a comparison between South Korea and Thailand during 1960 - 2009



Source :

Thailand: Data from 1980 – 2009 is based on World Bank Statistic Office
 Data from 1960 – 1970 is based on United Nations Statistic Division (UNSD)
 South Korea : Data based on United Nations Statistic Division (UNSD)

To explain the demographic decline, Choi Seon-jeong, a president of the Planned Population Federation of Korea, pointed out that it must be guaranteed to boost

economic growth after Korean War (1950-1953)² by family planning. Currently, this implementation success is suffocating the nation even though this decline has seen in an influence of post-traditional value. (Eun, 2007) As foreseen by Choi Seon-jeong, if low fertility rate continues, it will take only 18 years for South Korea for an ageing society to become an aged society and only 8 years for an aged society to become a super-aged society. He also opined that several social problems would be inevitable if a preparation to meet the situation of aged society and super-aged society is not well done. The working-age population will bear heavier burdens of tax and social security because they have to support the aged population. Conflicts between different governments will probably get severer. Unexpectedly, there would be down to 4.5 persons in 2020 and 1.4 persons in 2050 among the working-age population to support one aged person whereas it took 7 persons in 2007. With this, the government has strengthened parental leave policy in which links to maternity leave under Childbirth Promotion Policy³ where maternity benefits development is included as one of projects within the Policy.

In respond to this crisis, after a huge effort by South Korea government to recover the situation by pushing family policies to create a favorable environment for childbirth and childrearing and to improve quality of life in aged society, attempt to reduce the financial burden was established by subsidy on the costs of childrearing through parental leave policy and maternity benefits. Moreover, tax reduction, extension on childcare facilities and after-school programs was distribution to reduce the burden on parents.

Looking to another situation in Thailand, in term of fertility rate, although Thai fertility rate is a bit higher than South Korea's, indicated at 1.6 in 2009 (see table A) but what alarming is a situation revealing by UNICEF on low breastfeeding rate. It was revealed that more than 50% of annual newborns are being fed with formula milk.

² After Korean war, Korea was one of the poorest country in the world since almost financial saving was invested into military troop. At the time, Gross Domestic Products (GDP) was accounted at 100US\$.

³ The Childbirth Promotion Policy has been under responsibility of Ministry of Health and Welfare in attempt to improve social crisis from low fertility and aging populations. The first 5-year plan was adopted during 2006-2010 and from 2011 to 2015 for the second one.

According to UNICEF (2005) survey on the situation, the rate of feeding children with solely breast milk for at least 6 months was only 5.4%. Out of an average number of 800,000 infants born each year according to an estimation by the 9th National and Economic Development Plan while the rate of feeding them with breast milk only for at least 6 months was 14.5% and one with formula milk only was more than 50%, reflecting that more than 400,000 newborn infants were being fed in a year. With this matter, Thai breastfeeding center revealed that these are as a result of socio-economic changes where more women are working outside having impacted on life-style of feeding children with breast milk.

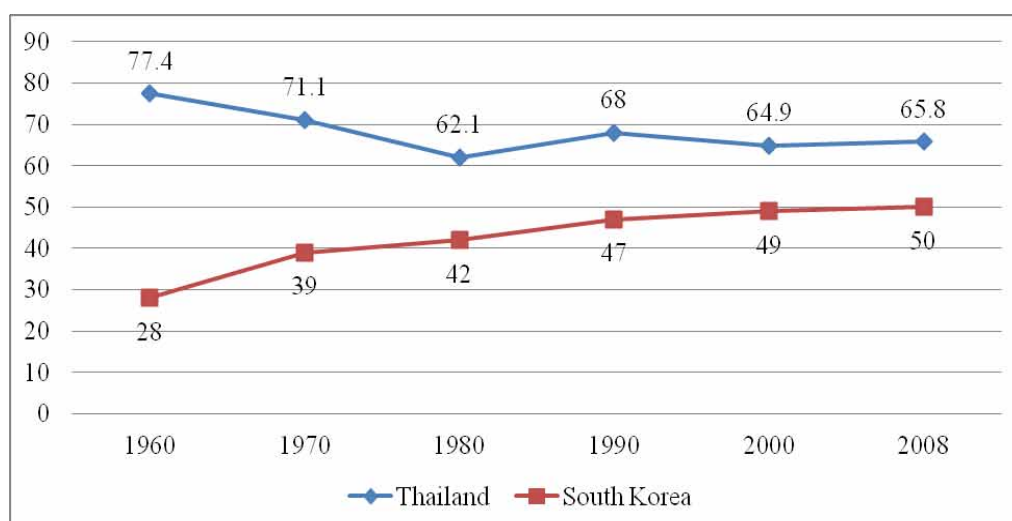
Another factor was revealed as marketing of food for infants and young children. Currently, it was found that, mostly, Thai breastfeeding mothers were given gift packages containing samples of infant formula milk from companies or documents promoting the use of infant formula milk upon discharge from hospital. The proportion of mothers giving breast milk only to their children for the first 6 weeks and 3 months (12 weeks) after birth and the rate of giving breast milk only to infants between 0-6 months old declined when compared to the mothers receiving other samples except formula milk such as absorbent milk pads in their packages. However, no evidence exists to support the idea of termination of breastfeeding in the initial stages for mothers giving a combination of breast milk and formula milk to their children. Moreover, regarding handing-out of formula milk samples and promotion media for formula milk at antenatal clinic, it was found that 24% of mothers receiving formula milk company gift packages stopped breastfeeding their babies at 2 weeks after birth. And, when looked at mothers receiving packages promoting the use of breast milk, it was found that 15% of the mothers received gift packages from formula milk companies, and, there is 5 times more chances that they will stop breastfeeding their infants in the hospital.

Having said so, Thai government is seeking for strategies to overcome this situation and campaigns to boost breastfeeding rate for sake of child's physical well-being. Many ways have been addressed. For instance, ones are to create an environment conducting to breastfeeding corners in hospitals and enterprises, to prescribe laws on enterprise offers regarding measures or welfares for pregnant women and mothers, to amend maternity leave policy by allowing more leave time, and to entitle the worker

to be paid throughout an entire leave period. However, those ways have not yet been well prescribed.

Besides, when considering female labor market between two countries, it shows that, with no connection of years, Thai women have been participating in labor force much more than Korean women. According to table II, a trend of Korean women labor force has risen up since 1960 where economic development plan was introduced. At that time, it was recorded at 28% to 50% in 2008 whereas Thai trend has remained slightly changed from time to time. However, still, Thai proportions are higher than Korea ones.

Table II : A relationship between percentage of women economic participation in South Korea and Thailand during 1960 - 2008



Note : * Data is based on 2009.

Source :

Thailand: 1) Population and Housing Census, NSO (various issues) - cited from Mathana Phananimai. (1996)

2) International Labor Organization (ILO) Statistics

Korea : 1) Data from ILO statistic office is collected in women economic participation

So far, an influx of women in labor market has been easily found meanwhile their existence in labor force distributed various social dilemma. With this, the two governments have pushed efforts to overcome with the situations. In term of South Korea, the government has been trying hard to boost newborn numbers by developing maternity-related policy and benefits in aim to get prepared on unexpected outcomes as well as Thai government is also seeking strategies on how to heighten breastfeeding rate for sake of child physical well-being. In conclusion, we can see that South Korea and Thailand have nothing in common on social change causes but what

we can share is an attempt to develop maternity-related policy in order to improve societal crisis whereas a great number of female labor force in market has influenced on maternity-related policy development in both countries.

Regarding the fact that there have been several studies investigating through maternity leave policy, outcomes from those have been shown impressively. Nevertheless few have presented a comparative analysis of maternity leave policy between South Korea and Thailand. Thus, this study found it interesting to study maternity leave policy and protection of South Korea and Thailand for sake of nation's development. With all said and done, there are some questions to be clarified as following.

- 1) What are characteristics of maternity leave policy and protection between South Korea and Thailand?
- 2) What significance of South Korea maternity leave policy can be adopted into Thai society?
- 3) How Thai maternity leave policy can be developed to meet international maternity standards?

Consequently, the purpose of this work is to distribute as referring document in order to improve maternity leave policy as well as women policy in Thailand.

Therefore, this study has a following research hypothesis :

- 1) Maternity leave policy of South Korea meets international maternity standards, than Thailand's.

1.2 Objectives

- To learn South Korea and Thailand current maternity policy and strategies
- To comparatively examine national legislation concerning South Korea and Thailand's maternity leave and protection policy
- To assess maternity protections of both South Korea and Thailand against international maternity standards

1.3 Expected outcome :

For long term, this study will help a distribution of knowledge on maternity leave policy while it is also expected on a knowledge utilization of policymaker and government on maternity leave reform for forthcoming nation development.

1.4 Limitations

As this study investigated only on national legislation concerning maternity leave policy and benefits, practices of the legislation based on online newscast in both countries are moderately reviewed. Also, this analysis of maternity leave policy and protection are investigated in limited acts. Concerning to South Korea, those are grounded on Labor Standards Act 1997, Labor Standards Act Enforcement Decree 1997, Equal Employment Act, and Employment Insurance Act, meanwhile Thai Labor Protection Act 1998 and Social Security Act 1990 are employed in an issue of Thailand. Moreover, in case of South Korea, with Korean-language limitation, the analysis could be in the wrong or missing at some point which the author must do apologize in advance.

1.6 Technical terms

- *Female employee*

Refers to Korean and Thai women who are employed by government and private sectors only.

- *Maternity leave policy*

Refers to a legislation or national policy on maternity issues which claims for employee benefit in case of childbirth that provide paid or unpaid time off work to care for a child or make arrangements for child's welfare.

- *Labor Standards Act 1997 (South Korea)*

Refers to Korean labor laws which aim to set the standards for the conditions of labor in conformity with the constitution, thereby securing and improving the living standards of workers and achieving a well-balanced development of the national economy.

- *Labor Standards Act Enforcement Decree 1997*

Refers to a substitution of Korean labor laws which aims to provide matters delegated by the Labor Standards Act and those necessary for the enforcement thereof.

- *Equal Employment Act*

Refers to Korean labor laws which aim to realize gender equality in employment in compliance with the idea of equality in the Constitution of the

Republic of Korea by ensuring equal opportunity and treatment for men and women in employment, while protecting maternity and promoting women employment.

- *Employment Insurance Act*

Refers to Korean labor laws which aim to prevent joblessness, to promote employment and vocational competency, and to provide financial support and employment assistance to the unemployed as well as to serves as a source of comprehensive labor market policies and a social security system.

- *Labor Protection Act 1998 (Thailand)*

Refers to Thai labor laws which aim to claim for the acquisition of a right or benefits of labor in conformity with the constitution, thereby securing and improving the living standards of workers and achieving a well-balanced development of the national economy.

- *Social Security Act 1990*

Refers to Thai labor laws which aim to provide social security services by the state to individuals and households to ensure access to health care and to guarantee income security, particularly in case of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner.

- *Regulations of the state B.E. 2534*

Refers to Thai regulations which aim to mention employee's benefits who works in a unit of state enterprise. Those benefits consist of benefits in relation to working day and hours, female employee benefits, wage, overtime, and holiday works, allowances, welfare, and compensation.

- *Leave-related Regulations of the Commissioner B.E. 2539*

Refers to Thai leave-related regulations which aim to clarify rights of employees who work in a unit of government administration. This leave-related regulations consist of regulations on sick leave, maternity leave, personal leave, holiday leave, rituals leave, military leave, training leave, leave on duty, and spouse-followed leave.

CHAPTER II

LITERATURE REVIEWS AND CONCEPTUAL FRAMEWORK

This chapter firstly presented a descriptive explanation on conceptual frameworks in relation to engendering factors formulating maternity policy and followed by four leave-related policies, and maternity-related legislation in global and national context. As mentioned, leave-related policies are categorized into 4 groups - family leave, maternity leave, paternity leave and, parental leave and childcare leave. Those are depicted in global context.

Having said so, those are listed as followed.

2.1 Conceptual framework

2.1..1 Internal factors

2.1..2 External factors

2.2 Leave-related policies

2.2..1 Family leave

2.2..2 Maternity leave

2.2..3 Paternity leave

2.2..4 Parental leave and childcare leave

2.3 Maternity-related legislation

2.3.1 International maternity legislation

2.3.2 National maternity legislation

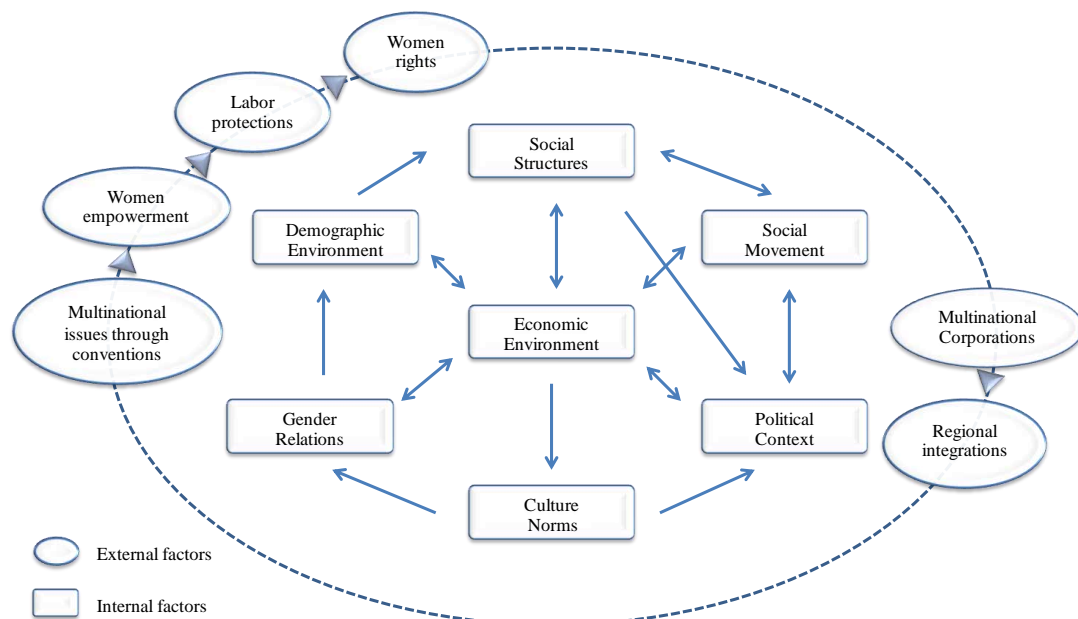
2.1 Conceptual framework

In its simplest sense, ‘policy’ refers to a broad statement that reflects future goals and aspirations, and provides guidelines for carrying out those goals. Hill (1993: p.47 cited in Osman, 2009) defines ‘policy’ as ‘the product of political influence, determining and setting limits to what the state does’. To be more precise, when government takes a decision or chooses a course of action in order to solve a social problem, and adopts a specific strategy for its planning and implementation, it is known as public policy (Anderson 1975 cited in Osman, 2009). However, even though there have been arguments from various policy experts whether public policy is best conceived in term of a process by one level of organization, Gilliat (1984) interestingly opinioned that a policy decision ought to be fluid and flexible following social environment. The policy decision involves negotiation, bargaining and

accommodation of many different interests such as politics, economic, sociology, finance, and so on. Thus, it is bolded that policy making is not simple but is likely to be a complex dynamic process involving varieties of groups and interests at different stages.

Policy making is not merely a technical function of government, but it is also influenced by diverse natures of socio-political and other environmental forces. Maternity leave policy either. Maternity leave policy is grouped into health policy as one form of public policy which, in common sense, aims to offer leave absence for sake of physical well-being of working mother in case of childbirth and following and protection on employment. Alike other policy making, maternity leave policy also has shaped by differential societal forces which, personally, are divided in to two sections; internal factors and external factors.

Chart I shows functions of engendering factors on maternity leave policy making.



Engendering factors on maternity leave policy

Internal factors

In this term, internal factors mean factors which process in a country and influence maternity policy making in one nation. Those consist of economic

environment, social structures, social movement, political context, cultural norms, gender relations, and demographic environment.

Economic environment becomes the first priority factor due to its outstanding changes and impacts on surrounded factors structuring. Clearly, economic forces impact on maternity leave policy formulation since women's economic participation has been a subject to shape social welfare or benefits which are usually distributed through maternity leave policy aiming to assist women labor on family and work burdens. Higher women's economic participation has been presented in societies. For example, in Asia, Korean women economic participation rate in 1970 was 39% while 50% was recorded in 2008. At the same manner, the rates of Malaysia, Singapore and Indonesia also have increased.⁴ One thing that influenced higher women's economic participation has been represented through social movement such as female higher education (Eun, 2007) and weakening traditional family values (Kim, 2000). Furthermore, Mathana (1997) stated that poverty also has become another reason pushing women into labor market in order to be income earners or second breadwinners. With the growth of women economic participation rate, it has brought new paradigm of women's role. It is said that, instead of being housekeeper, in 21th Century, women are more willing to be employed and spend less time on childrearing which have an effect directly on children. Hence, despite the fact that women are given more opportunities on economic production, these opportunities have been conductive to negative impacts. For one stance, Thailand recently has been claimed by UNICEF (2005) on poor breastfeeding rate and child health conditions which are as one of results of high formula milk powder feeding rate that woman has treated while working. This reflects changing parenting culture these days. Besides, greater women labor force has conducted to late marriage, low fertilization, cohabitation, and divorce. (Eun, 2007) As a positive result, the female labor growth also has shaped new gender role where paternal and maternal activities share more burdens. (Emiko and Kayoko, 2006) Shortly, we can see that socio-economic environment considerably has misshaped women's role in this century, where higher provision on social welfare and protection are demanding to support.

⁴ Since 1980 to 2009, women economic participation rate of those three countries have increased. The rate of Malaysia, Singapore and Indonesia were recorded at 41% to 44%, 45% to 54%, and 44% to 52% respectively. (Data based on Worldbank)

Apart from socio-economic environment, culture norms have also played a role to shape maternity leave policy. With this matter, policies in developed countries differ from those in developing countries as well as in West and East region. The policy in West and East is quite distinct due to cultural norms, especially on gender role. In West, women enjoy more gender equality that is practiced in societal and political level. On the other side, in East, cultural norms limit Asian females' enjoyableness on both social and political opportunities since male-dominance is considerably acceptable in countries and molds various discriminated practices such as male preference for son and for high position. In Hudson's study (2004), China, India and Pakistan recently have very strong preference for sons while Ornsaran (2005) raised another opinion that South Korea and Vietnam also have the high preference due to Confucian values. With the preference, females are treated poorer than males and given fewer opportunities on social activities as we can see from positions held by females. In term of proportion of seats held by women in national parliament, a number of Asian proportions are lesser than Western one while, in actual, major proportions belong to maleness. In case of Japan, the female proportion in 2011 was recorded at 11% whereas the female proportion of Sweden ranks the highest percentage of 45% among European nations. Likewise, the female proportions in some Asian and Western countries also show same trend.⁵ However, when assess maternity leave policy between East and West, outstandingly, an unequal treatment by laws on females appears on low maternity benefits and protection which leads to social dilemma at last such as childless preference (Eun, 2007), early marriage in Indian society (NIOS, n.d.), prostitution (Ornsaran, 2005), and extension on marriage decision (Schultz, 1997). Such exploitations function as obstacles to a growth of women empowerment and national development. In sum, cultural norms, especially on gender preference, have played a significant role to shape maternity leave policy which benefits, generally, as social welfare in society.

Now it is highlighted that maternity leave policy making seems to be a mega project in which several issues are taken into account rather than just to legislate and practice. Changing social structure is one another factor influencing the policy making

⁵ According to World bank (2011), in Asian countries, the proportions of Korea, Thailand, Vietnam and Indonesia were recorded at 16%, 13%, 24% and 18% respectively. Meanwhile, in Western countries, the proportions of Spain, Netherlands, and Norway were recorded at 37%, 39%, and 40% respectively.

process. Back to late marriage as one of negative results, apart from a reduction of fertilization opportunities, this also impacts on numbers of family members. Eventually, this decline conducts to various changing social structures such as a growth of nuclear family. Schultz's study (1997) showed that one thing manifesting a new form of family composition in Taiwan during 1976 - 1995 is income distribution across household which reflects household production and consumption technology, price, the relative wages of women, men and children, possible cultural factors, and the heterogeneous preferences of household members. It is once again that these dilemmas are influenced by economic constraint which leads to misshaped social structures. Besides, as a last engendering factor, political context also plays on maternity provision. Apparently, this can be emphasized for political campaigns or for popularity. Once, maternity provision has been used for US political issue in 1978. At that time, under Ted Kennedy's office, he enforced one passage on Pregnancy Discrimination Act which mentioned on dismissal due to pregnancy as illegal while, in 1990, an unpaid leave for the birth of a child or for family emergencies was required through The Family and Medical Leave Act. Up until now, still, US government has been facilitated maternity benefits through family leave which provides only 12 weeks with no subsidy. Even though there are no evidence showing links between Kennedy's maternity vision and his 7-time offices, historically maternity vision has been campaigned in political issues.

Apart from these internal factors, external factors also play an important role on government decision and policy administration in order to sustain country's reputation at international stage.

External factors

In this term, external factors mean factors from outside country which influence government administration and policy-making. Those are displayed as an existing factor and a potential factor.

Of existing factor, external factor can be seen from multinational issues through conferences and conventions where global regulations are released. The global regulations have become standards for nations to practice since one issue is emphasized. It can be realized from international organizations such as International Labor Organization, United Nation, World Bank, and so on. Since the issue becomes

more important, the organization will serve to define practices and rules. The practices vary, depending on national law and administration of each country. With regard to maternity-related issues, they can be viewed on women right, women empowerment and labor standards, for example. Hence, the author will exemplify those issues in next step.

At World Conference on Human Rights 1993, called as Vienna Declaration and Program of Action, rights of women have been initiatively underlined as a component of human right which are called for international attention to strengthen and further implement the body of human rights instruments that have been painstakingly constructed on the foundation of the Universal Declaration of Human Rights since 1948. In this conference, 171 states representatives have consented. Moreover, this issue is also connected to the 1995 Fourth World Conference on Women, called as Beijing Declaration, which aims to enhance advancement and empowerment of women⁶ in a relation to women's human rights. With these conferences, they have brought ways for global corporation by international organizations and national agencies as we can see from representatives' consensus. Apart from agreement in these conferences, in order to gain state recognition, to follow global standards has become a key essential such as performances on maternity protection, on-work accident prevention, labor welfare protection, employment protection and so forth. This explained how international regulations are important to nation policy making. In addition, of potential factor, since ASEAN integration has been mobilizing nowadays, negotiated agreements from integrated nations could create a new perspective in South-East Asia in near future, particularly in maternity issues of labor standards, in order to deal with free-flow of foreign labor. Hence, it is underlined that to standardize suitably to international stage should take into account as well as to sustain nation reputation, following international agreements and environment.

With all said and done, maternity leave policy making is bolded to be a mega project in which several issues are taken into account rather than just to legislate and practice. There are many challenges and hazards along the way to formulate the policy. The policy-making involves multiple interests, complex analysis, conflicting information,

⁶ Women empowerment has been subjected in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979 where aims to take all appropriate measure to eliminate discrimination against women by any person, organization or enterprise and to provide a legal framework for women's empowerment and participation in development process.

and other environment forces in both societal and international level, such as socio-economic, political and cultural factors which policymakers or legislators need to carefully pay attention as well as policy administrators dealing with its functions.

2.2 Leave-related policies

In this part, the author introduced 4 leave-related policies with definitions and characteristics in global context which are given below.

The term “leave”, by and large, refers to duration of absence whereas, as defined by Online Dictionary (thefreedictionary.com), it also refers to 3 more definitions: 1) farewell or departure, 2) permission to do something and 3) official permission to be absent from work or duty, as that granted to military or corporate personnel. In employment system, this term may refer to educational or training leave, sick leave due to illness or injury, holiday or vacation, strike or lockout, personal leave due to personal issues, maternity leave or parental leave and other circumstances effecting to work tasks, which are served for employees. Generally, the leave is always sharpened in accordance with cultural and social norms of each society. With this matter, leaves vary while they are also diverse according to political environment. Nevertheless, this study focuses only leaves in relation to parenting purposes. Four leave-related policies are mentioned as followed.

2.1.1 Family leave

In Western countries, mostly, the term “family leave” is utilized in order to bundle family purposes for taking time off from work in goals of supports for family-provided care work, childbirth, care of an infant, bonding with an adopted child, or care of a sick child, spouse or parent. This is called ‘emergency leave’. For example, according to Family and Medical Leave Act in the States, family leave concludes maternity, paternity, and parental leave, which is in a total duration of 12 weeks time off from work to care for an infant or young child without cash benefits (Rudd, 2004) while some states offer paid family leave. California grants employees up to 55% to their daily wage and New Jersey grants more, up to 66%. Moreover, American female employees are also eligible to job protection. Other than that, more family leave in OECD countries is displayed on table I.

Table III : Family leaves in some OECD countries

Country	Family leave duration	Payment	Remarks
United States	12 weeks	unpaid	Family leave includes maternity leave with accordance to Family and Medical Leave Act (FMLA), job-guaranteed to care for a newborn, newly adopted child or sick family member. Some states offer paid family leave; California (6 weeks leave up to 55% of their weekly wages), New Jersey (6 weeks leave up to 66% of their weekly wages), and Washington (5 weeks leave with 250\$ weekly wages)
Mexico	4 weeks /year		Up to 30 days/year for children aged younger than 10 years old.15 days/year for children aged older than 10 years old. Family leave excludes maternity leave
Netherland	1 week 3days /year		Family leave excludes maternity leave
Luxembourg	2 days /year		Family leave excludes maternity leave
Ireland	3 days	paid	Family leave is defined as emergency leave.

Source : Kamerman, S.B. (2000) and Catalyst (2011)

2.1.2 Maternity leave

Maternity leave is identified narrowly under a purpose of maternal physical well-being due to childbirth which is in contrast to family leave and legislated according to national laws. Having said so, employed mothers are entitled to take a leave in a period of before and after a deliver due to childbirth. The maternity leave can be recalled as “pregnancy leave” in Canada. Historically, maternity leave policy provided only 12 weeks with case benefit that is not less than two-third of prior income while, nowadays, more maternity protection and benefits are included such as job protection, medical cares, nursing hours and breastfeeding facilities. Those additions are provisioned through Conventions by International Labor Organization (ILO), which is descriptively mentioned in page 25.

As mentioned that maternity leave is legislated according to national laws, its diversity has been found in a global picture. In some countries, maternity leave is

enforced with compulsory prenatal and postnatal leave while, in some countries, it is not. These differences can be viewed on table II.

Table IV : Maternity leaves mandating pre and postnatal duration in some countries.

Country	Maternity leave status		Leave duration		Payment (Amount of wage replaced)	Remarks
	Volunteer (Weeks)	Compulsory (Weeks)	Pre-natal (Weeks)	Post-natal (Weeks)		
Australia			6		Paid; including 18 weeks leave paid	Maternity leave is included in 12 months parental leave where 6 weeks are allowed prior to childbirth.
Austria		16	8	8	100%	
Canada	15				55%	Additional 2 weeks maternity leave
Czech Republic	28				69%	
Denmark		18	4	14		
Finland	18				70%	
France		16	6	10	100%	16 weeks maternity reserved for first 2 children; more time for subsequent and multiple births. Post-birth leave applies to adoption as well.
Germany		14	6	8	100%	
Greece	16				50%	
Hungary	24				100%	
Iceland		12	4	8	80% paid	
Ireland		14	4	10	70%	Or 42 weeks at 26 weeks paid
Italy		20	4	16	100%	Additional 6 months at 30% pay. Full time working mothers are entitled to two hours of rest per day.

Country	Maternity leave status		Leave duration		Payment (Amount of wage replaced)	Remarks
	Volunteer (Weeks)	Compulsory (Weeks)	Pre-natal (Weeks)	Post-natal (Weeks)		
Japan		14	6	8	60%	Additional 14 weeks for twins.
Mexico		12	6	6		
Netherlands	16				100%	Under the Sickness Benefits Act, “with pregnancy treated as an illness for the purposes of the act”. If pregnancy or childbirth gives rise “incapacity for work,” the employee is eligible for 100% of her salary for up to an entire year during her illness.
New Zealand	14				unpaid	Income-tested maternity leave for poor single mothers
Norway		9			100%	Maternity is included in 42-week 100% paid parental leave or 52-week 80% paid which can be shared with the father.
Poland	16				100%	16 weeks maternity leave for first child; 18 weeks for subsequent births; and 26 weeks for multiple births.
Portugal	24				100%	
Russia		20	10	10	100%	The maternity leave is mandatory.
South Korea		12	6	6	100%	First 8 weeks – by employers and remaining 4 weeks – by Employment Insurance
Spain	16				100%	
Sweden		14	7	7	100%	At least two weeks after delivery are compulsory and additional 6 months for each child if multiple births
Switzerland	16					Varies by Canton
Thailand	12				100%	First 6 weeks paid by employer and remaining 6 weeks paid by Social Security Institutes
Turkey	12				66%	

Country	Maternity leave status		Leave duration		Payment (Amount of wage replaced)	Remarks
	Volunteer (Weeks)	Compulsory (Weeks)	Pre-natal (Weeks)	Post-natal (Weeks)		
United Kingdom		26		At least 2	90%	26 weeks of Ordinary Maternity Leave and 26 weeks of additional Maternity Leave making one year in total. The combined 52 weeks is known as Statutory Maternity Leave. A recent amendment makes it mandatory for women to take a minimum of two weeks' maternity leave immediately after childbirth (four weeks' minimum for factory workers). Pregnant employees may also be eligible for a Sure Start Maternity Grant, a one-time, tax-free payment, offered to low income mothers to buy supplies for the baby, which does not have to be paid back.

Source : Kamerman, S.B. (2000) and Catalyst (2011)

2.1.3 Paternity leave

Not only female employees are entitled to have a leave due to childbirth, but male employees are also entitled to have a leave due to a newborn of his children. Such leave is called as 'paternity leave' that offers fathers time off from work for childrearing purposes. In accordance with OECD Family database, the term "paternity leave" defines to employment-protected leave of absence for employed fathers at the time of childbirth. Culturally, the leave is shaped in a relation to division of labour on gender which is diverse globally. Some countries offer paid paternity leave while some offers nothings. However, in contrast to maternity leave, paternity leave provides shorter leave duration. In actual, the shorter paternity leave allows new fathers to take time off work for sake of childrearing arrangement while longer leave purports to share childrearing burdens between a couple. Interestingly, in some countries, paternity leave is included as a part of parental leave. Some paternity leaves around the world are mentioned on table IV.

Additionally, in some countries, childrearing after divorce, annulment and separation have become matters to mandate paternity leave in law.

Table V : Paternity leaves policies around the world

Country	Paternity Leave duration	Payment	Remarks
Australia	3 weeks	unpaid	The leave is required to commit after child's birth immediately.
Belgium	3 days	Flat rate	
Canada	2 weeks		
Denmark	2 weeks		
Iceland	12 weeks	80% paid	
Italy			No paternity leave
Japan			No paternity leave
France	3 days		
Netherland	2 days	100% paid	
Norway	10 weeks		10 weeks of 52 weeks maximum parental leave are reserved for the father.
Spain	2 days	100%	
South Korea	1 week	paid	Paternity leave is mandatory to commit within 30 days after childbirth.
Sweden	8 weeks	paid	2-week afterbirth compulsory leave.
Thailand	15 days		15 days for civil servants ; political officials, policemen and officials of the Bangkok Metropolitan Administration (BMA) after his wife gives a birth. ⁷

⁷ Thai civil servants can get paternity leave [online] Available at <http://www.straitstimes.com/BreakingNews/SEAsia/Story/STISStory_632993.html> [29th Sep, 2011]

Country	Paternity Leave duration	Payment	Remarks
United Kingdom	1 or 2 weeks		Most fathers will usually qualify to be paid by Statutory Paternity Pay during ordinary paternity leave since the Work and Families Act 2006 allows additional paternity leave and pay for fathers up to 26 weeks of Additional Paternity Leave, some paid, if the mother returns to work.
United States	12 weeks	unpaid	Paternity leave includes in family leave

Source : Kamerman, S.B. (2000) and Catalyst (2011)

2.1.4 Parental leave and childcare leave

Individually, the term “parental leave” is defined by OECD Family database as employment-protected leave of absence for employed parents, which is often supplementary to specific maternity and paternity leave periods.

In my opinion, the term ‘parental leave’ and ‘childcare leave’ can be overlapped in their purposes but their functions convey similarities. In general, both terms refer to a right of employed parents to take a leave for child’s welfare arrangement in consequences of child nurture on adoption, child’s physical problems, or child’s illness. The leave is longer than maternity leave duration. However what differs between both leaves is a cover on leave length. Childcare leave, mostly, offers for years in any purposes of child-caring while parental leave offers a shorter period for sake of newborn nurture. For example, like Spain, Hungary allows childcare leave up to child’s 3rd birthday and up to child’s 2nd birthday in Norway. Meanwhile, both childcare leave and parental leave are served in some countries. In one stance, in Ireland, parental leave is allowed to 14 week for each child while childcare leave covers up to 8 years of child’s age. However, if the child was adopted between the age of 6 and 8, the leave may be taken up to 2 years after a date of adoption order. In case of a child with disability, the leave may be taken up to 16 years of age. Additionally, a leave extension can be flexible in case of illness or other incapacity preventing employees from taking the leave within the normal period. Another instance shows in United Kingdom that UK parents are allowed to commit 13 weeks unpaid parental leave as well as unpaid childcare leave, up to child’s 5th birthday. With these instances,

it simply explained a difference between the leaves in purposes but similarity in functions. Besides, the leaves also carry divergences in interpretation since a role of father is more emphasized in parental leave. In whatever ways, parental leave and childcare leave in some countries are displayed in table V.

Table VI shows parental leave and childcare leave in some countries.

Country	Leave status		Leave duration	Payment	Remarks
	Parental leave	Childcare leave			
Australia	✓		12 months	4½ months paid	Paid at national minimum wage by government. It can be shared within parents.
Austria	✓		24 months	Partial	
Belgium	✓		3 months	75-80%; low flat rate benefit	3 months parental leave for each parent
Denmark	✓		12 months	90% of Unemployment Insurance Benefit (UIB) rate	
Finland	✓		26 months	70%	
		✓	Up to child's 3 rd birthday	Flat rate	
France	✓			Flat rate	Parental leave with 2 or more children up to child's 3 rd birthday, at flat rate, income-tested.
Germany	✓		36 months	Flat rate	Income tested-2 years; Unpaid-1 year
Greece	✓		7 months	50% paid	3.5 months for each parent
Hungary		✓	Up to child's 3 rd birthday	Flat rate	Income-tested.
Ireland	✓		3.5 months	unpaid	Both parental leave and maternity leave cover adoption.
		✓	Up to child's 8 th birthday		

Country	Leave status		Leave duration	Payment	Remarks
	Parental leave	Childcare leave			
Italy		✓	Up to child's 3 rd birthday	30%	
	✓		3 months 6 months	80% 30%	
Iceland	✓		12 months	6 months paid 6 months unpaid	Each parent can take additional 3 months for an unpaid parental leave.
Japan		✓	Up to child's first birthday		
Netherlands	✓		6½ months	100% paid	13 weeks parental leave per parent and unpaid leave for 26 weeks before the child's 8 th birthday as long as the person has been employed one year.
New Zealand			13 months	unpaid	Parental leave includes 14 weeks maternity leave
Norway	✓		13 months	80%	Parental leave includes maternity leave
		✓	Up to child's 2 nd birthday		
Poland	✓		24 months	Flat rate	Parental leave excludes maternity leave and additional a year for single parent
Portugal	✓		24 months	unpaid	Parental leave excludes maternity leave.
Spain		✓	Up until child's 3 rd birthday	Unpaid	
Sweden	✓		12 months	paid	Parental leave consists of additional two months for each parent as family benefits. Additional unpaid parental leave for 29 months.
		✓	Up to child's 1½ th birthday	Flat rate	
United Kingdom	✓		3¼ months	Unpaid	
		✓	Up to child's 5 th birthday	Unpaid	

Source : Kamerman, S.B. (2000) and Catalyst (2011)

2.1 Maternity-related legislation

2.2.1 International maternity-related legislation

As a whole picture of international maternity standards, the author described its background and characteristics since its initiation in following steps. As mentioned earlier, maternity leave has been ordinarily established in Germany during 1880s. At that time, the leave only benefited industrial female workers and provided 12 weeks with cash benefit in a rate of two-third of prior income. Eventually, it has been distributed throughout Europe region while France first followed. Since International Labour Organization has emphasized on female employee's physical health, paid maternity leave and benefits have been introduced internationally and provisioned through Conventions by the Organization. Up until now, there are 3 Conventions which their regulations have been implementing throughout the world. To acknowledge maternity international standards, maternity standards development is presented conventionally.

Since International Labour Organization (ILO) has realized on burdens that employed women have confronted in case of pregnancy and childbirth, maternity benefits were emphasized and offered in order to secure maternity physical health. The benefits were introduced in 1919 under the first Convention named Maternity Protection Convention 1919. As stated by the first Convention, female employee was entitled to commit 12 weeks maternity leave absence including 6-week compulsory postnatal leave and grant an amount of cash benefits in a rate of not more than two-third. However this benefit only covered female employees in industrial and commercial undertaking. Eventually, in 1952, the second Convention enlarged an occupation scope of female employees to cover more on non-industrial and agriculture occupation. Meanwhile the second Convention helped female employee with more benefits on specified minimum leave duration and job protection. The leave duration was specified to at least 12 weeks including 6-week postnatal compulsory leave while job protections on dismissal and fundamental medical benefits have been introduced. The fundamental medical benefits covered on prenatal, childbirth and postnatal cares. The leave was also renamed to Maternity Protection Convention 1952. Currently, Maternity Protection Convention 2000, as the third Convention, specified longer leave duration to at least 14 weeks including 6-week compulsory postnatal leave, more job

protection on career resumption to same position when return and pregnancy test, more medical benefit on hospitalization to any female employees, while nursing hours and health protection have been involved. Moreover, in term of leave duration, the Convention offered additional leave in case of the mother's illness after childbirth.

Additionally, some more-progressive maternity standards have been raised on Maternity Protection Recommendation 2000 (No.191) such as longer leave duration to at least 18 weeks full wage with additional leave in case of multiple births, more job protection on promotion determination, more professional medical cares on pharmaceutical and medical supplies, and, dental and surgical cares, breastfeeding facilities, and specific hazard works not to perform including a requirement on a transfer to another post. Descriptive details are shown on table VII.

Table VII: A descriptive maternity standard development in 6 key forms of benefits regarding Maternity Protection Conventions issued by ILO

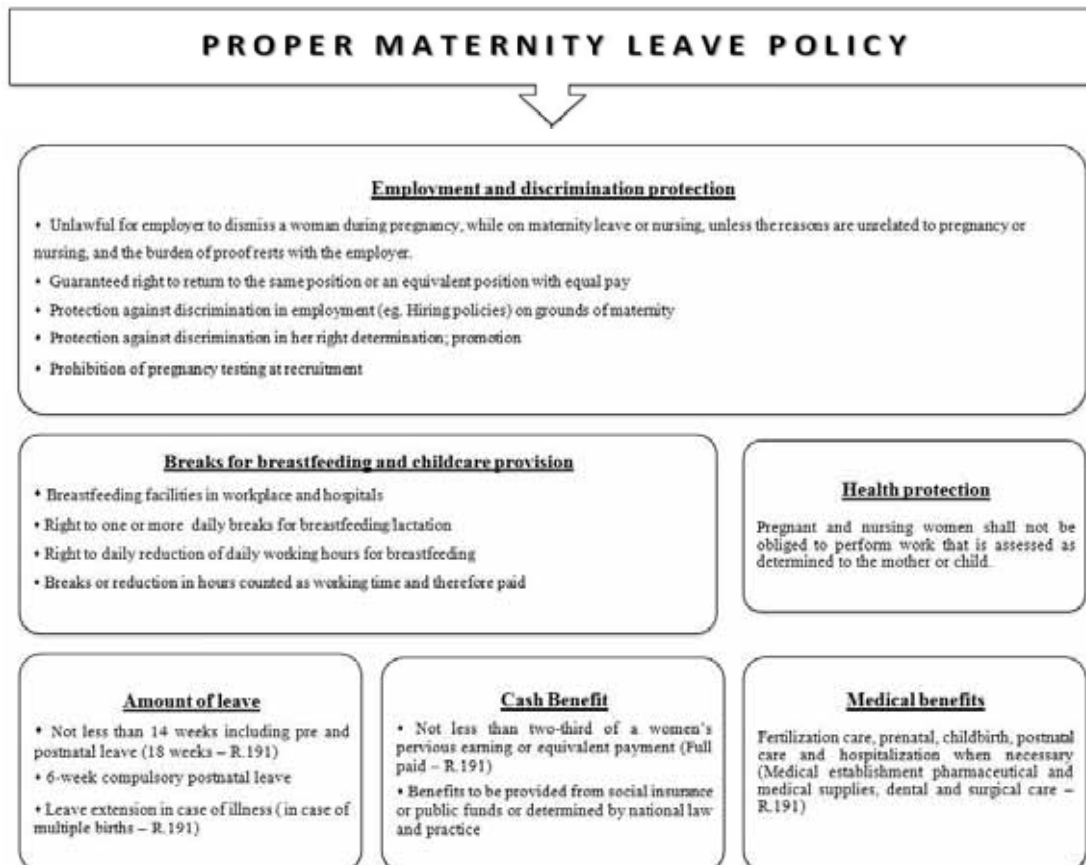
Conventions	Forms of benefits					
	Leave duration	Cash benefits	Job Protection	Medical benefits	Breastfeeding facilities	Health protection
Maternity Protection Convention 1919 (No.3)	12 weeks; compulsory 6-week postnatal leave	Not less than two-third of prior earnings	None	None	None	None
Maternity Protection Convention 1952 (No.103)	At least 12 weeks with at least 6-week compulsory postnatal leave	Not less than two-third of prior earnings or proper amount for sake of both female and child physical well-being	Protection on dismissal	Medical care; prenatal, postnatal and childbirth	None	None
Maternity Protection Convention 2000 (No.183)	At least 14 weeks; with at least 6 weeks compulsory postnatal leave and extra leave in case of illness		More protections on career resumption to same position or an equivalent position paid at the same rate of the end of her maternity leave, and on pregnancy test.	More medical care on hospitalization when necessary	Right to one or more daily breaks or a reduction of working hours or separation of breaks	Obligatory to perform work that is assessed as determined to the mother or child
Maternity Protection Recommendation 2000 (No.191)	At least 18 weeks and additional voluntary leave in case of twins	100% of prior earning (If possible)	More protections on additional consideration on a period of maternity leave service for the determination of her rights on career	More medical cares on fertilization cares at home, medical establishment, pharmaceutical& medical supplies, and dental& surgical care	More benefits on Reduction of working hours; merged breaks to a particular break and breastfeeding facilities in enterprises and hospitals	Specific hazard environment ¹ not to perform and a requirement to another lighter post

Source : Maternity Protection Conventions by International Labour Organization (ILO)

Note : ¹ Hazard environment covers (a) arduous work involving the manual lifting, carrying, pushing or pulling of loads; (b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard; (c) work requiring special equilibrium; (d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration.

Hence, proper maternity leave policy is supposed to be regulated according to Maternity Protection Convention 2000 as well as regulations recommended in Maternity Protection Recommendation 2000. Descriptive model is shown in Chart II

Chart II shows proper maternity leave policy supposed to be regulated in national law



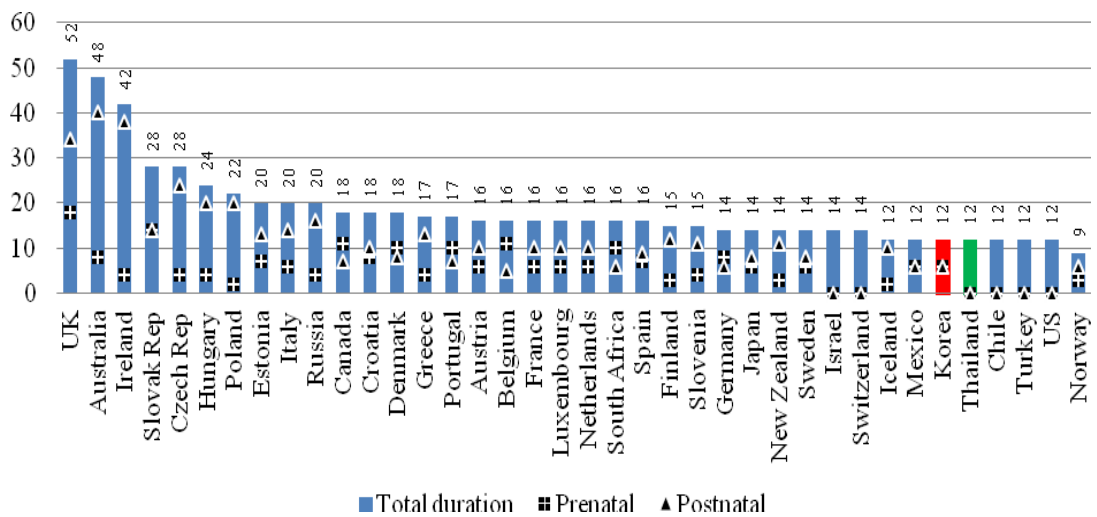
2.2.2 National maternity-related legislation

Since maternity benefits and protection have been practiced in accordance with national laws, maternity leave policy has been enforced diversely among nations. With this, the author solely shows a significant board picture while a description on maternity-related legislation in South Korea and Thailand will be displayed in following chapters.

According to Pareena's study (2007), there are 62 countries adopting at least 14 weeks standard maternity leave as followed by Maternity Protection Convention 2000 (No.183). When compared by component, employed females in most European

countries enjoy standard maternity leave duration whereas Asian employed females from 4 countries are provided such duration.⁸ Moreover, Pareena also describes maternity leave duration by region that most OECD countries have adopted at-least-14-week maternity leave duration. However eight countries (Iceland, Mexico, Korea, Chile, Turkey, and US) exclude where 12-week maternity leave is beneficial. At the same manner, 21 countries in Latin American region benefit employed mothers with 12-14 weeks leave as well as 40 countries in African region. Besides, maternity protection has been enacted against dismissal and discrimination in some countries.

Chart III shows maternity leave duration among OECD countries



⁸ At least 14-week maternity leave duration has been offered by only 4 Asian countries such as Azerbaijan (18 weeks), Cyprus (16 weeks), Japan and Mongolia (14 weeks).

CHAPTER III

RESEARCH METHODOLOGY

This chapter explained a whole process of research design which was used to conduct and obtain data. Data resources and measurements are mentioned as followed.

This study is done solely through documentary analysis.

3.1 Methods

Data is collected from a pile of secondary resources such as publication, national report, official statement, and online statistics from various reliable organizations.

3.2 Data resources

Data resources are categorized into two groups; International data resource and national data resource.

3.2.1 International data resources

International Labor Organization (ILO)

- Data in a relation to international maternity regulations according to Maternity Protection Conventions
- Data in relation to economic participation

United Nations Development Program (UNDP)

- Data in relation to economic participation
- Data in relation to fertility issues
- Data in relation to life expectancy

World Bank

- Data in relation to economic participation
- Data in relation to fertility issues

Organization for Economic Co-operation and Development (OECD)

- Data in relation to statistic of OECD countries

International Network on Leave Policies and Research

- Data in relation to international review and leave policies among OECD countries but Japan, Korea, and Turkey.

3.2.2 National data resources

South Korea

- Korea Statistic Office
 - In-depth statistic data in relation to economic participation
- Maternity-related Acts
 - Labour Standard Act 1997 : Article 65, 70, 71, 74-75
 - Labour Standard Act Enforcement Decree 1997
 - Equal Employment Act : Article 18-22
 - Employment Insurance Act : Article 75

Thailand

- Thai National Statistics Office
 - In-depth statistic data in relation to economic participation, fertility issues and infant mortality
- Maternity-related Acts
 - Labour Protection Act B.E. 1998 : Article 39 – 43 and 59
 - Social Security Act B.E. 1990: Article 65 – 67
 - Leave-related Regulations of the Commissioner B.E. 2539 : Article 18 and 22
 - Regulations of the state B.E. 2534: Article 11 - 15

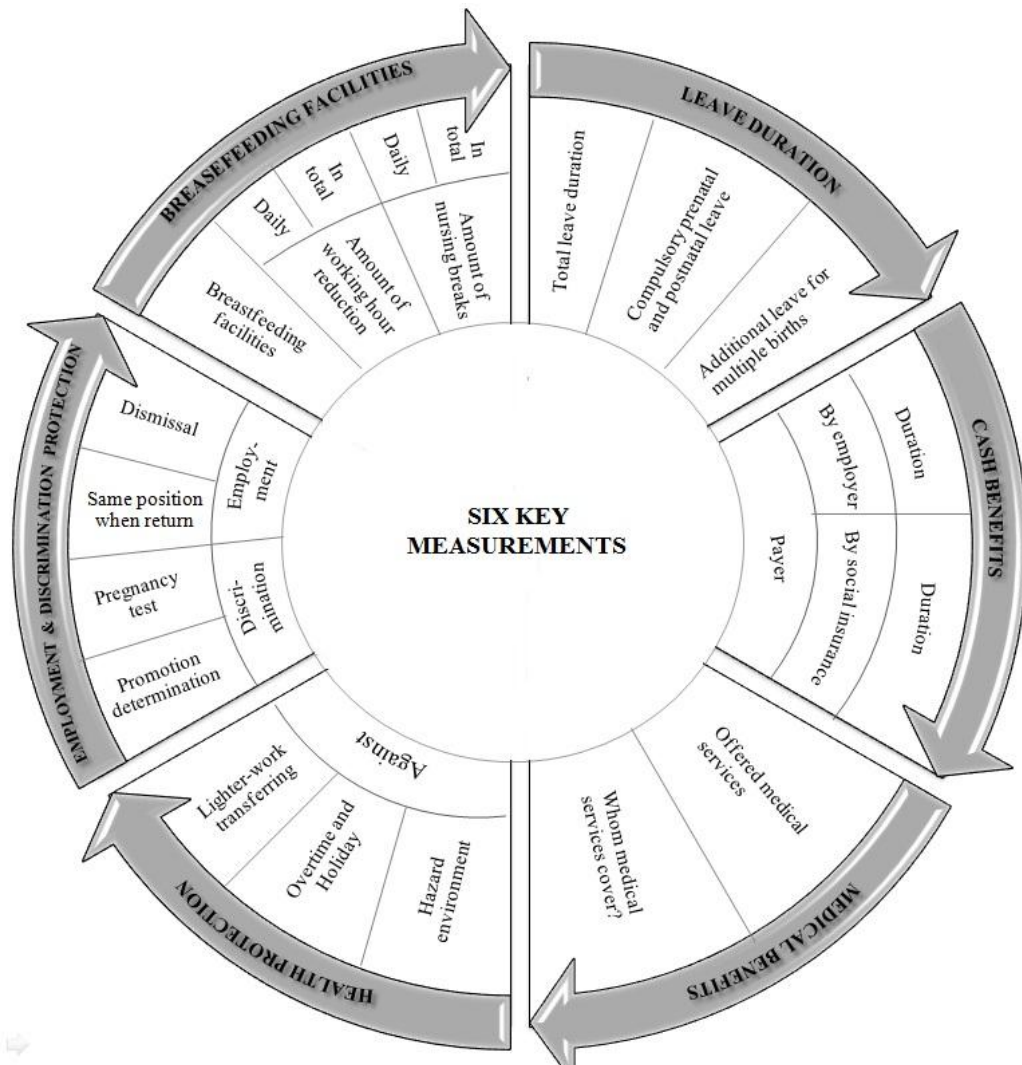
3.3 Scope of study

In order to review maternity leave policy of both countries, not only national labour laws, maternity-related Acts are also employed while analyzes mainly focus on public sector where national labour law is comprehensively applied. Additionally, maternity-related Acts are also reviewed for Thai specified sectors; government and state enterprise.

3.4 Measurements

In order to comparatively examine national legislation concerning South Korea and Thailand's maternity leave and protection policy, Maternity Protection Convention 2000 (No.183) and Maternity Protection Recommendation (No.191) are employed to indicate as international maternity standards. Moreover, as reviewed from other international maternity policies, the author found certain key similarities in the policies. With such, the author picked those as 6 key measurements while sub-measurements are also identified.

Chart IV shows 6 key measurements to comparatively examine national legislation concerning South Korea and Thailand maternity leave and protection policy.



According to 6 key measurements, a descriptive explanation is presented as followed.

- Regarding leave duration

The author measured maternity leave duration between South Korea and Thailand in issues of total leave duration, compulsory prenatal and postnatal leave, and extra leave for illness and for multiple births which are to examine whether it is provided and, if it is, how much it is provided. Conventionally, the leave duration is supposed to be offered at least 14 or 18 weeks including 6-week postnatal leave and extra leave in case of illness and twins.

- Regarding cash benefits

The author examined only a grant system between the two countries in term of payer since an amount of subsidy reaches a standard rate by not less than two-third of female employee's prior earning. It was to examine a length of subsidy granted by employer and by social insurance.

- Regarding medical benefits

The author examined what kind of medical services is offered as well as who can be beneficial. Conventionally, at least fundamental medical cares on prenatal, childbirth, postnatal and hospitalization are supposed to be offered while more professional medical cares on pharmaceutical & medical supplies, and, dental & surgical cares are recommended.

- Regarding health protection

The author examined regulations on health protection whether they are provided against hazard environment which is assessed not to perform, work overtime & holiday, and a transfer to lighter-post. Those regulations are required in the Recommendation 2000.

- Regarding employment and discrimination protection

The author examined in two major issues. First, in term of employment, national maternity legislation of both countries is assessed whether it offers protections on dismissal and on same position when return, as well as in term of discrimination as the second major issue. Protections against pregnancy test and promotion determination are investigated.

- Regarding breastfeeding facilities

The author measured in three major issues. First, in term of breastfeeding facilities, it is measured whether it is provided. Second, in term of amount of working hour reduction, it is examined whether is it legislated in national law. If so, how long it is offered daily and in total, as well as in term of amount of daily nursing breaks. It is also examined whether it is provided with a length of duration and times.

CHAPTER IV

EXPLANATION OF MATERNITY POLICY

OF SOUTH KOREA AND THAILAND

In this chapter, contents, mainly, focus on an explanation of maternity policy of South Korea and Thailand where their maternity legislation and societal contextual environment exist. The societal contextual environment can refer comprehensively to the physical or social setting in which people live or in which something happens or develops. It maybe culture that, the individual was educated or lives in, or the people and in situations with whom they interact. Hence, the author picked two influencing environments - gender role of the two countries and working culture – since they influence usages of maternity leave policy which are illustrated coming after. Additionally, in case of South Korea, a picture of parental leave policy is also displayed as it is linked to maternity issues.

4.1) AN EXPLANATION OF MATERNITY POLICY OF SOUTH KOREA

In the first part, contents start by a description on societal contextual environment where Korean culture regarding division of labor by gender and working culture are illustrated. Later, the contents are followed by an explanation on Korean maternity leave legislation and parental leave policy in a purpose to envision its system and responds from policy implementation.

Having said so, those are divided into 3 sections.

4.1.1) Societal contextual environment

4.1.2) Gender role

4.1.3) Working culture

4.1.2) Maternity leave legislation

4.1.3) Parental leave policy

4.1.3.1) Policy background

4.1.3.2) Strategies on parental leave implementation

4.1.3.3) Responds from parental leave implementation

4.1.1) Societal contextual environment

4.1.1.1) Gender role

Generally, Korean gender role is deeply rooted upon Confucian belief while economic environment is also involved these days. With this, the status of women has been changing accordingly. Traditionally, South Korea is male-dominated society in accordance with Confucian doctrine. Men and women were strictly segregated, both inside and outside the house. Korean men are reserved for skilled tasks and participated outside as an economic provider. The male is occupied as “outer”⁹ persons. Meanwhile females were placed as “inner” person who is supposed to raise a child, either for pregnancy, and responsible for domestic works. It can be said that males are privileged to be literati and occupied as breadwinner. At the same time, females are depicted as housekeeper.

During Joseon Dynasty, Yangban¹⁰ women were limited to be seen by anyone outside family and they were required to confine at home. A traditional pastime of *nolttwigi*, a game of jumping up and down on a seesaw-like contraption, can preview the picture. The game was originated among bored women who wanted to peek over the high walls of their family compounds to see what the outside world was like while those are allowed to go out only in the evening with a ring warning men off the streets and a cloak from head to toe. Whereas, women of lower classes some were given more freedom as they participated in farm work and sometimes earned supplemental income through making and selling things.

After marriage life, it was accustomed for a married couple to live with wife's parents' household. However, this custom was replaced by Neo-Confucian orthodoxy where dictated that the woman, separated from her parents, had a primary duty of providing a male heir for her husband's family. According to Neo-Confucian custom, once

⁹ The term “outer person” in Korea society refers to one whose employment provides the main source of economic support. Mostly outer person were a group of male whereas “inner” person refers to females whose chief responsibility is maintenance of household such as domestic works, childrearing, and low-skilled tasks. Anyhow, very few Korean females were occupied in public.

¹⁰ The term “Yangban” represents a governed class in a period of Joseon Dynasty (1392-1910) which was considered as “elite” in those days since those enjoy privileges on education and job opportunity. The Yangban only belongs to male members of "two orders" of civil or military officialdom. The Yangban was expected to hold public office, follow the Confucian doctrine through study and self-cultivation, and help cultivate the moral standards of Joseon society.

married, a woman had to leave her parents' household permanently and then occupy the lowest position in her husband's family. She was often abused and mistreated by both her mother-in-law and sisters-in-law--at least until the birth of a son gave her some status in her husband's family.

Even if, historically Korean female was confined as “inner person” of the family, traditional Korean female role has been weakening gradually. An interesting variation on traditional female roles continued in late 1980s. Female tends to be more “outer” since Korean laws give them near equal status to males. However it is not very much in practices. Some practice, nonetheless, was proved from a growth of women’s literacy rate¹¹. With such, more job opportunities have been opened to females. Lately, it is said that many Korean factories employ hundreds of thousands of young women on shop floors and assembly lines making, textiles and clothes, shoes, and electronic components. South Korea's economic success was brought in large measures with the sweat of these generally overworked and poorly paid female laborers. In offices of banks and other service enterprises, young women working as clerks and secretaries are indispensable. The majority of these women, however, work only until marriage while, probably, the most important responsibility of married women is to manage education of their children.

In total, as a result that Korean women are placed lower than males and offered poor-treated social activities, those seem to be pleased to step out of traditional cultural frame and participate more economically where global mobilization has been moving. This underlies another page of Korean female role in this century

4.1.1.2) Working culture

Another societal contextual environment has been seen on working culture which impacts on maternity leave policy. Working culture has clearly associated with social changes in Korea society for long. This belief is in a link with Confucianism and Korean typical stereotype - diligent, hard-working, endurable, and modest.

¹¹ As indicated by United Nations Development Program, Korean female adult literacy rate was measured at 95.9 and 99% in 2000 and 2008 respectively.

Historically, in a period of absolute monarchy by Joseon Dynasty ¹², social stratification was clearly seen through occupations in which differs from now where is evaluated from income. In those days, one who worked as a civil servant was considered as "elite" At that time, working in government services was the ultimate goal of people owing to social environment. To be accepted, one needed to go through extremely competitive civil services examination, as well as one in China, which was opened for anyone, regardless of social class. Thereby, people were given opportunity to lift social status since those would be lifted to a class of "Yangban" when passed the examination, and promoted accordingly depending on outstanding distributions.

Regarding to work promotion, it is considered on their prominent accomplishment distributed to society. Thus, not only higher social position Yangbans enjoying, but financial grants and privileges also were reserved for them after the prominent works. With these benefits, they indirectly formed Korean stereotypes in diligence and knowledge seeker since then.

Prior to this, examination candidates were required to keep studying and train themselves in a belief of self-cultivation to be scholar-officials. At the same time, those were also required to work hard among rivals. Suchlike, it can be concluded that education employs social lifting step. Up to present, this belief has still existed in Korea society. This could explain from a trend of youth's higher education. Instead of taking traditional civil service examination like before, the current young Korean studies hard for sake of big-named schools entrance.¹³ It is believed that one who is high educated and talented will be given better job opportunities and respectfulness from others. In working system alike, many employees are still required to work hard to get benefits and promotion which are counted on noteworthy accomplishment while those are also classified by education. Nevertheless, with such system, those could be depressed from surrounding environment if nothing, more or less, is distributed while working competition is quite high under strong seniority.

¹² Jeseon Dynasty is the last dynasty in a Korea peninsula which their tenure took place during 1392-1910 and vanished after the Japanese colonial.

¹³ Top five Big-named schools in Korea have been accepted as 1) Seoul National University, 2) Korea University, 3) Hanyang University, 4) KAIST and 5) Pohang University of Science and Technology.

Besides, a relation among colleagues also takes a big influence in working system since, positively; it promotes friendship to create harmony within organization. However, negatively, it impedes female to commit maternity-related leaves due to forthcoming disconnected relation. Supposed that one employed mother is absent from office. She will be also absent from in-organization connection - including a relation among workmates – due to a break leave. With this, those would confront working difficulty as a “new comer” when returned as well as self re-proof that it takes time to overcome. This is another barrier Korean Government is confronting after the leaves strengthening.

4.1.2) Maternity leave legislation

As a matter of the labor law ¹⁴, South Korean working mother is protected against any violation. Korean pregnant female employees are able to take a total of 90 days leave before and after childbirth which they are full compensated by both their employer and employment insurance. ¹⁵ The leave includes compulsory 6-week postnatal leave. ¹⁶ In term of payrolls, a Korean employed mother will be granted for 60 days by an employer and the remaining 30 days by employment insurance. Under maternity protection, those are protected against dismissal¹⁷ and offered paid nursing recesses, twice per day for more than 30 minutes each when her infant is under 12 months. Also, pregnant employees are not allowed to work overtime and they must be assigned to light and easy work. ¹⁸ This protection can be invalid by the worker’s consent and the approval of the Ministry of Labor.

Back to the old days, a Korean employed mother was allowed to take only 60 days unpaid. After an amendment of Equal Employment Opportunity Act in 2001, 90-day leave paid has been introduced. At that time an amount was 200 US\$ while it has been increased to 500 US\$ (1 US\$ equals to 1,000 won) in 2007 and beneficial to employed mothers as minimum subsidy currently. For more descriptive information, please see more detail in an attached CD-ROM.

¹⁴ Labor Standards Act (LSA) and Equal Employment Act both apply to all persons working in any occupation in a business or workplace for the purpose of earning wages. Exceptions are domestic workers, day-laborers and ‘specially-employed workers’- e.g. those classed as freelance contractors are not covered by LSA.

¹⁵ According to article 74 of LSA

¹⁶ According to article 74 paragraph 1 of LSA

¹⁷ According to article 30 paragraph 2 of LSA

¹⁸ According to article 72 paragraph 2 of LSA

Besides, an employed man can take a leave in case of child's birth which is legislated for 3 days paid. However, the leave can be extended up to 7 days.

4.1.3) Parental leave policy

4.1.3.1) Policy background

As mentioned earlier that Korea is confronting to a demographic decline as shown on low fertility rate, several strategies have been established in order to boost population rate. To strengthen maternity benefits and parental leave policy has become significant strategies. With this matter, the author briefly explained parental leave policy below since it also links to maternity issues.

As an origin, Korean parental leave policy was renamed from 'childcare leave'¹⁹ in 1995 in order to emphasize responsibilities of fathers. At that time, employed parents were allowed to take a year leave unpaid. (Sung, 2010, p.6) Until 2007, the parental leave policy was strengthened by extending a covered child age to 3 years old. Also, maternity benefits as subsidy has been revised and financed under an amount of 500 US\$ (When 1US\$ equals to 1,000 wons). With this amount, Sung (2010) pointed out that the amount of benefit is too far below an earning for working mothers in financial difficulties to take leave. This covers only 20% of average wage for workers in Korea. However, like maternity leave, the parental leave is also protected. The employed parents are protected against dismissal and job security, and allowed to request working hour reduction instead of taking parental leave. The working hours per week after the reduction shall be 15 hours or more but not exceed 30 hours.

Additionally, considering paternity leave, an employed father has just been entitled to take 3 days leave paid within 30 days after his child's birth in 2007. However, the leave can be extended up to 7 days paid with job protection currently. The leave is also protected which stipulates an employer's punishment in case of any violation. In term of payroll, if a company refuses to grant leave, it can be fined up to 5,000 US\$.

¹⁹ The childcare leave was adopted and governed by Equal Employment Act in 1987 which offered a parent to take unpaid leave in order to care a child whose age is under 1 year old.

4.1.3.2) Strategies on parental leave implementation

Back to parental leave policy, for years, Korean government has been established several strategies to boost population rate. The government started emphasizing parental leave as a solution since 1990s. (Sung, 2010) This formulated the leave development which we can see from various challenging strategies below.

Table VIII shows implementations of parental leave policy

Year	Amendment	Conditions	Purpose
1987	-	Childcare leave was established. At that time, either the mother or the father was entitled to take a-year childcare leave unpaid in order to care the child whose age was under 1 year. The leave must be consecutive within the child's first birthday.	-
1995	Renamed to 'parental leave' and offered benefit to parents	Childcare leave was renamed to 'parental leave' in a purpose of gender equity. Thus, both father and mother were allowed to take a-year parental leave unpaid whose newborn was under 1 year old.	To emphasize childcare responsibility of fathers
2007	Increased the age restriction from 1 year to 3 years	Public servants with children under 3 years old were able to apply for a-year parental leave, either in consecutive and periodic	To extend age restriction
2008	Increased the age restriction from 3 years to 6 years	The government allowed public servants to take time off for childcare purposes if their children were under six years old whereas the government allowed private firms workers to take time off for childcare purposes if their children were under three years old.	To extend age restriction
2010	Expanded the range of worker eligible for parental leave	The government allowed both public servants and private sector employees to take time off for parental purposes if their children were under six years old.	To allow them to build psychological and emotional links with the children and help with parental duties.
	Extended parental leave duration to two years with flat rate state subsidy; 500,000 won	Both male and female were entitled to take parental leave for a year each when the child was under 6 years old. Limitation : First year is only subsidized	To emphasize responsibility of fathers in childrearing.

Year	Amendment	Conditions	Purpose
2011	Increased state subsidy by salary, capped at a million won	A female employee who commits first-year parental leave is entitled to be subsidized by 40% of salary in case of pregnancy	To urge high-salary working women to have a birth
	Increased the age restriction from 6 years to 8 years	Public servant mother with children under 8 years old will be able to take parental leave with monthly subsidy in a rate of 40% of monthly earning.	To extend benefits on preschool children

According to the second plan on Child Promotion Policy, Korean government stated to compensate companies to some of losses stemming from these challenges. Also, the government will encourage companies and state-invested firms to establish “a smart work” system where females can work from home.

With this, we can see maternity-related development through parental leave policy by Korean government where the policy has been revised and distributed to society continually and progressively. However, not only demographic decline has mattered in this progress, socio-economic factors are also involved.

Engendering factors on policy development

In a direct manner, parental leave reform has been influenced by a need to favor environment for childbirth and childrearing for sake of demographic boost whereas socio-economic circumstances have stood at the back of this stage. Such, in-detail explanation is given below.

➤ Economic factors

- *Higher women's economic participation rate*

Significantly, women economic participation rate has taken an influence on policy development since the rate has been grown up.

Chart V shows economic participation rate by gender during 1970 – 2008

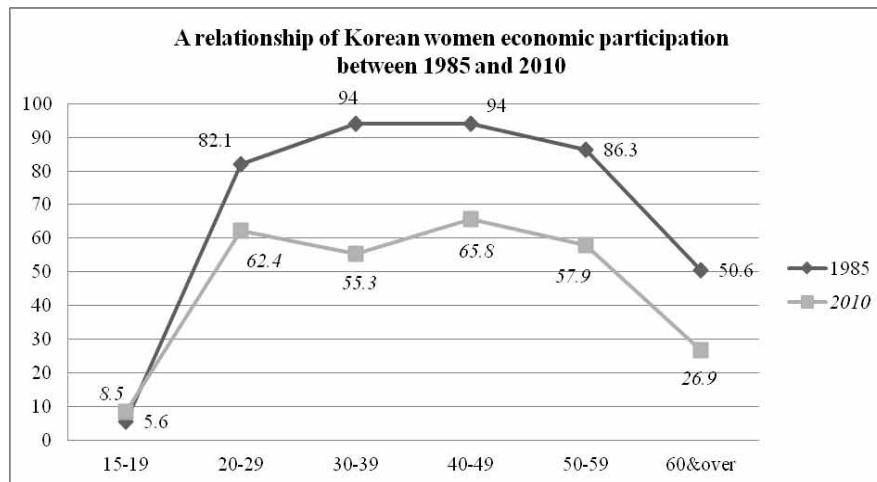


Source : Korea National Statistical Office, 2011

Based on above chart, Korean women's labor market participation rate has increased bit by bit. It reached 50.2% in 2006 for the first time after a record of 39.3% in 1970. Even though this increasing trend has slightly dropped in 2008 to 49.9%, still it has remained in an increasing position. On the other side, men economic participation rate has gradually decreased in a trend. The rate went highest to 79.9% in 1970 whereas it was 73.4% in 2008. Nevertheless the author found that, with this divergence, a gap of economic participation by gender decreased from 38.6% in 1970 to 23.5% in 2008. This might represent lowering gender discrimination in Korean society.

Back to women economic participation, apart from a board picture of an increasing women labor force, a number of Korean employed females has also grown up when we looked in detail. Regarding to Korean female labor force by status of worker during 2000-2010, the number has been in a rising trend in all fields but in fields of non-salaries workers, own account workers, unpaid family workers and daily workers which have slightly gone upside down. (see table G,H,I) Similarly, the number by occupations during 2003-2010 has also become larger. (see table E and F) Moreover, when we looked at Korean female labor force by ages, a trend is displayed in an M-shaped line in 2010. This totally differs from a trend in 1985 which was displayed in reversed-U shape.

Chart VI shows a relationship of Korean women economic participation between 1985 and 2010.



Source :

- 1985 databases stem from National Statistic Office (2008). Annual Report on the Economically Active Population Survey.
- 2010 databases stem from Korea Statistic Office (2011). Annual Report on the Economically Active Population Survey. 2011.

Based on above chart, a 2010 proportion of Korean female labor force in ages of 20-29 and 40-49 has been the two highest rates. It can be said that women aged between 20-29 and 40-49 have become majorities in female labor force whereas ones aged between 50-59 followed. Astonishingly, the proportion of women aged 30-39 become the third minority. With this matter, Eun (2007) explained that this is as a result of an absence for childcare purposes during their thirties of women while the women will return to labor market in their forties and remained until their fifties.

Shortly, with a match of the increasing women labor force and low fertilization, Korean government has searched for strategies to facilitate female employees, which has contributed to policy development afterwards.

➤ Social factors

▪ *Youth's late marriage*

Not only an economic factor which has been conducive to maternity-related policy development, social factors also have played a great part on.

According to a previous chart showing M-shaped line in women economic participation by age, we learnt that women in their thirties have absented from labor market for childcare purposes. This was contributed from late marriage. Traditionally,

Korean are believed that a proper marriage age should be at 25 years old. Having said so, in those days, when a child's twenties-five approaches, Korean parents would find a match to their children. However, in these days, the proper marriage age has changed. According to Korean National Statistic Office, an average marriage of Korean male was 31.6 years old in 2009 whereas it was 28.7 years old for female. It rose from 29.1 and 26.3 in 1999 for male and female, respectively. Meanwhile, an average age of women who give birth was 31.0 years old in 2009, rose from 28.7 in 1999.

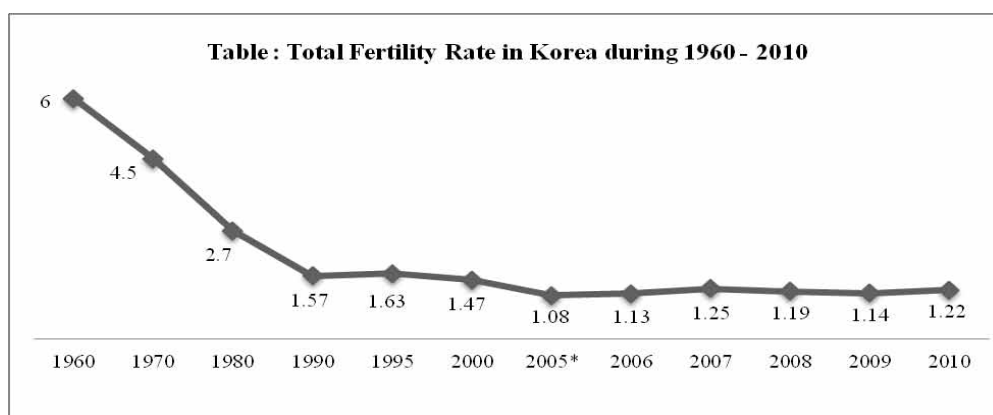
Obviously it can be seen that current favorable marriage age for both genders were replaced by older ages, which lessens 'female biological clock' to give a birth.

- *Low fertility rate*

As said, low fertility rate has become the first priority that Korean government is concerned on since it led to a demographic decline and mismatched population structures.

Korean total fertility rate has decreased dramatically since 1960 to 1990. At that time the rate of 6 dropped to 1.57 in 1990. It can be said that, 52 years ago, one Korean woman would give six births in her life time whereas, over decades, the woman in 22 years later gives fewer births. Since then, it brought an attention from Korean government. Many discussions have been raised concerning this issue.

Chart VII shows total fertility rate in South Korea during 1960 - 2010



Source : Korean National Statistical Office (2008), Population Trend Survey.

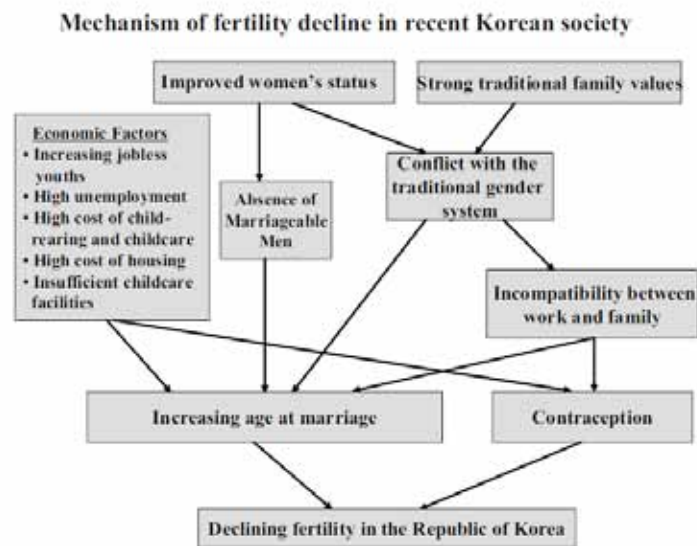
Note : Average number of babies born to women during their reproductive years (15-49).

* The rate in 2005 was the lowest rate of all Organization for Economic Cooperation for Development (OECD) countries, well below the 1.71 average of OECD nations.

Listening to Kim (2000), he opined that the low rate has become from rapid economic growth after turning to export-led industrialization by nation policies of the third president, Park Chung Hee, whereas Eun (2007) argued that it might happen from success of family planning program in Park's regime (1960-1980) in order to improve economic status after Korean war (1950-1953). At that time, for sake of economic boost, "One child, double income" was used as a slogan to control population growth. "No kid, double income" either.

Also, Eun (2007) manifested an in-depth mechanism of fertility decline in recent Korean society as below.

Chart VIII shows a mechanism of fertility decline in recent Korean society.



Source : Eun Ki Soo (2007)

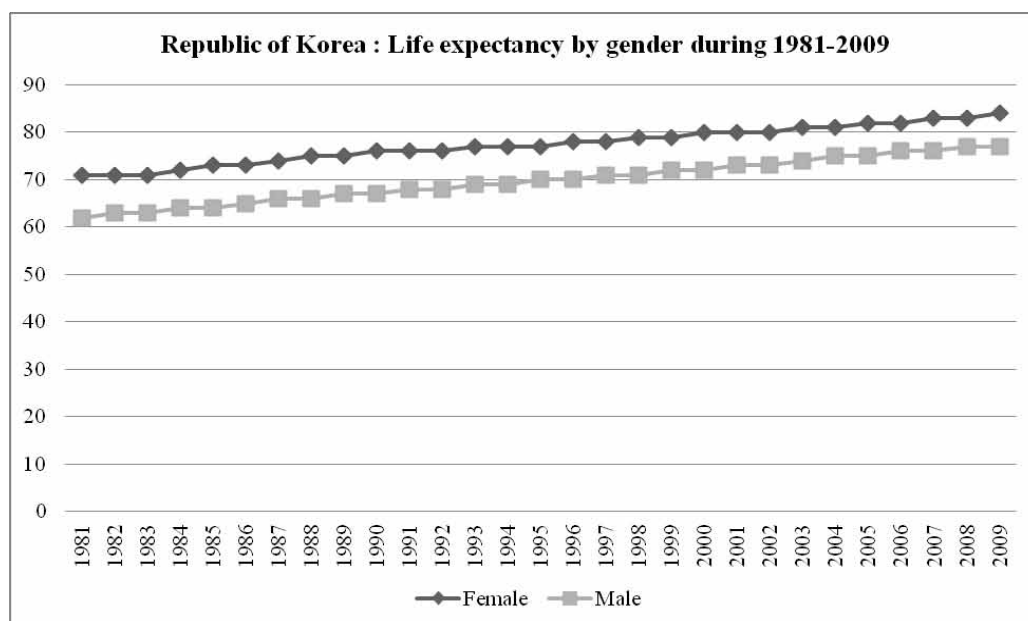
Moreover, Choi Seon-jeong, president of the Planned Population Federation of Korea, explained that reasons for low fertility rate are late marriage, unfavorable social environment for women to balance work and family burdens, and high cost on childraising.

Shortly, declining fertility rate in Korea society nowadays is as a result of convergence of rapid economic development and success on family planning policy during 1960s which impacts on population structure afterwards.

- *Aging population*

Aging population has become another social factor suffocating South Korea. With more advanced medical cares, Koreans in this 21th century tend to live longer than those in the past. As we can see from Chart V, female Korean in 2009 is more likely to live longer than those in 1981 for 13 years, indicated as 84 years old. Meanwhile Korean male tends to live longer for 15 years than those in 1981.

Chart IX shows Korean life expectancy by gender during 1981-2009



Source : World Development Indicators. Worldbank. 2011

This contributed concerns in society. As foreseen by Choi Seon-jeong concerning Korea's population crisis, he warned that it will take only 18 years for an ageing society (7% over 65) to become an aged society (14% over 65) and only 8 years for an aged society to become a super-aged society (20% over 65) (See table K). If a preparation to meet the situation of aged society and super-aged society is not well done, many social problems will be inevitable. The fewer working-age population will bear heavier burdens of tax and social security because they have to support the aged population. Conflicts between different governments will probably get severe.

Moreover, an ageing rate of workers will also increase as we can see from its growth up to 39.5% in 2004 from 15.7% in 1980 whereas the rate of workers in their 20s decreased sharply from 60.6% in 1980 to 27.5% in 2004.

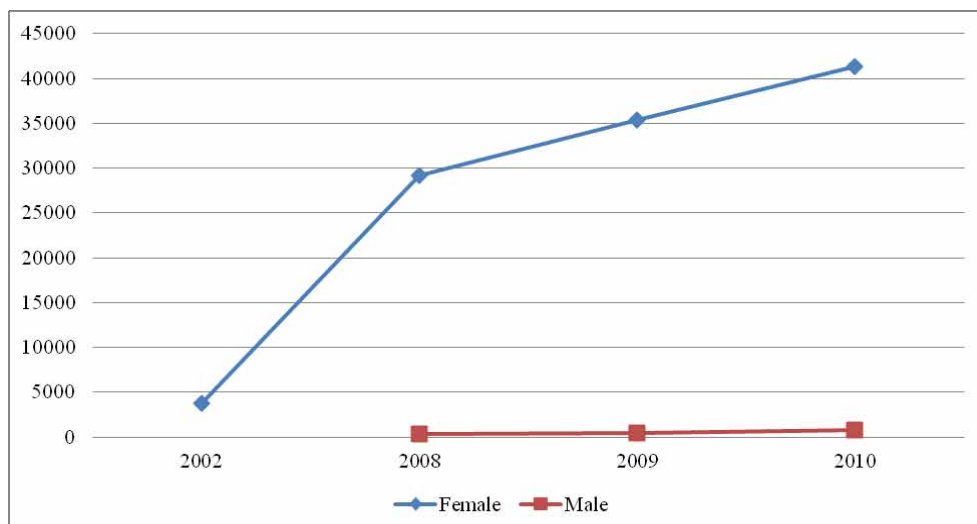
In sum, in order to overcome these crises, Korean Government pushed effort on pushing maternity-related policies to create favorable environment for childbirth and childrearing and an improvement of life quality in aged society. Attempt to reduce the financial burden was established by subsidy on costs of childrearing through maternity-related policy, including strengthening parental leave policy. Moreover tax reduction, extension on childcare facilities and after-school programs are distributed to reduce burdens for parents.

4.1.3.3) Responds from Korean maternity-related policy implementation

Now we learnt that causes of Korean maternity-related policy development are involved in higher women economic participation, late marriage, low fertility rate and aging population. Here, the author collected feedbacks from policy implementation and impacts in any side. After policy implementation, responds have been shown in both positive and negative sides.

In positive side, the policy has been effectively active as we can see form a growing number of policy utilization.

Chart X shows parental leave utilization of Korean salaried worker in private sector during 2010 – 2002



*No date in 2002 for male

Source : Ministry of Employment and Labor

According to Ministry of Employment and Labor, a total of 41,736 salaried workers in private sector taking parental leave in 2010 was up to 35,400 a year earlier from 29,145 and 3,763 in 2008 and 2002 respectively. However, of the 41,736 in 2010, it is

indicated only at 1% of all when only 819 were men taking such leave, up from 502 in 2009 and 355 in 2008.

Simultaneously, Ministry of Public Administration and Security informed that this leave participation figure has been increasing at a faster pace over the past few years. In 2010, 9,806 workers employed at both central and local governments took a parental leave, up 29.3 percent from 2009. A total of 7,584 persons was accounted, up sharply from 5,953 in 2008 and 3,712 in 2007.

At the same time, more than 4,000 employees from separated 42 central government took the leave which increased for 28.9 percent from a year earlier while the number from municipal administration workers in case of leave usage also increased for 29.6 percent (5,497 workers).

Other than that increase, the number of women who took maternity leave (average 3 months) has increased from 22,711 in 2002 to 68,526 in 2008 citing from Ministry of Labor whereas the number of male civil servants taking paternity leave in 2010 was 458, up from 386 in 2009 and 296 in 2008. But it is accounted for only one percent of total male employees (45,744 persons in total) eligible to the legally-guaranteed time off.

Seemingly, though there has been an increase of leave usage, this policy implementation succeed is not yet guaranteed since a number of Korean women is still favor of childless perception owing to concerns on job security. By this, responds in negative side have been discovered. In accordance with the Korea Institute for Health and Social Affair in March 2006, more than half of pregnant working women experienced hardship to secure their post whereas, after the birth, those were generalized as less competitive women. Their trust and responsibility in career have been lessened. Similarly, another survey by Career portal site Job Korea found that 81 percent of 295 married office workers have postponed or given up childbirth in order to secure their post while more than 80 percent of them were willing to have two or more children, if childcare facilities are provided in office. Furthermore, supports on childrearing expense and allowance on working from home are demanded. With such, this policy implementation is not yet effective as it should be.

Citing from this, Ministry of Public Administration and Safety pushed efforts to lessen negative atmosphere by a recommendation on replacing position of workers who tend to leave more than 6 months temporarily in order not to increase workload in organization. It is believed to change attitudes and more workers will feel less pressured against taking leave.

Additionally, in an aspect of economic traits, the parental leave effected to female labor market. It fueled employment discrimination on women since one in her thirties forced out of job market, which is against the law, as she is considered to be “useless” employee after marriage or reach marriage age.²⁰ It seems that Korean punishment does not put strongly into practices. In aspect of social circumstance alike, discrimination in organization was conducted by peers in working environment. One who takes long maternity leave, as reported, feels much pressured among colleagues in a connect to “new” working atmosphere after a return.

Overall, even we cannot justify from a larger number of policy utilization in years that the policy implementation has succeeded, one thing happened in Korea society is discrimination which is surrounded within organization and needed to be erased. In my view, to make the policy more effective, what really needs to be bold is an improvement of attitudes in relation to leave commitment and cooperation among government administration to encourage. Without this obstacle, South Korea’s demographic number would be heightened.

²⁰ Average age of first marriage for South Korean is 31.6 for men and 28.7 for women. And a majority female group of fertilization is 30-34 years old according to Korean National Statistic Office (2009)

4.2) AN EXPLANATION OF MATERNITY POLICY OF THAILAND

In the second part, descriptive contents are arranged in similar order as a previous part. They firstly involves societal contextual environment where Thai culture regarding division of labor by gender and working culture are illustrated. Later, the contents are followed by an explanation on Thai maternity leave legislation and historical reform in order to envision its system and background.

Having said so, those are divided into 3 sections.

4.2.1) Social contextual environment

4.2.1.1) Gender role

4.2.1.2) Working culture

4.2.2) Maternity leave legislation

4.2.3) Maternity leave reform

4.2.3.1) Background

4.2.1) Social contextual environment

4.2.1.1) Gender role

Generally, gender role in Thai society is deeply rooted upon culture, religious, beliefs, traditions and economic environment. Culturally, Thai traits dictate different expectations and values between sons and daughters. While sons carry the family name, and only sons can serve in Buddhist monkhood which is believed to confer merits to both the parents and the sons themselves, daughters are expected to look after parents during their old age. After marriage, the groom moves in to live with the bride's family and helps in her family farm or enterprise. Accordingly, daughters are likely to provide sources of economic almost equally to males while they provide old-age security to parents when compared to sons.

With this belief, it made Thai women had fewer opportunities on education and job opportunities for self-development since female's education is limited, especially in low-ranked fields such as accountancy, nursing, administrative field. Traditionally, it is believed that female is not supposed to have higher education than male since it might interrupt "manness". On the other side, male's education is more opened to top-ranked field such as engineering, political science, laws, medical science field and so forth. Whereby, males also enjoy higher privileges on income. This conducts unequal

income distribution by gender afterwards. With this, Thai women own lower social status in society.

Other than that, gender role is also rooted from labor structure. In ancient times, male commoners were frequently recruited to work for the monarch or in the army. During the time, women took full responsibility for their household tasks and family farm. Likewise, males were privileged by being literate while females were occupied in household learning for sake of an ideal wife perspective. With this reason, women participated fundamentally in laborforce especially in agriculture - farming, harvesting, and productivity. This explains why Thai women have always been active in economic activities. Briefly, traditionally women were responsible for fundamental economic and domestic matters while men controlled political and external matters, regardless of social class (Akin 1984, Napaporn et al. 1995 cited in Mattana, 1997).

Nevertheless, recently, gender role in Thai society has been changing due to a flux of capitalism after rapid economic growths during 1980s that industrialization in Thailand has blossomed.²¹ The growth impacted women's role and their status in society. Women have been economically much participated in industry, rather than in agriculture as we can see from increasing women participation in a field of manufacturing (See table N). It can be said that, traditional female gender role has been misshaped since a large amount of women is employed. This can explain changing form of women economic participation nowadays.

Interestingly, although there is a great number of female employees in labor market for ages, with male-dominance like South Korea, those are treated unequally due to gender discrimination and poor labor protections. With fewer-than-male opportunities in education, those female employees need to confront with gender inequality when participated in laborforce. This gender inequality is treated among low-positioned females under poor working environment, low wage, and poor sanitary tasks. Nevertheless, when we looked closer, this "low" laborforce has become a gold mine of country since they have conducted a huge part of national income as we can see them from their participation in industrial factories such as in textile, jewelry, frozen

²¹ At that time, foreign investment has began to flow into Thailand and played a key role in the high growth rates. The investment conducted to export economy where industrial production was boosted.

foods, electric appliances, semiconductor, and so forth. Meanwhile “high” labor can be mainly seen in fields of car, electronic, and construction.

Overall, with the economic growth since 1980s, labor market participation of Thai females has moved from agriculture to industry that has led to a larger number of female employees where social welfare needs to be offered to sustain the labor.

4.2.1.2) Working culture

Besides, the author sees that working culture also influences demands on social welfare on maternity benefits. When compared to Korea working culture, Thai working culture is more flexible than Korean one since societal environment differs. As stated by Munthana, Thai society is full of friendly relationship among colleague as well as ‘Kreng Chai’ (เกรงใจ) culture which can be explained as inferiors follow required demands of superiors in order to save relationship and feeling between each other, even though the inferiors are not willing to do. Likewise, such behavior is linked to seniority-respect whereas this culture also exists intensively in South Korea. However there are similarities and difference among in two countries. Similarities have been found on indirect communication. Being subtle and indirect is a valued characteristic in Thai and Korean culture. Whereby, it is rare to see direct confrontation between employees and among the management. Junior executives and employees rarely question their superiors. This is considered disrespectful.

On the other side, historical background has brought a difference which is revealed on flexibility on working environment. With no background of being colonized, nature of Thai work is loosely structured. It can be said that Thais enjoy less pressure on working environment whereas a purpose of national development ²² pushes Koreans to work hard in any working circumstances.

²² Korea peninsula was colonized by Japanese Emperor for 35 years (1910-1945) since Joseon Dynasty collapsed. At the time, Koreans were coerced to learn and behave in Japanese ways while Japan also used Korea peninsula as a route to seize Asia up. After Japan defeated in WWII, Korea was liberalized. However, since there was Korean War (1950-1953) and division of Korea peninsula, South Korea government have pushed efforts to develop the nation.

4.2.2) Maternity leave legislation

Nowadays Thai female employee is able to take 90 days leave paid in case of childbirth and following, regardless of mandatory prenatal and postnatal leave. Holidays also include in the leave. Rather than this, she is eligible to be paid equal to daily wage, but not more than 45 days by employers and remaining 45 days from Social Insurance for those who are insured by Social Security Institution. Moreover, maternity leave is also protected. For example, an employed mother is protected by dismissal on the basis that she is pregnant and an employed mother is entitled to have a temporary work shift before or after childbirth due to unfavorable working environment. Medical certificate is required as document according to article 42. It is also prohibited for pregnant employees to perform works in hazard environment, overtime, holidays, and night shift. Any violation is fined and sanctioned. (Please see more detail in an attached CD-ROM)

As matter of Thailand labor law, these mentioned maternity benefits cover only female employees in public sectors excluding ones in state enterprise sector and government sector where the two sectors are applied by differential regulation. In order to give more detail, those who work for government sector will follow regulations mentioned in Leave-related Regulations of the Commissioner B.E. 2539 whereas Regulations of the state B.E. 2534 is applied for ones working for state enterprise.

According to Leave-related Regulations of the Commissioner B.E. 2539, an employed female is entitled to commit voluntary maternity leave for not more than 90 days paid. However, the leave can be extended to 150 days without pay. It can be said that female civil servant is now allowed for 240-day maternity leave with 90-day paid (Sirithanarattanakul, 2011).

On the another side, an employed female who works for state enterprise is entitled to 60 days unpaid apart from 45 days sick leave. However she can be granted if her employment duration is more than 180 days. It is granted for not more than 45 days. Also, she is entitled to 30-day leave in case of unhealthy after childbirth.

At last side, for own account mothers, they can be assisted by a service of Universal Coverage²³ (UC) which benefits childbirth expenses for 30 Baht paid, providing at all government hospitals. Unfortunately, the delivery cost is limited for only 2 times. Besides, childcare services, such as prenatal and postnatal medical care and fundamental vaccination, are offered without paid.

Currently, not only employed female is entitled to commit a leave for childrearing purpose, employed father is also allowed. According to recent payroll-related Act, government employed father is allowed to have not more than 15-day leave paid for childrearing purpose within 30 days after his childbirth whereas the rest of male employees is entitled to take fewer days- 7-day leave. Alike insured female employees, insured male employee is protected on job security and granted by Social Security Institution.

4.2.3) Maternity leave reform

4.2.3.1) Background

Interestingly, prior to current maternity leave, the leave allowed female employees to have an absence in case of childbirth and following for only 60 days unpaid, additionally from typical 30 days sick leave. However, those could be granted if employed at least for 180 days. In term of payrolls, they were allowed to grant with full wage for not more than 30 days or rated at 50 percent of total wage. Moreover, those also were allowed to take extra 30 days leave unpaid in case of physical inability after delivery.

Up until 1993, with more benefits demand²⁴, maternity leave was revised to 90-day leave paid, regardless of employment duration. Such demands were raised due to more female laborforce in industrial factories which has been impacted from industrialization in Thailand during 1980s. Mathana Phananimain (1997) described that the trend was in account of economic shift beginning in the 1960s. Since 1960, economic development has been guided by the National Social and Economic

²³ Universal Coverage is distributed equal social welfare, namely health benefits, and support medical treatment expense to only Thai citizen.

²⁴ Since Social Security Institution has been established in 1990, much social welfare have been also introduced and benefited to Thai employees. With such, a request of more social welfare from the institution has been raised on maternity benefits and conducted to a maternity leave reform in 1993.

Development Plans prepared by National Economic and Social Development Board (NESDB). During the first two plans (1961-1966 and 1967-1971), the industrialization policy²⁵ to promote import substitution industries was adopted, and infrastructure expansion, such as the construction of roads and dams, was emphasized. The expansion of industries was characterized by large imports of capital goods and high dependence on imported technology in production. As a result, although the expansion was quite impressive in terms of value added in the industrial sector, its impact on employment was marginal.

Until 1986-1990, the country experienced another round of prosperity. The economic growth was driven by labor-intensive products, such as textile, food processing and electronic parts assembly. A large number of women shifted from being home-workers to employees in the modern sectors. The change has significantly affected social welfare demands and led to maternity leave reform in 1993.

At present, an employed mother is entitled to take not more than 90 days maternity leave for each pregnancy including holidays and to grant 45 days from an employer and remaining 45 days from Social Security Institution. Moreover, maternity leave is also protected.

²⁵ The import substitution industrialization policy was disrupted by two oil shocks in 1973 and 1979 and an overall world recession in the 1970s. During 1972-1985, the country suffered from a variety of problems, such as high inflation rates, current account deficit and high external debt. The situation forced the country to alter its economic development strategy from import substitution to export promotion.

CHAPTER V

ANALYSIS OF MULTINATION MATERNITY LEGISLATION

In this chapter, contents consist of 3 maternity legislation comparative analyses; (1) Maternity legislation analysis of South Korea and Thailand (2) Maternity legislation analysis of South Korea and Thailand against ILO standards and (3) Maternity legislation analysis of South Korea, Thailand, and OECD countries in a purpose to view its similarities and differences in national and global context tested by measurements.

5.1) Findings : Maternity legislation analysis of South Korea and Thailand

As investigated, when tested with measurements, the author found some similarities and differences regarding maternity legislation and protection between South Korea and Thailand. Those are shown as followed.

5.1.1) Similarities

The author found 6 points in common.

- Regarding leave duration

Thai maternity legislation	Korean maternity legislation
Eligible to not more than 12 weeks maternity leave for each pregnancy including holiday during the period of leave. (Art.41 of Labor Protection Act)	Eligible to 12 weeks of maternity leave including 6-week compulsory postnatal leave. (Art.74 paragraph 1 of Labor Standard Act)

In term of leave period, both countries' national legislations benefit employed mother 12-week maternity leave in case of pregnancy for their female employees. In accordance with article 74 of Korea Labor Standard Act (LSA) 1997, Korea employed mothers are allowed to take such leave with the amount equivalent to the ordinary wage as well as Thai employed mother according to article 41 of Thailand Labor Protection Act (LPA) 1998. Moreover, extra leave are given in some cases but a case of twin that has never been mentioned in both Acts.

- Regarding medical benefits

Thai maternity legislation	Korean maternity legislation
<p>Eligible to medical benefits as</p> <p>(1) Medical examination and child bearing expense (5) Lodging, meals, and treatment expense</p> <p>(2) Medical treatment expense (6) Newborn baby nursing and treatment expense</p> <p>(3) Medicine and medical supplies expense (7) Cost of ambulance or transportation for patient</p> <p>(4) Confinement expense (8) Other necessary expenses</p> <p>The above mentioned expense shall be in accordance with the rules and rated prescribed by the Medical Committee, with the approval of the Committee.</p> <p>The insured person, who has to take work-leave for child delivery, shall be entitled to receive work-leave allowance for child delivery according to the prescribed criteria under section 67. (Art.66 of Social Security Act)</p>	<p>Eligible to health care benefits and medical services for the childbirth, diagnosis, pharmaceutical, medical treatment materials, surgery, other treatments, hospitalization and nursing. Medical services for the childbirth are payable when an insured woman gives birth at a medical care institution. Benefits in kind include health care benefits, maternity benefits, and health examinations (citing from National Health Insurance Act)</p>

Korean and Thai maternity legislation satisfy employed mother with, at least, fundamental medical cares for sake of the mother and newborn well-being, such as prenatal, childbirth, postnatal, and hospitalization which are serviced by Social Insurance. In Thailand, according to article 66 of Social Security Act 1990, female employees are entitled to receive several medical benefits whereas dental and surgical cares are excluded. On the other side, National Health Insurance Act of South Korea benefits female employed citizen with those services, other than fundamental ones.

- Regarding health protection

Thai maternity legislation	Korean maternity legislation
Prohibit to work between 22.00 and 6.00 hours, overtime, holiday, or any performance following : <ol style="list-style-type: none"> (1) Work involving vibrating machinery or engines (2) Driving or going on vehicles (3) Lifting, carrying on her shoulders, carrying on her head, pulling or pushing loads in excess of fifteen kilograms (4) Working in a boat (5) Other work as prescribed in the Ministerial Regulations (Art. 39 of Labor Protection Act) Eligible to request temporarily post before or after delivery (Art.42 of Labor Protection Act)	Protect against dismissal in case of pregnancy or with less than one year after childbirth, and hazardous working environment in terms of mortality or health. (Art.65 of Labor Standard Act) Protect against night work and holiday. (Art.70 p.2 of Labor Standard Act) Protect against overtime, exceeding 2 hours per day, 6 hours per weeks, and 150 hours per year (Art. 71 of Labor Standard Act) Eligible to transfer to a light duty (Art.74 p.4 of Labor Standard Act)

In national law, both countries also prohibit pregnant employees to perform work in hazardous and dangerous work for sake of the mother's and child's well-being. Those are protected against overtime work, night work, and holiday work. As stated by article 39 of Thai LPA, it is prohibited to employ pregnant mother working in these period of times; (1) between 10pm-6am (2) work overtime shift and (3) holiday work as same as mentioned on article 74 paragraph 4 of Korean LSA. Nevertheless, exceptionally, Korean employees will be able to perform overtime work but not exceed 2 hours a day when they are less than a year after childbirth (Art.71). In addition, both Korean and Thai employed mothers are entitled to have a temporary work shift before or after childbirth due to unfavorable working environment, as stated in article 42 of Thai LPA and article 74 paragraph 4 of Korean LSA.

- Regarding employment and discrimination protection

Thai maternity legislation	Korean maternity legislation
Protect against discrimination on the grounds of her pregnancy by dismissal. (Art.43 of Labor Protection Act)	Protect against dismissal during a period of maternity leave (Art. 23 of Labor Standard Act)

Korean and Thai maternity legislation also protect female employees against dismissal under a ground of pregnancy, as stated by article 43 of Thailand LPA and article 23 of Korean LSA. Nevertheless, protections against other discrimination such as pregnancy test and promotion determination are not covered in both legislations. Having said so, Korean and Thai female employees are not entitled to claim on unexpected discriminated treats if they were required to have pregnancy test before recruitment. Not to be determined for promotion during taking a maternity leave either.

- Regarding working-hour reduction

Thai maternity legislation	Korean maternity legislation
Eligible to ask for working-hour reduction to secure her health and safety from hazardous environment. (Art.40 of Labor Protection Act)	Eligible to ask for working-hour reduction in term of parental leave usage. (Art. 20 of Labor Standard Act)

Similarly, Korean and Thai maternity legislation allow working-hour reduction for employed mothers. However their purposes differ. In Korea, working-hour reduction is equipped in case of taking parental leave. Instead of committing a whole parental leave, Korean employees can ask for reduced working-hour for more than 15 hours a week but less than 30 hours, as followed by article 20 of Korea Equal Employment Act. On the other side, Thai labor law allows loosely working-hour reduction as it is specified to be for sake of mother's physical health and safety if her work is performed at night and in hazardous conditions.

- Regarding cash benefit

Thai maternity legislation	Korean maternity legislation
Eligible to be paid on maternity leave equal to the wage on a working day throughout the entire leave period, but the number of such leave days must not exceed forty five days. (Art.59 of Labor Protection Act)	Eligible to be paid on maternity leave first 60 days leave from employer (Art.74 p.3 of Labor Standard Act)

Alike Korean, Thai employed mothers are allowed to be granted with the amount equivalent to the ordinary wage by employers and by social insurance. In Korea, the

employee is allowed to be granted by employers for 8 weeks and by Employment Insurance for 4 weeks. However, Thai female employees are allowed to be granted for each 6 weeks by employers and by Social Insurance. Additionally, Korean working mothers are also able to ask for state subsidy in case of childbirth in order to support nursing at a rate of 40% of her salary (2011). Meanwhile, Thai insured working mothers²⁶ could ask for once maternity subsidy at lump-sum amount of 100 US\$ (2008) and recent delivery lump-sum amount of 433 US\$ (1 US\$ equals to 30 Baht).

5.1.2) Differences

The author found 3 points in common.

- Regarding leave duration [leave status]

Despite the fact that national laws of both countries benefit female employees with 12-week leave in case of pregnancy, the laws do not share leave status. In Korea, maternity leave is 12 weeks including compulsory least 6-week postnatal leave. It means employed mothers are required to commit at least 6 weeks leave after childbirth (Art.74 of Korea LSA). Other than that, Korean employed mother is able to ask for extra leave in case of miscarriage, early-birth, or abortion. On the other hand, of Thai maternity leave policy, specific leave duration has never mentioned in labor law. But, in term of extra leave, it is offered without paid for female employees working for government and state enterprise for childcare purposes. According to Leave-related Regulations of the Commissioner B.E. 2539, the female employees are entitled to have 20-weeks unpaid leave whereas the employees in state enterprise are entitled to have 4-week unpaid leave.

- Regarding employment and discrimination protection [same position when return]

Even though Korean and Thai female employees are protected against dismissal under both labor laws, a right to return to same position after taking a leave is guaranteed to solely Korean employed mothers (Art.19 para. 6 of Equal Employment Act; EEA).

²⁶ It is acceptable for insured ones who have been insured for more than 9 months with Social Insurance.

Having said so, their position is ensured as the same when return whereas Thai mothers have more opportunities to be placed in lower position, legally.

- Regarding breastfeeding facilities and childcare provision

In this regard, the author divided this issue into 2 points. First, in term of breastfeeding facilities, Korean law openly shows appreciation on settlements of breastfeeding facilities in order to support maternity benefits, especially for the employed mothers who commit parental leave (Art. 21 of EEA). However, in Thailand, this point has never been recognized as well as nursing breaks. In term of nursing breaks, as the second point, Korean employed mother is entitled to paid nursing recesses for more than 30 minutes twice per day when her child's age is less than 12 months (Art.75 of Korea LSA) but Thai employed mother is entitled to nothing.

5.2) Findings : Maternity legislation analysis of South Korea, Thailand, and OECD countries

When compared South Korea and Thailand maternity practices with international maternity practices among OECD countries with some measurements, the author found similarities and differences as followed.

Note: In this occasion, the measurements exclude an analysis of cash benefit, medical benefits and employment protection and discrimination since socio-political environment and living cost of counties differ.

Similarities

- Regarding breastfeeding facilities (working-hour reduction)

Concerning breastfeeding facilities, the author found that, in a boarder picture, purposes for breastfeeding vary such as working hour reduction. Certain EU member countries provide parental leave which maternity leave is included. Reduction of working hours is served in order to assist maternity burden. For example, eleven countries (Croatia, Estonia, Hungary, Ireland, Italy, Norway, Portugal, Russia, Slovenia, Spain and Switzerland) permit women to reduce working hours to enable breastfeeding. Furthermore, women reducing their hours for this reason are entitled to earnings compensation, except in Switzerland. This is served for childcare provision.

Apart from those countries, in Australia, Italy, New Zealand and the UK, parents have a legal right to request flexible working hours from their employers, who must consider their request and may only refuse them if there is a clear business case for doing so.

When looking back to South Korea and Thailand, both countries also offer such right but characteristic of both legislations are totally not the same. Alike EU members, Korean laws permit parents to working-hour reduction instead of committing parental leave for not exceed 30 hours/week whereas Thai laws loosely specify a right to reduce working hours for only female employees for sake of her physical health.

Other than differences, the author also found differences in some points.

Differences

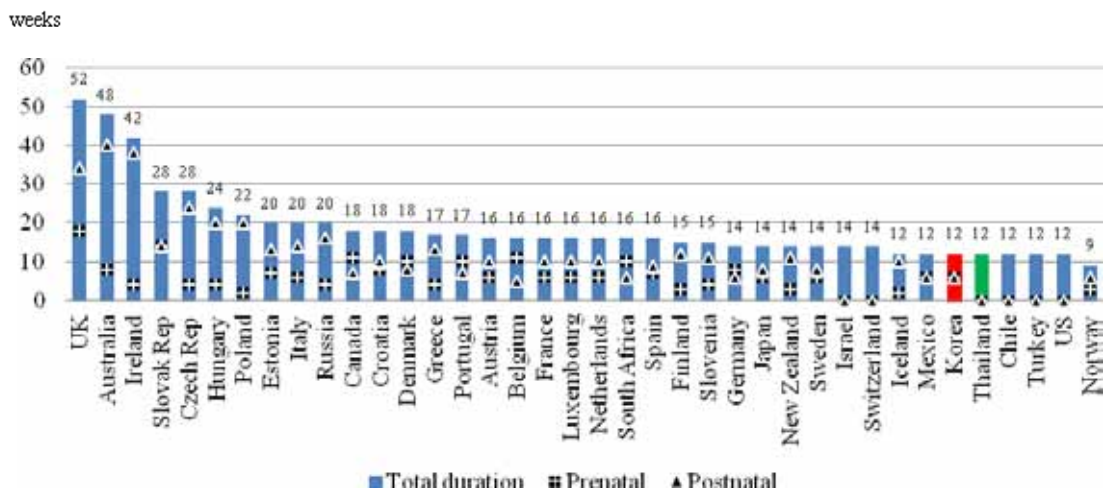
- Regarding health protection (a transfer to another post)

According to an international review of leave policies and related research 2011, few OECD countries grant female employees in term of a right to transfer to another post during pregnancy. Only five (Australia, Iceland, New Zealand, Italy, and UK) out of twenty-eight countries make the transfer available as well as Thailand and South Korea where both national labor laws are equipped in order to protect female employee's physical health.

- Regarding leave duration

As studied, all parts of the world have differences concerning maternity leave duration but, apparently, most EU countries present long duration whereas, among OECD countries, United Kingdom presents the longest maternity leave up to 52 weeks including additional maternity leave in total. Australia, Ireland, Slovak Rep, and Czech Rep respectively follow up to 48 weeks. However, it should be underlined that some leave includes parental leave such as Australia where leave length is extended. Norway gives the shortest one – 9 weeks. Meanwhile, major leave ranks between 16-12 weeks where South Korea and Thailand 12-week leave are associated.

Chart XI shows OECD maternity leave duration with prenatal and postnatal leave



- Regarding extra leave

Apart from leave duration, extra leave is another benefit providing additional time off for female employees. In some countries, extra leave is defined in purposes of illness, multiple births, or single parent. In short, the leave vary depending on national purposes. Among EU countries, those purposes are for child's physical health, multiple births, educational or childcare provision and illness of family members. In case of child's physical health, some provisions cover illness of a child and disability. In Europe, twelve countries (Austria, Belgium, Czech Republic, Estonia, Germany, Hungary, Italy, the Netherlands, Poland, Portugal, Slovenia and Sweden) specify an entitlement to leave of ten days or more per year to care for sick children, though the age range of children covered varies; for all of these countries, except Belgium and Italy.

Furthermore, South African workers are entitled to three days 'family responsibility leave' per year, but this covers a range of circumstances, not only caring for a sick child; while in Australia, all employees have an industrial right to use up to five days of personal or sick leave per year to care for a sick family member. Also, some EU members offer additional leave for multiple births or medical complications. Nine EU countries (Austria, Belgium, Canada: Quebec, Czech Rep, Greece: Public sec, Luxembourg, Poland, Russia, and Spain) reviewed here. Nevertheless, when compared those leaves with South Korean and Thai maternity policy, they both offer extra leave in similar purposes. South Korean labor law legislates extra leave for sake

of employee's physical health in terms of miscarriage, early-birth, or abortion whereas a purpose of childcare is provisioned for Thai female employees especially ones in government and state enterprise sections.

5.3) Findings : Maternity legislation analysis of South Korea, Thailand against ILO standards

According to Maternity Protection Convention 2000 and Maternity Protection Recommendation 2000, when tested with measurements, the author found similarities and differences against ILO maternity standards in some points regarding maternity legislation and protection between South Korea and Thailand. Those are shown as followed.

Note: In this occasion, the measurements exclude an analysis of cash benefit since societal environment and living cost of both countries differ.

- Regarding leave duration

ILO maternity standards	
[Maternity Protection Convention 2000] : At least 14 weeks; with at least 6 weeks compulsory postnatal leave and extra leave in case of illness.	
[Maternity Protection Recommendation 2000] : At least 18 weeks and additional voluntary leave in case of twins	
Thai maternity legislation	Korean maternity legislation
Eligible to not more than 12 weeks maternity leave for each pregnancy including holiday during the period of leave. (Art.41 of Labor Protection Act)	Eligible to 12 weeks of maternity leave including 6-week compulsory postnatal leave. (Art.74 paragraph 1 of Labor Standard Act)

As compared to ILO maternity standards, the author found that maternity leave duration of both countries do not comply with ILO standards. Korean and Thai labor laws legislate only 12 weeks which is 2 weeks fewer than the standards; 14 weeks. Distinctly, in term of leave status, Thai labor law allows pregnant employees freely to commit maternity leave before or after childbirth whereas Korean employed mother is required to commit least 6-week postnatal leave. However, in term of extra leave, they legislate for differential purposes. As mentioned earlier, Korean labor law allows voluntary extra leave in case of miscarriage, early-birth or abortion whereas Thai law allows in a purpose of childcare purposes applying to only civil servants and state

enterprise officers. At the same time, labor laws of both countries have never specified extra leave in case of twin relating to the Convention 2000.

- Regarding job protection

ILO maternity standards	
<p>[Maternity Protection Convention 2000] : Protections on dismissal and career resumption to same position or an equivalent position paid at the same rate of the end of her maternity leave, and on pregnancy test.</p> <p>[Maternity Protection Recommendation 2000] : More protections on additional consideration on a period of maternity leave service for the determination of her rights on career</p>	
Thai maternity legislation	Korean maternity legislation
Protect against dismissal. (Art.43 of Thai Labor Protection Act)	<ul style="list-style-type: none"> • Protect against dismissal (Art. 23 of LSA) • Eligible to return same position after taking a leave (Art. 19-6 of Equal Employment Act)

As compared to ILO maternity standards, the author found that job protection in both countries has been implemented only in term of dismissal whereas discrimination protections in case of pregnancy test and promotion determination have not enacted. On the other hand, employment protection against different position when return, as stated by the Convention, has been protected only Korean employed mothers.

- Regarding medical benefits

ILO maternity standards	
<p>[Maternity Protection Convention 2000] : Medical cares on prenatal, childbirth, postnatal and hospitalization when necessary</p> <p>[Maternity Protection Recommendation 2000] : More medical cares on fertilization cares at home, medical establishment, pharmaceutical& medical supplies, and dental& surgical care</p>	
Thai maternity legislation	Korean maternity legislation
<p>Eligible to medical benefits as</p> <p>(1) Medical examination and child bearing expense (5) Lodging, meals, and treatment expense</p> <p>(2) Medical treatment expense (6) Newborn baby nursing and treatment expense</p> <p>(3) Medicine and medical supplies</p>	<p>Eligible to health care benefits and medical services for the childbirth, diagnosis, pharmaceutical, medical treatment materials, surgery, other treatments, hospitalization and nursing. Medical services for the childbirth are payable when an insured woman gives birth at a</p>

<p>expense (7) Cost of ambulance or transportation for patient</p> <p>(4) Confinement expense</p> <p>(8) Other necessary expenses</p> <p>The above mentioned expense shall be in accordance with the rules and rated prescribed by the Medical Committee, with the approval of the Committee.</p> <p>The insured person, who has to take work-leave for child delivery, shall be entitled to receive work-leave allowance for child delivery according to the prescribed criteria under section 67. (Art.66 of Social Security Act)</p>	<p>medical care institution. Benefits in kind include health care benefits, maternity benefits, and health examinations (citing from National Health Insurance Act)</p>
---	---

As compared to ILO maternity standards, the author found that Korean and Thai maternity legislations provide various medical benefits to their pregnancy employees, as recommended, such as fundamental medical cares, hospitalization, pharmaceutical and medical supplies, medical establishment, dental and surgical cares. However Thai medical services exclude dental and surgical cares.

- Regarding breastfeeding facilities

ILO maternity standards	
<p>[Maternity Protection Convention 2000] : Right to one or more daily breaks or a reduction of working hours or separation of breaks</p> <p>[Maternity Protection Recommendation 2000] : More benefits on Reduction of working hours; merged breaks to a particular break and breastfeeding facilities in enterprises and hospitals</p>	
Thai maternity legislation	Korean maternity legislation
<p>Eligible to ask for working-hour reduction in case of after-midnight work. (Art.40 of Labor Protection Act)</p>	<ul style="list-style-type: none"> • Eligible to ask for working hour reduction instead of childcare leave (Art. 19-2 paragraph 1 of Equal Employment Act) • Eligible to ask for weekly working hour reduction for 15 hours or more and not exceed 30 hours (Art. 19-2 paragraph 3 of Equal Employment Act) and daily nursing breaks twice a day least 30 minutes when the child's less than 12 months. (Art. 75 of Labor Standard Act)

As compared to ILO maternity standards, the author found that Korean laws emphasize their women laborforce rather than Thai ones. To facilitate, only working-hour reduction is given in Thailand whereas breastfeeding corners and daily nursing breaks are never offered. In this regard, although working-hour reduction is given in both countries, their purposes go diverse. Thai working-hour reduction is given for sake of mother physical health avoiding hazardous working environment whereas Korean one is provided for parents in case of parental leave up to not more than 30 hours working reduction but not less than 15 hours a week. On the other hand, Korean laws openly show appreciation on settlements of breastfeeding corners as well as specified reduced working hours and daily least 30 minutes nursing breaks twice a day when female employee's child is less than 12 months old.

- Regarding health protection

ILO maternity standards	
[Maternity Protection Convention 2000] : Obligatory to perform work that is assessed as determined to the mother or child	
[Maternity Protection Recommendation 2000] : Specific hazard environment ¹ not to perform and a requirement to lighter post	
Thai maternity legislation	Korean maternity legislation
Prohibit to work between 22.00 and 6.00 hours, overtime, holiday, or any performance following : <ol style="list-style-type: none"> (1) Work involving vibrating machinery or engines (2) Driving or going on vehicles (3) Lifting, carrying on her shoulders, carrying on her head, pulling or pushing loads in excess of fifteen kilograms (4) Working in a boat (5) Other work as prescribed in the Ministerial Regulations (Art. 39 of Labor Protection Act) Eligible to request temporarily post before or after delivery (Art.42 of Labor Protection Act)	Protect against dismissal in case of pregnancy or with less than one year after childbirth, and hazardous working environment in terms of mortality or health. (Art.65 of Labor Standard Act) Protect against night work and holiday. (Art.70 p.2 of Labor Standard Act) Protect against overtime, exceeding 2 hours per day, 6 hours per weeks, and 150 hours per year (Art. 71 of Labor Standard Act) Eligible to transfer to a light duty (Art.74 p.4 of Labor Standard Act)

As compared to ILO maternity standards, the author found that Korean and Thai maternity legislation on health protection have complied with the standards. Both

legislations prohibit performing work on hazardous environment, overtime, and holiday works which are assessed to terminate physical health of the employed mother or the child. Furthermore, a transfer to light post before childbirth has been recognized in both legislations.

CHAPTER VI

CONCLUSION AND DISCUSSION

6.1 Conclusion

With all said and done, maternity leave policy formulation is a complex mechanism which are shaped by social-political, economic, global, and other environment which are various among nations. Apart from being as a labor protection on female employee, maternity leave has played as one of outstanding factors that allow female employees to enjoy their anxiety-free due to childbirth while maternity protections function to protect those against discrimination and unequal treatments on their career through national labor law while International Labor Organization proclaims maternity regulations for global practices.

In global context, not only maternity leave, but other leaves have also been established following societal environment such as family leave, paternity leave, parental or childcare leave. Additionally, education leave or called as 'Early-Childhood Education and Care' (ECEC) which aims to educate a child at pre-school age by time-off mother, can be found in twenty EU countries.²⁷ This leave varies in a child's age.

In global maternity policy, the policy varies in patterns and protection in accordance to socio-economic, politic, and other surrounding environments However, the policy can be similar in surrounding region. In Europe, maternity leave duration in West EU countries lasts longer than East ones, thanks to taxation and welfare distribution. While, their extra leaves given diverge in purposes. The purposes can cover miscarriage, abortion, early-birth, illness of the mother and family members, single parent, childcare, or multiple births which might be as a result of changing societal environment of each country and by-product of advanced medical technology in pregnancy.²⁸

²⁷ Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, and UK review here.

²⁸ As reviewed, utilization of advanced medical technology in pregnancy has increased due it might be a result of youth's late marriage or infertilization.

Since maternity leave formulation varies with many influencing surrounding factors becoming as limitation, it is hardship to assess or measure which country is more pro-maternity with dissimilar environment. However, since this study is comparative research between South Korea and Thailand. When it is analyzed by their legislated policy under national law, certain progressive points have been revealed in both. For instance, not only allowing female employees to reduce hours of working, but both countries also allow a right to transfer to light post to protect health condition of pregnant employee whereas few OECD countries grant such. The reduction for South Korean working woman is allowed for more than 15 hours a week but not exceed 30 hours. In addition, extra leaves are also equipped at both for specific purposes as mentioned in Chapter V.

When comparatively examined maternity policy of South Korean and Thailand against ILO maternity standards as global benchmarks, findings revealed three differences that Firstly, in term of amount of leave, pregnant employee in the two countries is eligible to take 90 days leave but what differs is restriction on pre and post natal. Korea government seems to be more concerned on health security before and after childbirth with 6 compulsory postnatal leave whereas Thai laws allow leave voluntarily. Such case, Thai working mother is more likely to be at high risk of before-birth health insecurity if the mother prefers to postnatal leave as a whole. Secondly, in term of employment protection and discrimination, obviously, Thai working mother is more likely to confront high risk on job insecurity even though she is guaranteed not to dismissal. Still, promotion determination while taking a leave and same-position resumption when return are not ensured their places. Thus, after having a 90-day leave, the mother could be placed in lower position or not equal to the previous wage legally while Korean mother is protected her position. Lastly, in term of breaks for breastfeeding and childcare provision, Thai laws seem to see breastfeeding facilities as personal matters since no article legislates maternity facilities - nursing hours and breastfeeding facilities - in workplace whereas Korean laws openly shows appreciation on settlements of breastfeeding facilities in order to support maternity benefits, especially for the employed mothers who commit parental leave. Moreover, Korean employed mother is entitled to paid nursing recesses for more than 30 minutes twice per day when her child's age is less than 12 months.

With those differences, it is clear that South Korean maternity legislation has been structured sharply and progressively with well-defined rules while Thai one has been structured loosely with opened-coverage. This is not easy to generalize which of both is more pro-maternity under different surrounding environment. Instead, the case study of South Korea suggests conclusion that Thai legislators or policymaker need to pay more attention on not only maternity development but also its clear specification which would fill legal loophole. Yet, in this study, the author has no intention to recommend Korean maternity policy as a model to take up practices into Thai society even if Korean laws seem to be more definitive and circumspect. However, with dissimilar societal environment, it would be better to just study maternity legislation of ASEAN neighborhood to improve and apply our own maternity rules for sake of globalization and ASEAN integration in forthcoming.

6.2 Discussion

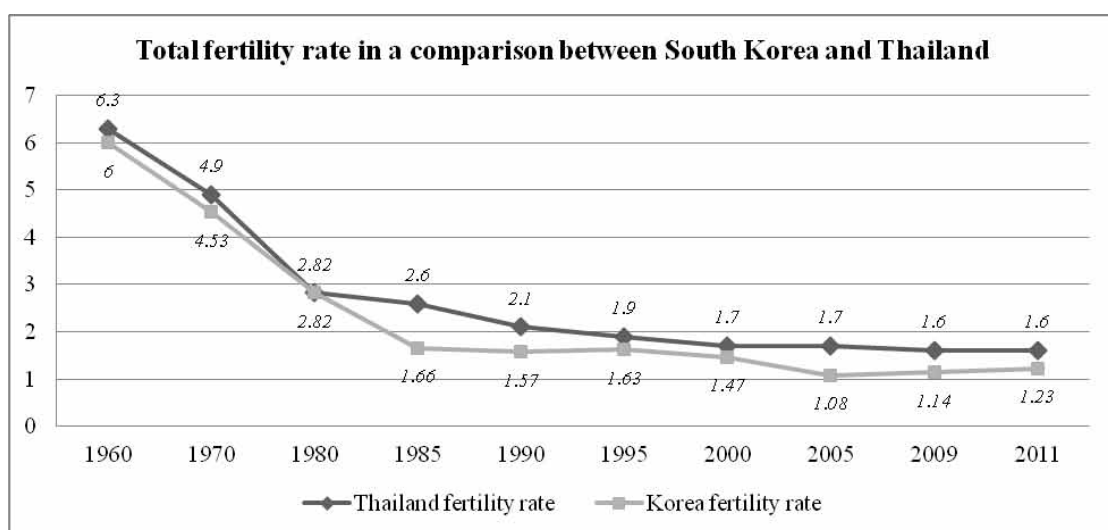
With this regard, the author sees that to reform maternity leave policy is not a simple process at all. Full analysis on socio-economic, political and cultural circumstance shall be great subjects that policymaker or legislators must keep eyes on. In a matter of socio-economic factors, a relation between women economic participation and total fertility rate, as well as positive and negative impacts of policy reform, should be carefully paid attention.

As concluded, even though Thai maternity leave policy seems to be inferior to ILO standards and Korean regulations, the author believes that this is as a result of various surrounding influencing factors. Some of those become obstacles to improve the policy. For example, economic growth factor has played a great role on maternity compensation since it influences taxation and government expenditure to public as we can see from European countries. Apparently, in Scandinavian region, 51% of total Denmark tax revenue was spent to public in 2010 whereas Netherland and Norway governments spent 48.3% and 40% of the revenue, respectively. Meanwhile, recent Thailand government has spent much lower on public expenditure when it was 17% in 2000 and 18% in 2003. (Roy, 2009) With this, it would be one of obstacles to enlarge maternity leave duration which this automatically links to increasing government expenditure. Apart from economic growth factor, societal factor also has

influenced an establishment of maternity issues. This can be seen from social value or attitude towards breastfeeding facilities which reflects perception on gender role in one country. In term of Thailand, we can see that even if breastfeeding campaign has been promoted for years through Breastfeeding center, it is still not very well practiced with a lack of government support as well as patriarchal belief in society where woman is depicted for domestic works. This could be another obstacle which envisions breastfeeding as female personal matter. While, we need to push effort on further experimental research to prevent discrimination against an unequal transferring post after a maternity return.

Concerning current situation in Thailand, as reported, with social changes, Thailand is now facing decreasing total fertility rate as well as poor breastfeeding rate claimed by UNICEF (2005). As surveyed on a situation of children, the rate of feeding children with solely breast milk for at least 6 months was only 5.4%. Meanwhile, a report on health promotion according to the 9th National and Economic Development Plan indicated that out of an average number of 800,000 infants born each year and more than a half were being fed with only formula milk annually since working mother needs to return her post after short maternity leave period and feed her infants by formula milk as an option. It can be said that Thailand is now confronting declining and infertile demographics which can become unproductive labor afterwards. With this matter, Breastfeeding Center is pushing effort to address solutions.

Chart XII shows total fertility rate in a comparison between South Korea and Thailand during 1960 - 2011



Source : see Table I

As a result of a proposal on the 3rd conference of National Health Assembly in 2010 by Breastfeeding Center requiring controlling food marketing strategy of infants and young children, many ways have addressed. Attractive ones of those are maternity leave extension from 90 days to 180 days and demands on breastfeeding corners in enterprises and hospitals since they are believed to moderate on an increasing number of infants fed with formula milk.

In this regard, personal opinion has been revealed that the author is not favor of leave extension to 24 weeks since it would overfinance entrepreneurs while they are now worried on unpredictable flash flood and need to bare political campaign on increasing daily minimum wage recently which has been raised up to 10 US\$ (1 US\$ equals to 30 baht). Nevertheless, if 24-week leave extension was implemented soon, the author sees that it would certainly lead to a pile of discrimination on career, such as recruitment, hiring policies or pregnancy test as the entrepreneurs avoid increasing maternity expenditure. Other than this issue, another issue is viewed on demand to establish breastfeeding corners as one of social welfare. Personally, it is my favor since this would bring more happiness and productivity to pregnant employees. This can support child well-being indirectly and enlarge breastfeeding rate since working mothers can enable nursing services. Other than this issue, nursing breaks should be also offered. A female employee should be entitled to at least one daily break or working-hour reduction for breastfeeding which could help female employees to drop at breastfeeding corners as expected. Having said so, the author believes that an establishment of breastfeeding facilities would be one of great solutions having least negative affects to improve demographic changing situation although the welfare is likely to be decreased to balance company's expenditure, as reported by entrepreneurs.

Yet, with current situation, maternity reform in Thailand seems to be far to accomplish in near future with societal and economic obstacles. No matter what, the author would like to raise that it is very necessary to revise Thai maternity policy in order to fit global standards and globalization by ASEAN integration since it was revised 19 years ago as same as to address ways on demographic changing situation where we really need to push lot effort on.

REFERENCES

- Analia Schlosser, Andreas Steinhauer , Josef Zweimüller and Rafael Lalive. Parental Leave and Mothers' Careers: The Relative Importance of Job Protection and Cash Benefits. [Online] 2011. Available from : http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1872740 [2011, July 16]
- Ann. Thai civil servants can get paternity leave. [Online] 2011. Available from : http://www.straitstimes.com/BreakingNews/SEAsia/Story/STISStory_632993.html [2011, Aug 20]
- Bea Ji-sook. Working mothers allowed to ask for flextime. [Online] 2010. Available from : http://www.koreatimes.co.kr/www/news/nation/2010/09/117_72886.html [2011, Aug 23]
- Berkeley. 2006. California: n.p.
- Bertina Engelbrecht. Top women in business and government. 2011. n. p.
- Catalyst. Family leave [Online] 2011. Available from : <http://www.catalyst.org/publication/240/family-leave-us-canada-and-global> [2011, Nov 3]
- Choi Seon-jeong. Korea's population crisis. [Online] 2009. Available from : http://www.mercatornet.com/articles/view/koreas_population_crisis [2011, Aug 21]
- Choi, Eun Young. New Social Risks, Korean families, and Policy Challenges. [online] 2007. Available from : http://www.welfareasia.org/4thconference/papers/Choi_New%20Social%20Risks%20Korean%20Families%20and%20Policy%20Challenges.pdf > [2011, July 16]
- Christy Turlington Burns. One Mother's Journey : Human Rights For all Mothers. [Online] 2011. Available from : http://www.koreatimes.co.kr/www/news/biz/2011/06/123_89694.html [2011, August 14]
- Cohen R, Mrtek MB, and Mrtek RG. Comparative of Maternal Absenteeism and Infant Illness Rates Among Breastfeeding and Formula-feeding Women in Two Corporations. *Am J Health Promot* 1995; 10(2): 148-53
- Colette Fagan and Gail Hebson. Making work pay debates from a gender perspective : A comparative review of some recent policy reforms in thirty European countries. 4th Edition. European Commission. Luxembourg: Office for Official Publication of the European Communities. 2005.

- Eun Ki Soo. Family Values in Korea: A Comparative Analysis. [Online] 2007. Available from : <http://www.law2.byu.edu/wfpc/forum/2007/Eun.pdf> [2011, July 13]
- Eun Ki Soo. Lowest-low Fertility in the Republic of Korea: causes, consequences, and policy responses. Asia-Pacific Population Journal. 2007. 22(2):51-72
- Ferdous Arfina Osman. Public policy making : theories and their implications in developing countries. Asia-Pacific Development Journal 2009. 16(1); 37-52
- Gordon, Josh. Maternity leave scheme in as soon as July 1. [Online] 2009. Available from : <http://www.theage.com.au/national/maternity-leave-scheme-in-as-soon-as-july-1-20090509-ayor.html#ixzz1Warg8adr>. [2011, August 20]
- Janet C. Gornick, John Schmitt and Rebecca Ray. Parental Leave Policies in 21 counties :Assessing Generosity and Gender Equality. [Online] 2008. Available from : http://www.cepr.net/documents/publications/parental_2008_09.pdf [2011, July 13]
- Kammerman, S.B. “Parental Leave Policies : An Essential Ingredient in Early Childhood Education and Care Policies,” Social Policy Report. 2000. 14(2):3-15
- Kammerman, S.B. “Parental Leave Policies : An Essential Ingredient in Early Childhood Education and Care Policies,” Social Policy Report, Ann Arbor, MI : Society for Research in Child Development; European Industrial Relations Observatory cited in the Clearinghouse in International Developments in Child, Youth and Family Policies as Columbia University. 2000.
- Kim Ik Ki. Policy responses to low fertility and aging population in Korea. [Online] 2000. Available from :<http://www.un.org/esa/population/publications/popdecline/kim.pdf> > [2011, August 1]
- Kim Tong-hyun. Women in 30s forced out of job market. [Online] 2011. Available from : http://www.koreatimes.co.kr/www/news/biz/2011/06/123_89694.html [2011, Aug 20]
- Kimberly. Parental leave : Pro and Con. [Online] 2005. Available from : <http://www.nccc.org/EO/emp.maternity.policy.html> [2011, July 14]
- Korea Employment Insurance Act
- Korea Equal Employment Act (revised 2005)
- Korea Labor Standard Act (revised 2007)

Korea Labor Standard Act Enforcement Decree (revised 2007)

Kwang-Min Moon and Dong-Wan Lim. Evaluation of law: The Parental Leave Clauses in the Act on Equal Employment and Work-Family Compatibility. The Korean Journal of Policy Studies. Seoul : Graduate School of Public Administration. 2009. 24(2): 25-45

Kwon Mee-yoo, More women enjoy parental leave. [online] Available at < http://www.koreatimes.co.kr/www/news/nation/2010/02/117_60366.html> [20th July, 2011]

Martin N. Marger. Social Inequality : Patterns & Processes Boston: McGraw-Hill 2005: 200

Maternity Protection Convention 2000 (No.183) and a Recommendation (No.191)

Maternity Protection in International Law and Practice in North-East Asia. [Online] 2005. Available from : <http://www.asianfoodworker.net/maternity/mp-law-neasia.html> [2011, September 15]

Mathana Phananimai. Population Changes and Economic Development in Thailand : Their Implications on Women's Status. TDRI review 12(3) :15-26 [online] 1997. Available from : http://www.ftadigest.com/library/quarterly/text/s97_3.htm [2011, October 13]

Muthana Thamlikitkul. Working in the Land of Smiles. [Online] n.d. Available from : <http://www.thaitravelhealth.com/blog/archives/444> [2012, March 15]

National Health Assembly. สช. เผยพบกลยุทธ์บริษัทนมผงรุกตลาดหญิงตั้งครรภ์. [Online] 2011. Available from : <http://www.healthstation.in.th/news/news.php?newsid=80> [2011, Aug 27]

NIOS (The National Institute of Open Schooling). Social Problem : Unit 19. Psychology.; 201–207. [Online] n.d. Available from : www.nios.ac.in/secpsycour/unit-19.pdf [2012, March 10]

No author. Maternity Protection Conventions and its Recommendation. Thai Standard Labor Law and 10 Labor Conventions. ISBN : 974-504-692-2 Bangkok:Sutphaisanratchanajathai. 2003:133-148

Ochiai Emiko and Ueno Kayoko. 21th Century Asian Family. 1st Edition. Bangkok: Chulalongkorn University Press ISBN : 978-974-03-2781-3. 2006.

Ornsaran Manuamorn Export-led Industrialization and gender inequality in East Asia : A comparative analysis of South Korea and Thailand. Journal of Social Science. Chulalongkorn Press. (July-December 2005) 36(2).

Pareena Srivanitch Rights of breastfeeding-working mother. Thai Health Promotion Foundation. Bangkok:Thai Breastfeeding Center ISBN : 978-974-422-388-3. 2007.

Peter Moss. International Review of Leave Policies and Related Research 2010. Employment relations research series No.115. Institution of Education. University of London. [Online] 2010. Available from : http://www.leavenetwork.org/fileadmin/Leavenetwork/Annual_reviews/2010_annual_review.pdf [2012, March 22]

Peter Moss. International Review of Leave Policies and Related Research 2011. Employment relations research series No.115. International network on leave policies and research. University of London. [Online] 2011. Available from : http://www.leavenetwork.org/fileadmin/Leavenetwork/Annual_reviews/2010_annual_review.pdf [2012, March 22]

Rathin Roy and A. Heuty (eds) Fiscal Space, Policy Options for Financing Human Development, Earthscan, London 2009. Pp. 325-389. Available at <http://repub.eur.nl/res/pub/17451/FS-Thailand-final.pdf> [23th May, 2012]

Revillard, Anne. Work/Family Policy in France International Journal of Law, Policy and the Family. 2006. 20(2):133-150

Rudd, Elizabeth. Family Leave: A Policy Concept Made in America University of Washington in Seattle- Center for Innovation and Research in Graduate Education [Online] 2004. Available from : http://wfnetwork.bc.edu/encyclopedia_entry.php?id=233 [2011, September 25]

Sung, Sirin. Work-family balance policies in Korea: towards an egalitarian regime? Social Policy Association Conference Paper 2010 [Online] 2010. Available from : <http://www.social-policy.org.uk/lincoln/Sung.pdf> [2010, October 3]

Taxtation in Europe. Institute for Research on Economic and Fiscal Issues. 2010. Pp.9 Available at http://www.irefeurope.org/en/sites/default/files/Taxation_in_Europe_2010_part%20one.pdf [May 23th, 2012]

Thailand Labor Standard Protection Act 1993

Thailand Social Security Act 1990

- T. Paul Schultz. Income inequality in Taiwan 1976-1995: Changing family composition, aging, and female labor force participation. Economic Growth Center Yale University. 1997.
- Valerie M. Hudson. Surplus males : The dangers of Asia's preference for sons. New York Time. [Online] 2004. Available from : http://www.nytimes.com/2004/05/13/opinion/13iht-edhudson_ed3_.html [2012, March 11]
- Varunee. How maternity leave would be beneficial for mothers? [Online] n.d. Available from : http://www.dumex.co.th/pregnancy/article/maternity_rights [2011, July 20]
- Waldfogel, Jane; Yoshio Higuchi, and Masahiro Abe. Maternity leave policies and women's employment after childbirth: Evidences from the United States, Britain, and Japan. London school of economics. [Online] 1998. Available from : <http://sticerd.lse.ac.uk/dps/case/cb/CASEbrief2.pdf>
- Wichananya Ruengpho. Thai Government implementation in solving the problems of HIV/AIDS in accordance with "The Declaration of Commitment on HIV/AIDS" in Human Rights Aspects during 2001-2005. Master Degree Thesis Department of International Relations. Faculty of Political Science. Chulalongkorn University. 2007.
- Women's rights.. Compton's Interactive Encyclopedia. Compton's NewMedia, Inc. 1995
- Yang Hyunah. Unfinished Tasks for Korean Family Policy in the 1990s: Maternity Protection Policy and Abolition of the Family-Head System. Korea Journal/ Summer (2002): 68 -99

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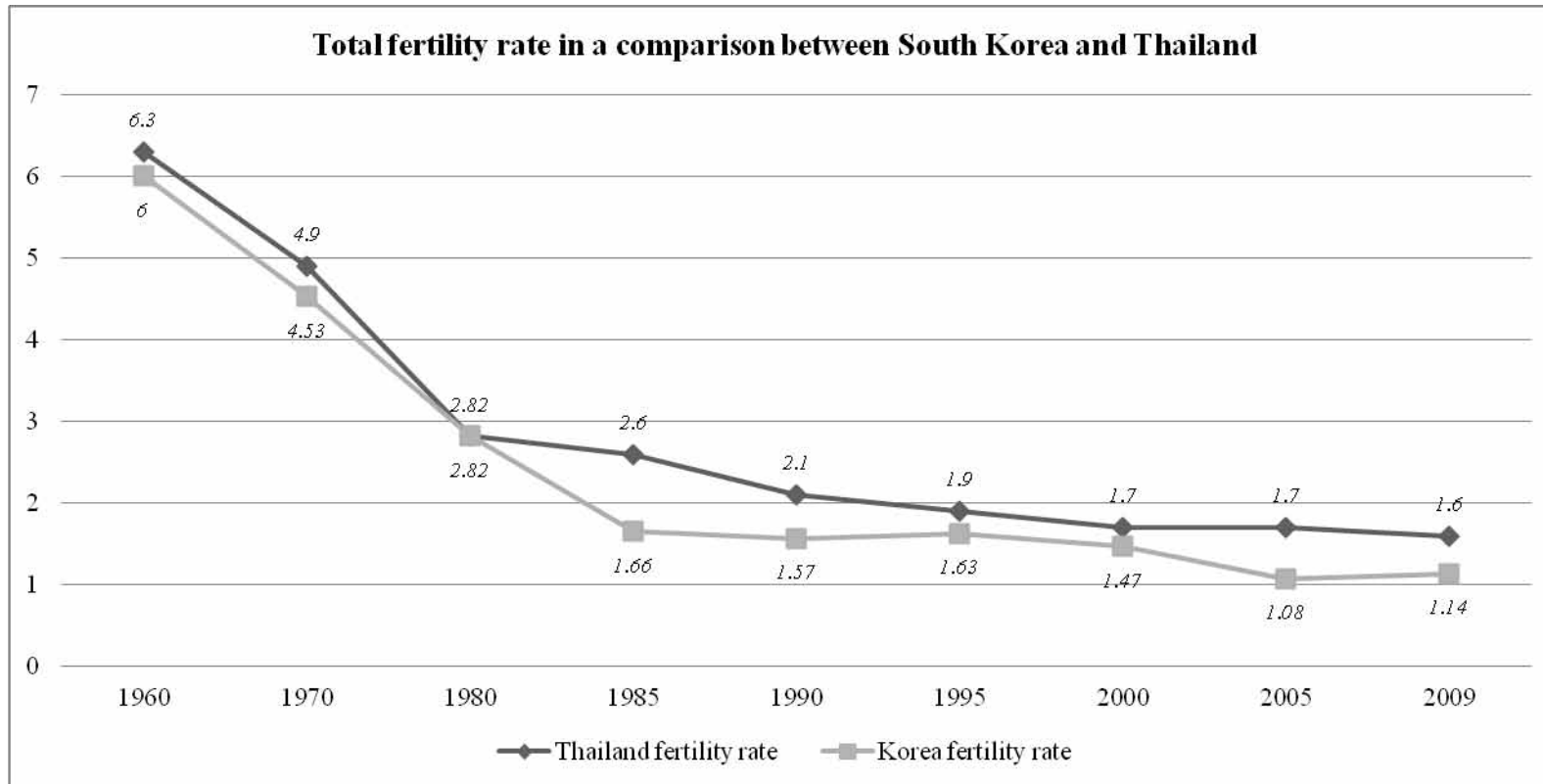
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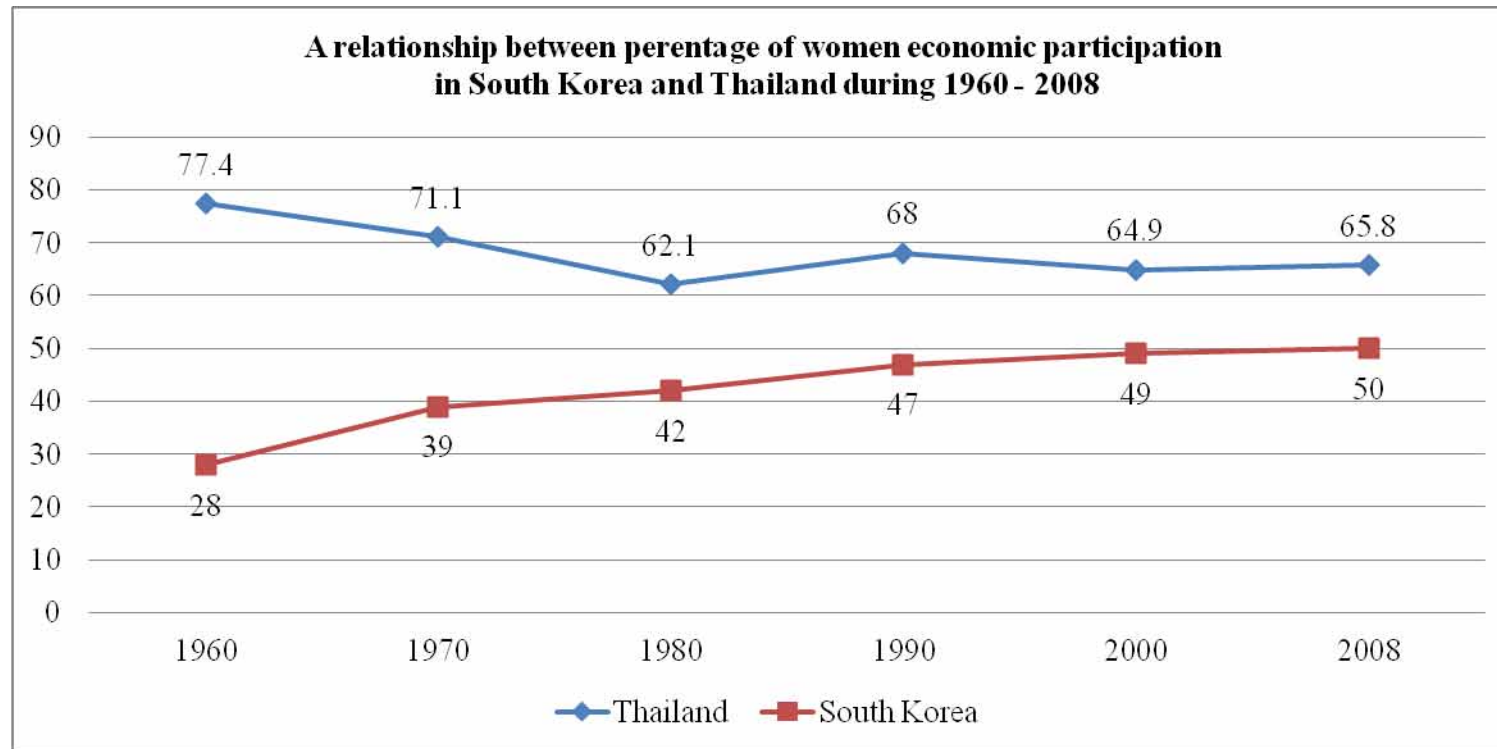


Source :

Thailand : Data from 1980 – 2009 is based on World Bank Statistic Office and data from 1960 – 1970 is based on United Nations Statistic Division (UNSD)

South Korea : Data based on United Nations Statistic Division (UNSD)

Table B : Comparative women economic participation rate between South Korea and Thailand during 1960 - 2008



Note : * Data is based on 2009.

Sour ce :

Thailand: 1) Population and Housing Census, NSO (various issues) - cited from Mathana Phananimai. (1996) Population Changes and Economic Development in Thailand : Their Implications on Women's Status. TDRI review Vol. 12 No. 3 Sep 1997 pp. 15-26 (1960-1990)

2) International Labor Organization (ILO) Statistics Office [online] Available at <<http://laborsta.ilo.org/STP/guest>>

South

Korea : 1) Data from ILO statistic office is collected in women economic participation

Table C : Comparative life expectancy by gender between South Korea and Thailand during 1981-2009

Gender	Female		Male	
Year	Korean	Thai	Korean	Thai
1981	71	69	62	64
1982	71	69	63	64
1983	71	70	63	65
1984	72	70	64	66
1985	73	70	64	67
1986	73	74	65	68
1987	74	75	66	68
1988	75	75	66	69
1989	75	76	67	69
1990	76	76	67	69
1991	76	76	68	69
1992	76	76	68	69
1993	77	76	69	69
1994	77	76	69	69
1995	77	76	70	69
1996	78	76	70	69
1997	78	76	71	69
1998	79	76	71	69
1999	79	76	72	69
2000	80	76	72	69
2001	80	77	73	69
2002	80	77	73	69
2003	81	77	74	69
2004	81	77	75	70
2005	82	77	75	70
2006	82	77	76	70
2007	83	77	76	70
2008	83	77	77	70
2009	84	77	77	70

Source : World Development Indicators. Worldbank. 2011

Table D : Total Economic Participation Rate in Republic of Korea during 2000 - 2010 (Unit : %)

Period	Total	Total economic participation rate (Unit : %)								
		15-19	20-29	30-39	40-49	50-59	60&over	15-64	15-24	15-29
2000	61.2	12	64.9	75.2	79.2	68.7	38.2	64.4	33	47.2
2001	61.4	11.7	65	75.1	78.9	68.7	38.5	64.8	33.5	47.7
2002	62	10.7	65.7	75.2	79	69.5	39.2	65.6	34.4	48.4
2003	61.5	9.9	65.2	74.9	78.6	69.1	36.6	65.4	34.3	48.3
2004	62.1	9.8	66.3	74.9	79.1	69.4	37.3	66.1	34.8	49.2
2005	62	9.1	66.3	74.8	79.1	69.9	37.4	66.3	33.3	48.8
2006	61.9	7.5	65.3	75.5	79.5	70.1	37.9	66.2	30.2	47.1
2007	61.8	7.3	64.6	75.3	79.9	71.2	38.6	66.2	28.1	46
2008	61.5	6.5	63.6	75.2	80.1	72	37.7	66	26.3	44.8
2009	60.8	6.2	63.1	74	79.6	72.1	37.3	65.4	25.4	44
2010	61	6.9	63.2	74.6	79.8	72.7	37	65.8	25.5	43.8

Source : Korean Statistics (2011)

Table E : Total Economic Participation Rate in Republic of Korea by gender during 2000 - 2010 (Unit : %)

Period	Total		15-19		20-29		30-39		40-49		50-59		60&over	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
2000	74.4	48.8	11.6	12.6	72.4	58.4	95.6	54.1	93.8	64.3	84.2	53.5	49.7	30.2
2001	74.3	49.3	10.8	12.7	71	59.7	95.1	54.4	93.6	64	83.6	53.9	50.5	30
2002	75	49.8	9.5	11.9	70.9	61.1	95.1	54.6	93.7	64	84.8	54.3	51.7	30.1
2003	74.7	49	8.4	11.4	69.6	61.3	95	53.9	94	63	85.6	52.6	48.6	27.8
2004	75	49.9	8.6	11.1	69.8	63.3	94.6	54.5	93.8	64.2	85.6	53.2	49.7	28.3
2005	74.6	50.1	8	10.3	68.5	64.4	94.4	54.6	93.6	64.4	85.5	54.3	49.8	28.1
2006	74.1	50.3	6.3	8.9	67.3	63.5	93.8	56.4	93.8	65	85.5	54.7	50.7	28.3
2007	74	50.2	6.5	8.1	66.5	62.9	93.6	56.3	93.8	65.8	86.7	55.7	51.6	28.7
2008	73.5	50	5.6	7.5	64.6	62.7	93.6	56.1	94	65.8	87	57.1	50.6	27.9
2009	73.1	49.2	4.9	7.5	64.6	61.8	92.8	54.2	93.4	65.4	87.1	57.1	50.5	27.4
2010	73	49.4	5.5	8.5	64	62.4	93.1	55.3	93.5	65.8	87.5	57.9	50.3	26.9

Source : Korean Statistics (2011)

Table F : Korean Employed persons by occupation and by gender during 2004 - 2006 (Unit : Thousand persons)

Year	2004			2005			2006		
Occupations	Total	Male	Female	Total	Male	Female	Total	Male	Female
		22,557	13,193	9,364	22,856	13,330	9,526	23,151	13,444
Managers & Professionals and Related Workers	4,063	2,526	1,538	4,199	2,577	1,622	4,442	2,674	1,768
Managers	599	557	42	602	555	47	602	550	52
Professionals and Related Workers	3,464	1,968	1,495	3,597	2,022	1,575	3,840	2,124	1,716
Clerks	3,297	1,789	1,508	3,376	1,800	1,576	3,372	1,764	1,608
Service & sales workers	5,802	2,432	3,370	5,752	2,400	3,351	5,725	2,381	3,344
Service Workers	2,597	852	1,745	2,625	859	1,766	2,609	843	1,766
Sales Workers	3,205	1,581	1,625	3,127	1,541	1,586	3,116	1,538	1,578
Skilled? Agricultural, Forestry and Fishery Workers	1,697	933	764	1,706	941	765	1,673	920	753
Craft,machine operators & elementary occupations	7,697	5,514	2,184	7,824	5,613	2,211	7,938	5,706	2,232
Craft and Related Trades Workers	2,356	1,953	403	2,353	1,983	370	2,382	2,027	355
Equipment, Machine Operating and Assembling Workers	2,589	2,222	366	2,644	2,277	368	2,649	2,294	355
Elementary Workers	2,752	1,338	1,415	2,827	1,352	1,474	2,907	1,385	1,522

Source : Statistics Korea 2011

Table G : Korean Employed persons by occupation and by gender during 2007 - 2010 (Unit : Thousand persons)

Year	2007			2008			2009			2010		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
Occupations	23,433	13,607	9,826	23,577	13,703	9,874	23,506	13,734	9,772	23,829	13,915	9,914
Managers & Professionals and Related Workers	4,651	2,811	1,841	4,931	2,978	1,954	4,972	2,957	2,016	5,133	3,051	2,083
Managers	601	548	53	549	497	52	546	499	47	562	509	53
Professionals and Related Workers	4,050	2,262	1,788	4,382	2,481	1,901	4,426	2,457	1,969	4,571	2,542	2,030
Clerks	3,388	1,750	1,639	3,486	1,802	1,684	3,590	1,911	1,679	3,739	1,971	1,768
Service & sales workers	5,698	2,353	3,344	5,663	2,338	3,325	5,507	2,318	3,189	5,367	2,213	3,154
Service Workers	2,586	824	1,762	2,655	862	1,792	2,519	848	1,670	2,434	819	1,614
Sales Workers	3,111	1,529	1,582	3,008	1,475	1,533	2,989	1,470	1,519	2,934	1,394	1,540
Skilled? Agricultural, Forestry and Fishery Workers	1,620	885	735	1,569	878	691	1,524	885	639	1,441	853	588
Craft,machine operators & elementary occupations	8,076	5,809	2,267	7,929	5,708	2,221	7,912	5,664	2,248	8,148	5,827	2,320
Craft and Related Trades Workers	2,355	2,005	350	2,332	1,975	357	2,184	1,866	319	2,238	1,913	325
Equipment, Machine Operating and Assembling Workers	2,653	2,314	339	2,592	2,263	328	2,575	2,274	301	2,695	2,366	328
Elementary Workers	3,068	1,490	1,578	3,005	1,470	1,535	3,153	1,525	1,628	3,215	1,548	1,667

Source : Statistics Korea 2011

Table H : Korean Employed persons by status of workers and by gender during 2000 - 2003 (Unit : Thousand persons)

Year	2000			2001			2002			2003		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
Status of workers	21,156	12,387	8,769	21,572	12,581	8,991	22,169	12,944	9,225	22,139	13,031	9,108
Non-salaried workers	7,795	4,423	3,372	7,913	4,531	3,382	7,988	4,619	3,368	7,736	4,599	3,138
Self-employed	5,864	4,181	1,683	6,051	4,298	1,753	6,190	4,404	1,786	6,043	4,424	1,618
Employer	1,458	1,195	263	1,554	1,258	296	1,617	1,312	304	1,629	1,339	290
Own account workers	4,407	2,986	1,421	4,497	3,040	1,457	4,574	3,092	1,482	4,413	3,085	1,328
Unpaid family workers	1,931	243	1,688	1,863	234	1,629	1,797	215	1,582	1,694	175	1,519
Wage & salary workers	13,360	7,963	5,397	13,659	8,050	5,609	14,181	8,325	5,857	14,402	8,432	5,970
Regular employees	6,395	4,716	1,679	6,714	4,854	1,861	6,862	4,894	1,968	7,269	5,160	2,109
Temporary employees	4,608	2,112	2,496	4,726	2,137	2,589	4,886	2,205	2,682	5,004	2,178	2,826
Daily workers	2,357	1,135	1,222	2,218	1,059	1,159	2,433	1,226	1,207	2,130	1,094	1,036

Source : Statistics Korea 2011

Table I : Korean Employed persons by status of workers and by gender during 2004 - 2007 (Unit : Thousand persons)

Year	2004			2005			2006			2007		
Status of workers	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
		22,557	13,193	9,364	22,856	13,330	9,526	23,151	13,444	9,706	23,433	13,607
Non-salaried workers	7,663	4,536	3,127	7,671	4,536	3,135	7,600	4,466	3,134	7,463	4,392	3,070
Self-employed	6,110	4,369	1,740	6,172	4,366	1,806	6,134	4,306	1,828	6,049	4,228	1,821
Employer	1,679	1,358	321	1,664	1,328	336	1,632	1,298	334	1,562	1,214	348
Own account workers	4,431	3,011	1,420	4,508	3,038	1,470	4,502	3,009	1,494	4,487	3,014	1,473
Unpaid family workers	1,553	167	1,386	1,499	170	1,329	1,466	160	1,306	1,413	165	1,249
Wage & salary workers	14,894	8,657	6,237	15,185	8,794	6,391	15,551	8,978	6,573	15,970	9,214	6,756
Regular employees	7,625	5,336	2,289	7,917	5,479	2,438	8,204	5,588	2,616	8,620	5,804	2,816
Temporary employees	5,082	2,213	2,869	5,056	2,182	2,874	5,143	2,234	2,909	5,172	2,232	2,940
Daily workers	2,188	1,108	1,079	2,212	1,134	1,078	2,204	1,156	1,048	2,178	1,178	1,000

Source : Statistics Korea 2011

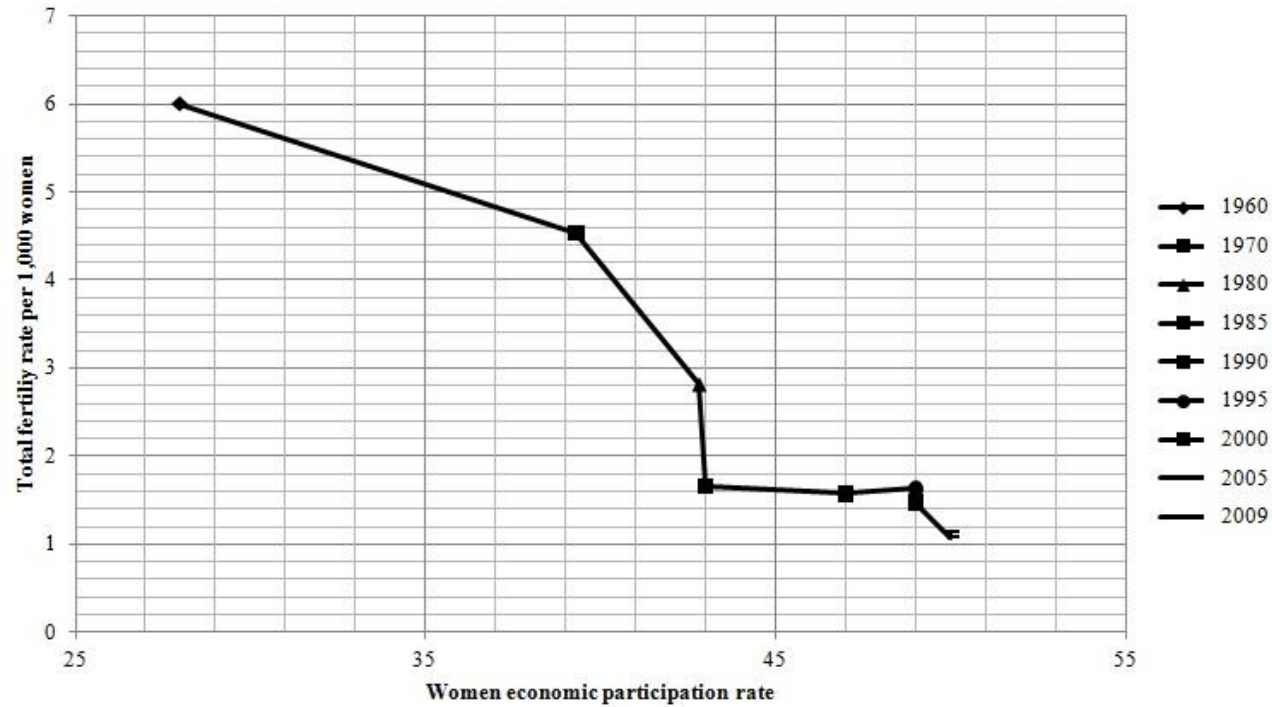
Table J : Korean Employed persons by status of workers and by gender during 2008 - 2010 (Unit : Thousand persons)

Year	2008			2009			2010		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Status of workers	23,577	13,703	9,874	23,506	13,734	9,772	23,829	13,915	9,914
Non-salaried workers	7,371	4,365	3,006	7,052	4,236	2,816	6,858	4,175	2,683
Self-employed	5,970	4,194	1,776	5,711	4,059	1,652	5,592	3,992	1,601
Employer	1,527	1,180	347	1,517	1,174	342	1,499	1,174	325
Own account workers	4,443	3,015	1,428	4,194	2,884	1,310	4,093	2,818	1,276
Unpaid family workers	1,401	170	1,230	1,341	177	1,164	1,266	183	1,083
Wage & salary workers	16,206	9,338	6,868	16,454	9,498	6,955	16,971	9,740	7,230
Regular employees	9,006	6,053	2,954	9,390	6,338	3,051	10,086	6,666	3,421
Temporary employees	5,079	2,144	2,935	5,101	2,111	2,991	5,068	2,095	2,973
Daily workers	2,121	1,142	979	1,963	1,050	913	1,816	979	837

Source : Statistics Korea 2011

Table K : A relation between women economic participation and total fertility rate in South Korea

Year	1960	1970	1980	1985	1990	1995	2000	2005	2009
Women economic participation rate	28	39.3	42.8	43	47	49	49	50	50
Total fertility rate	6	4.53	2.82	1.66	1.57	1.63	1.47	1.08	1.14



Note : Women economic participation rates are given as approximated number.

Source : Data from World Bank Statistic Office and UNSD Statistic Office is collected in total fertility rate
 Data from ILO statistic office is collected in women economic participation

Table L: Demographic indicators by age of South Korea during 1970 - 2005 (Population items)

Year	1970	1975	1980	1985	1990	1995	2000	2005
Aged 0-14 years old	42.5	38.6	34	30.2	25.6	23.4	21.1	19.2
Aged 15-64 years old	54.4	58	62.2	65.6	69.3	70.7	71.7	71.7
Aged 65 years old and over	3.1	3.5	3.8	4.3	5.1	5.9	7.2	9.1

Source : Statistics Korea 2011 (population items), 1970 – 2010

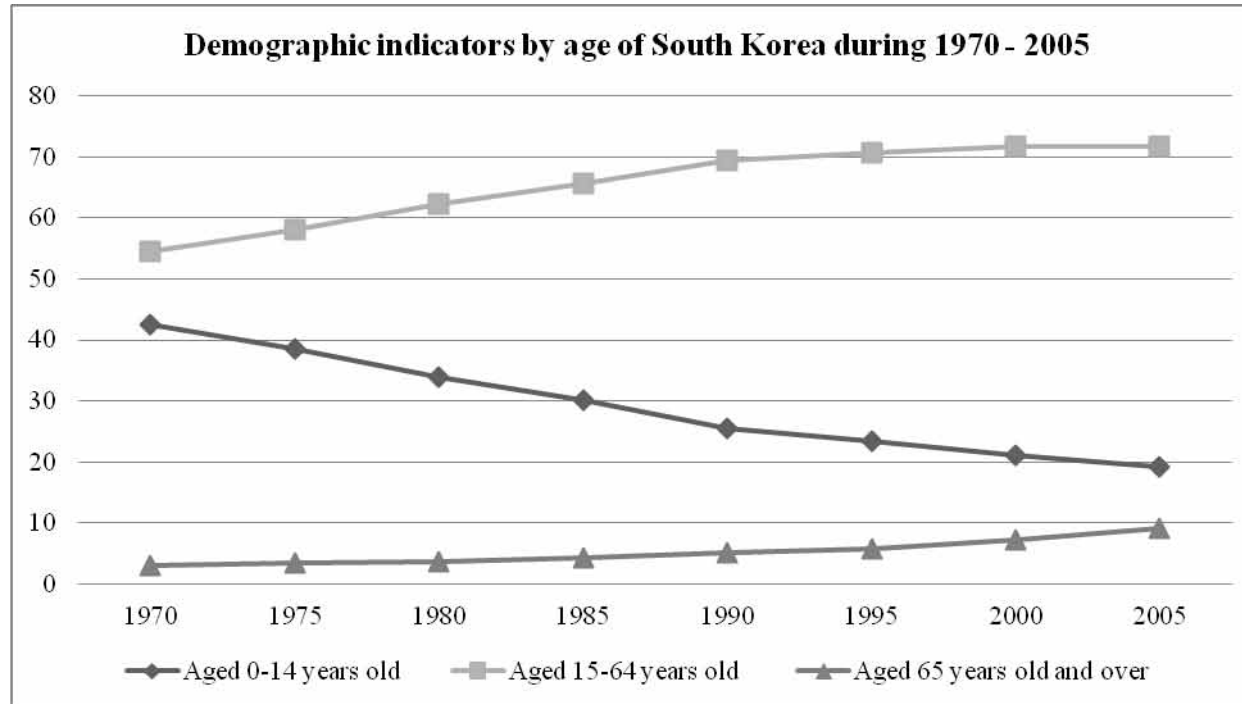


Table M : The proportion of the population economically active by age and gender in 1960-2008, Thailand

The Proportion of the Population Economically Active by Age and Gender in 1960-2008, Thailand												
Age	1960		1970		1980		1990		2000		2008	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
14-11	40.6	50.7	44.6	52	28.8	32.2	38.7 <u>1/</u>	39.4 <u>1/</u>	8.7 <u>1/</u>	7.1 <u>1/</u>		
15-19	77.1	84.9	78.3	78.4	66.2	63.8	67.5	63.4	38	30.9	34	19.3
20-24	88.6	86.9	90.1	80.3	85.8	71.8	88.3	76	77.2	66.4	80.3	61.8
25-29	96.3	85.1	96.4	79.8	94.6	73.6	95.6	78.4	94.4	79.7	94	81.5
30-34	97.7	85.3	97.3	80	96	74.6	96.9	79.1	96.2	82.8	96.1	85
35-39	98	86.7	97.5	81.4	96.2	75.8	97.1	79.6	97.6	84	97.2	87
40-44	97.8 <u>2/</u>	87.7 <u>2/</u>	97.4	81.6	95.8	75.8	96.9	79	97.6 <u>2/</u>	82.1 <u>2/</u>	96.8 <u>2/</u>	84.2 <u>2/</u>
45-49			97	81.3	94.7	74	96.1	77.5				
50-54	94.7 <u>3/</u>	81.1 <u>3/</u>	94.4	74.9	91.7	69.2	92.6	72.1	93.2 <u>3/</u>	70.1 <u>3/</u>	92.8 <u>3/</u>	73.5 <u>3/</u>
55-59			90.1	66.9	85.2	59.6	86.9	64.1				
60-64	64.5 <u>4/</u>	40.1 <u>4/</u>	75.5	48.3	68.6	43.7	66.4	45.8	45.8 <u>4/</u>	23.1 <u>4/</u>	50.3 <u>4/</u>	28.1 <u>4/</u>
65+			45.2	21.5	40.1	19.6	37.2	19.9				
Unknown	82.9	71.7	65	59.5								
Total	82.9	77.4	81.5	71.1	75.8	62.1	82.9	68	80.6	64.9	81.5	65.8

Sources: Population and Housing Census, NSO (various issues) - cited from Mathana Phananimai. (1996) Population Changes and Economic Development in Thailand : Their Implications on Women's Status. TDRI review Vol. 12 No. 3 Sep 1997 pp. 15-26 (1960-1990) and International Labor Organization Statistic Office [<http://laborsta.ilo.org/STP/guest>]

- Notes:
- 1/ The proportion of population aged 13-14 Years.
 - 2/ The proportion of population aged 40-49 Years.
 - 3/ The proportion of population aged 50-59 Years.
 - 4/ The proportion of population aged 60 Years and Over.

Table N : The proportion of the population economically active by age and industry in 1960-2000, Thailand

Economically active population as employees, by gender and by industry in employment (Thousands)										
Fields	1960		1970		1980		1990		2000	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Total	1198.4	434.3	1770.7	827.1	3104.1	1813.5	5097.8	3677	7309.2	5759.3
0 Agriculture, forestry, hunting and fishing	229.9	123	318.4	222.3	566.7	520.1	960.4	822.4	1259.4	1029.8
1 Mining and quarrying	16.5	2.4	51.8	15.7	18	5.2	41.2	5.6	29.2	6.2
2-3 Manufacturing	172.6	64.3	266.1	162.2	744	438.7	1102.1	1089.7	1821	1783.7
4 Construction	50.9	5.6	119.4	23.4	319.4	58	85.1	21.9	131.5	38.1
5 Electricity, gas, water and sanitary services	14.1	0.7	21.5	3.2	54.2	5.4	763.7	166.4	942.6	179.2
6 Commerce	77.3	19	106.7	49.7	305.1	152.9	553.4	360.8	889	731.6
7 Transport, storage and communication	101.3	4.8	157.8	11.6	217.5	22	327.7	55.3	358	85.1
8 Services	395.6	133.6	655.8	317.5	877.6	609.6	1250.9	1145.3	1873.3	1900.7
9 Activities not adequately described	140.1	80.7	73.2	21.6	0.3	0.2	11.7	8.2	5.2	4.9

Note : The proportion of economically active population aged 11 years old and above is presented in 1960-1980
The proportion of economically active population aged 13 years old and above is presented in 1990 – 2000
Source : Population Census. International Labor Organization (ILO) Statistic Office

Table O : The proportion of the population economically active by age and industry in 2003-2008, Thailand

Economically active population as employees, by gender and by industry in employment (Thousands)												
Fields	2003		2004		2005		2006		2007		2008	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
total	7795.6	6263.1	8766.9	6876.3	8656.1	7190.8	8708.8	7160.9	8900.5	7274.6	8920.4	7420.8
A Agriculture, Hunting and Forestry	1118.7	916.6	1340.6	1091.9	1309.8	1111.3	1265.9	1033.4	1231.1	984.6	1342.4	1098.7
B Fishing	116.7	7.7	86.4	10.6	100.6	6.9	88.8	13.1	85.7	15	69.7	13.3
C Mining and Quarrying	28.2	7.9	25	8.4	29.4	9.7	39.3	9.9	39.7	10.2	40.7	9.8
D Manufacturing	1919	2068.5	2089.4	2183.6	2056.9	2286.8	2025.8	2273.7	2157.8	2344.1	1965.2	2230.5
E Electricity, Gas and Water Supply	89.8	15.4	87.2	11.5	88.8	18	84.9	14.3	89.8	15.1	85	18.1
F Construction	1137.5	205.9	1352.8	254.8	1357.2	241.5	1437.7	280	1356.7	290.6	1406.8	278.6
G Wholesale and Retail Trade; Repair of Motor Vehicles, Motorcycles and Personal and Household Goods	1049.7	709.8	1221.4	816.8	1135.8	735.4	1127.4	758.2	1133.7	792.2	1207.9	799.1
H Hotels and Restaurants	229.7	369.6	234.2	371.1	225.2	404.6	236.6	413.6	226.4	435.2	229.3	411.4

Economically active population as employees, by gender and by industry in employment (Thousands) – Continued

Fields	2003		2004		2005		2006		2007		2008	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
I Transport, Storage and Communications	360.8	105.2	371	122.5	367.9	134.3	387.9	132	383.9	118.3	412.8	128.5
J Financial Intermediation	137	133	139.8	154	152.3	169.3	145.2	197.7	150.5	193.6	176.9	212.9
K Real Estate, Renting and Business Activities	240.7	185.2	273.8	194.1	257	211.2	255.7	223.8	296.8	241.4	279.8	247.5
L Public Administration and Defence; Compulsory Social Security	602.8	300	679.4	335.6	726.3	369.4	784	386.1	890.6	396.3	853.5	449.8
M Education	419.2	524	462.3	606.3	463.5	647.3	450	616	469.1	599.1	428.7	653
N Health and Social Work	135	347.8	151.7	343.8	142.3	421.3	131.3	424.7	143.1	447.1	163.8	500.1
O Other Community, Social and Personal Service Activities	162.2	138.9	207	154.5	186.3	189.5	185.3	164.9	185.9	172.6	219.4	173.4
P Households with Employed Persons	37.3	217.3	31	208	29.8	211.7	34	187.9	31.9	197.2	21.3	174.8
Q Extra-Territorial Organizations and Bodies	0.3	0.6	0.3	0.5	0.3	-	0	0.4	0.9	0.2	0.4	1
X Not classifiable by economic activity	11.3	9.7	13.6	8.2	26.7	20.7	29	31.2	26.9	21.8	16.8	20.3

Note : The proportion of economic population as employee aged 15 years old and above

Source : Population Census. ILO Statistic Office

Table P : The proportion of the population economically active by age and occupation in 1960-2000, Thailand

Economically active population as employees, by gender and by occupation in employment (Thousands)										
Fields	1960		1970		1980		1990		2000	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Total	1198.4	434.3	1770.7	827.1	2956.3	1736.1	5097.6	3676.9	7309.2	5171
0 Professional, Technical and Related Workers	104.3	54	151	111	327	334.6	475.5	517.8	895.1	1140.2
1 Administrative, Executive and Managerial Workers	12.9	0.7	217.1	15.4	361.9	42.4	173.1	45	295.6	149.3
2 Clerical Workers	133.2	20.3	125.7	61	220.9	165.1	410.7	437.1	455.5	651.8
3 Sales Workers	40.7	11.4	72.7	34.4	122.1	210.1	182.2	137.1	278.3	323.8
4 Farmers, Fishermen, Hunters, Loggers and Related Workers	228.9	122.9	325.8	226.7	363.9	277.4	996.5	817.8	1345.8	1046
5 Miners, Quarrymen and Related Workers	14	1.9	25.2	5.3	***	***	***	***	***	***
6 Workers in Transport and Communication Occupations	83.2	2.4	124.3	3.2	***	***	***	***	***	***
7-8 Craftsmen, Production-Process Workers, and Labourers Not Elsewhere Classified	411.2	154.3	560.1	241.8	1290.4 *	630.2*	2408.7*	1228.6 *	3326.6 *	1742.8*
9 Service, Sport and Recreation Workers	102.7	64.3	168.7	128.5	254.2	68.2	430.6	483.2	708.2	115.4
X Workers Not Classifiable by Occupation	67.4	2.1			15.8	8.1	18.9	9.3	4.1	1.7

Note : * Issues 7th,8th and 9th includes. *** Indicator has been replaced.

The proportion of economically active population aged 11 years old and above is presented in 1960 - 1980

The proportion of economically active population aged 13 years old and above is presented in 1990 - 2000

Source : Database Statistic Office : ILO

Table Q : The proportion of the population economically active by age and occupation in 2003-2008, Thailand

Economically active population as employees, by gender and by occupation in employment (Thousands)												
Fields	2003		2004		2005		2006		2007		2008	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
total	7795.7	6263.2	8766.9	6876.3	8656.1	7190.8	8708.4	7161.3	8900.4	7274.7	8920.4	7420.8
1 Legislators, senior officials and managers	294.7	107.3	341.4	89	333.9	115.8	347.1	129.4	425.5	115.4	374.1	142.5
2 Professionals	514.3	643.9	561	738.1	590.5	833.2	592.2	870	608.7	823.4	591.1	879.4
3 Technicians and associate professionals	579.9	579.1	627.8	614.7	655.6	689.8	673.2	728	719.4	724.8	663.4	735.1
4 Clerks	390.3	725.1	432.8	758.8	452.7	830.3	414.2	803.6	420.2	869.8	456.9	881.3
5 Service workers and shop and market sales workers	609.5	736.3	708	845.9	617.2	837.5	660.3	817.4	710.5	929.2	736.3	935.5
6 Skilled agricultural and fishery workers	742.4	567.4	812.3	660.5	791.5	628	764.5	576.7	785	592.4	813.8	634.6
7 Craft and related trade workers	1948	758.3	2138.8	812.2	2055.1	781.9	2046.2	717.8	2069.9	757.9	2168.3	707.4
8 Plant and machine operators and assemblers	1281.2	762.4	1420	861.1	1444.4	845.7	1453.2	875	1519.2	876.1	1416.6	844.9
9 Elementary occupations	1427.1	1378.2	1712.4	1487.3	1696.5	1607.5	1727.8	1619	1612.7	1564.6	1684	1643.5
X Not classifiable by occupation	8.3	5.2	12.3	8.7	18.6	21.4	29.7	24.4	29.3	21.1	16	16.6

Note : The proportion of economic population as employee aged 15 years old and above

Source : Population Census. ILO Statistic Office

Table R : Number of population aged 15 years and over by labor force status, whole kingdom: 2001 – 2009 (Thailand)

Labor Force Status	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total									
Population 15 years and over	47,057,134	47,676,405	48,313,364	49,332,630	49,816,757	50,470,936	51,044,501	51,902,885	52,816,766
Total labor force	33,813,467	34,261,615	34,901,722	35,717,777	36,131,982	36,429,004	36,941,980	37,700,387	38,426,756
Employed	32,104,249	33,060,866	33,841,023	34,728,811	35,257,173	35,685,529	36,249,454	37,016,612	37,706,321
Unemployed	1,123,944	822,841	754,197	739,159	662,976	551,731	508,475	521,980	572,336
Seasonally inactive labor force	585,274	377,908	306,501	249,807	211,834	191,744	184,051	161,795	148,099
Person not in labor force	13,243,668	13,414,789	13,411,642	13,614,853	13,684,775	14,041,931	14,102,521	14,202,498	14,390,010
Male									
Population 15 years and over	23,318,423	23,618,384	23,928,822	24,439,341	24,424,244	24,484,627	24,754,864	25,197,516	25,672,589
Total labor force	18,788,049	19,040,311	19,330,094	19,833,726	19,799,326	19,800,441	20,073,189	20,468,997	20,874,882
Employed	17,900,837	18,444,625	18,803,792	19,338,565	19,334,659	19,416,436	19,695,739	20,092,424	20,489,253
Unemployed	620,028	473,250	429,556	407,603	383,828	312,435	305,871	302,601	318,334
Seasonally inactive labor force	267,184	122,436	96,747	87,559	80,840	71,570	71,579	73,972	67,295
Person not in labor force	4,530,375	4,578,073	4,598,728	4,605,615	4,624,918	4,684,186	4,681,676	4,728,520	4,797,707
Female									
Population 15 years and over	23,738,711	24,058,021	24,384,542	24,893,290	25,392,513	25,986,309	26,289,637	26,705,369	27,144,177
Total labor force	15,025,418	15,221,305	15,571,627	15,884,052	16,332,656	16,628,564	16,868,791	17,231,390	17,551,875
Employed	14,203,412	14,616,242	15,037,231	15,390,246	15,922,514	16,269,094	16,553,715	16,924,188	17,217,068
Unemployed	503,916	349,591	324,642	331,556	279,148	239,296	202,604	219,380	254,002
Seasonally inactive labor force	318,090	255,472	209,754	162,249	130,994	120,174	112,473	87,823	80,804
Person not in labor force	8,713,293	8,836,716	8,812,914	9,009,238	9,059,857	9,357,745	9,420,846	9,473,979	9,592,303

Source : The Labor Force Survey, National Statistical Office, Ministry of Information and Communication Technology

Compiled by : Statistical Forecasting Bureau, National Statistical Office

Table S : Total number of employed persons 15 years and over by occupation, whole kingdom: 2001 – 2009 (Thailand)

OCCUPATION AND SEX	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total	32,104,249	33,060,866	33,841,023	34,728,811	35,257,173	35,685,529	36,249,454	37,016,612	37,706,321
1. Legislators senior officials and managers	2,229,781	2,380,566	2,419,175	2,448,144	2,514,050	2,489,174	2,508,400	1,373,131	1,043,781
2. Professionals	1,256,416	1,180,794	1,221,430	1,330,451	1,410,513	1,450,683	1,417,315	1,493,329	1,518,776
3. Technicians and associate professionals	1,185,258	1,194,942	1,260,376	1,344,662	1,443,340	1,495,489	1,550,100	1,532,337	1,525,645
4. Clerks	1,101,007	1,126,200	1,174,118	1,212,262	1,285,632	1,288,592	1,339,796	1,380,886	1,470,308
5. Service workers and shop and market sales workers	4,172,555	4,346,991	4,560,584	4,914,288	5,033,782	5,023,326	5,200,105	6,061,164	6,677,428
6. Skilled agricultural and fishery workers	11,885,602	12,429,636	12,163,211	11,855,991	11,844,335	12,496,404	12,699,524	13,179,337	13,210,032
7. Craft and related trades workers	3,676,377	3,826,265	4,022,778	4,156,291	4,182,631	4,033,250	4,047,919	4,392,936	4,566,520
8. Plant and machine operators and assemblers	2,560,034	2,584,864	2,680,922	2,940,561	2,972,406	2,969,164	3,053,595	3,024,614	2,971,338
9. Elementary occupations	4,023,744	3,977,338	4,322,702	4,500,245	4,526,318	4,386,246	4,376,174	4,545,201	4,703,234
10. Workers not classifiable by occupation	13,476	13,271	15,729	25,916	44,166	53,204	56,528	33,679	19,260

Source : The Labor Force Survey, National Statistical Office, Ministry of Information and Communication Technology

Compiled by : Statistical Forecasting Bureau, National Statistical Office

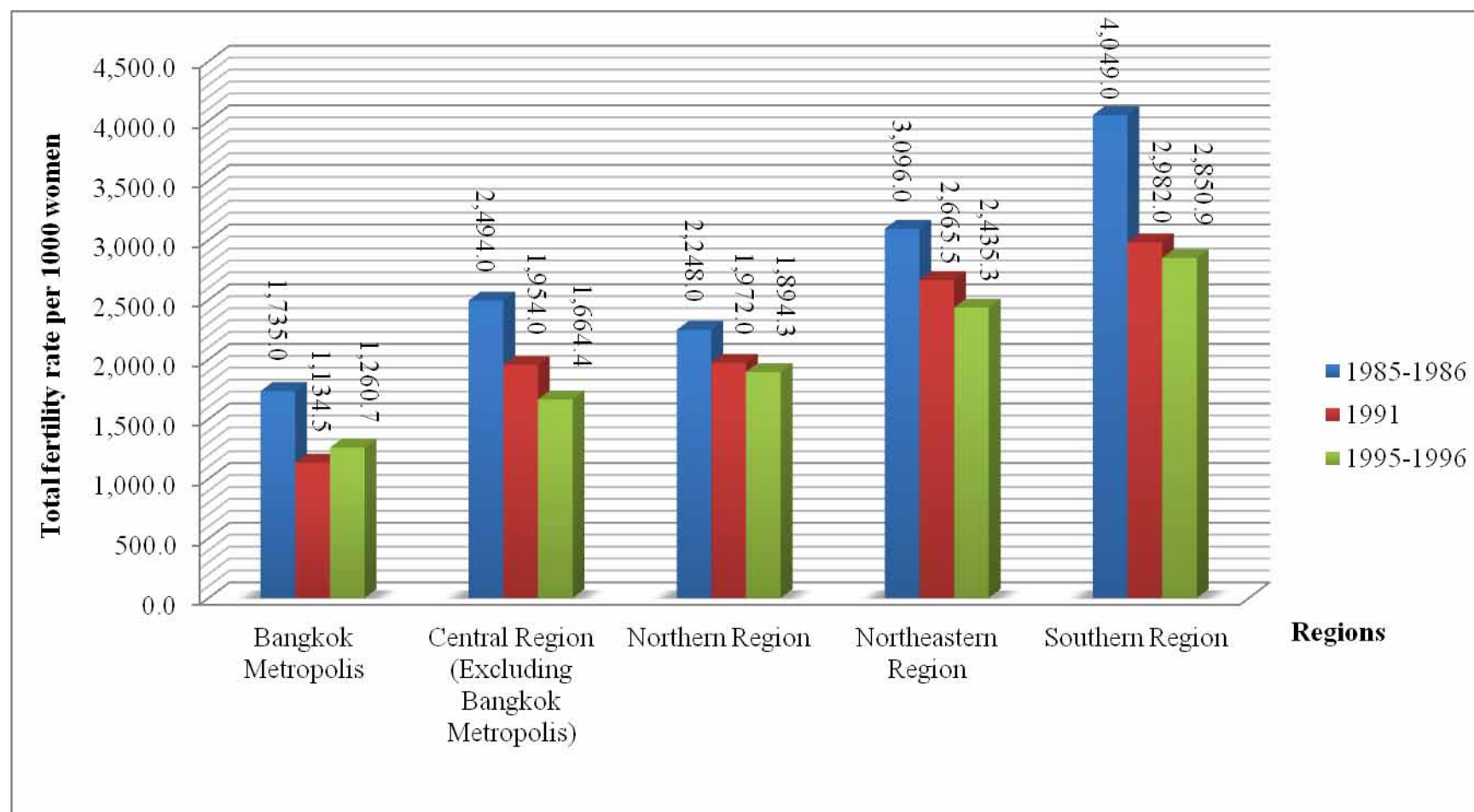
Table T : Number of employed persons 15 years and over by occupation and gender, whole kingdom: 2001 – 2009 (Thailand)

OCCUPATION AND SEX	2001	2002	2003	2004	2005	2006	2007	2008	2009
Male	17,900,837	18,444,625	18,803,792	19,338,565	19,334,659	19,416,436	19,695,739	20,092,424	20,489,253
1. Legislators senior officials and managers	1,650,148	1,752,337	1,757,511	1,775,495	1,802,838	1,766,800	1,770,561	1,012,056	791,099
2. Professionals	538,079	521,950	537,616	582,679	603,088	600,965	589,540	622,304	620,511
3. Technicians and associate professionals	613,139	595,107	637,211	672,298	697,605	707,419	756,397	731,575	711,072
4. Clerks	410,828	414,919	418,802	442,052	449,860	431,529	450,340	475,733	499,450
5. Service workers and shop and market sales workers	1,537,223	1,576,278	1,657,304	1,820,886	1,832,529	1,819,264	1,892,057	2,334,067	2,589,416
6. Skilled agricultural and fishery workers	6,902,143	7,208,317	7,021,959	6,838,545	6,700,719	7,037,341	7,140,954	7,453,052	7,524,855
7. Craft and related trades workers	2,359,292	2,472,509	2,617,176	2,777,328	2,786,205	2,710,806	2,723,722	3,011,270	3,151,396
8. Plant and machine operators and assemblers	1,785,463	1,804,762	1,884,408	2,035,005	2,071,442	2,044,201	2,096,240	2,098,765	2,150,535
9. Elementary occupations	2,097,735	2,091,914	2,263,151	2,380,046	2,364,602	2,267,945	2,245,454	2,337,125	2,443,664
10. Workers not classifiable by occupation	6,789	6,531	8,656	14,232	25,771	30,167	30,475	16,480	7,256
Female	14,203,412	14,616,242	15,037,231	15,390,246	15,922,514	16,269,094	16,553,715	16,924,188	17,217,068
1. Legislators senior officials and managers	579,633	628,229	661,664	672,650	711,213	722,374	737,838	361,075	252,682
2. Professionals	718,337	658,844	683,815	747,773	807,424	849,718	827,776	871,025	898,265
3. Technicians and associate professionals	572,119	599,835	623,165	672,364	745,736	788,070	793,703	800,762	814,573
4. Clerks	690,179	711,281	755,316	770,211	835,771	857,064	889,456	905,153	970,858
5. Service workers and shop and market sales workers	2,635,332	2,770,713	2,903,281	3,093,401	3,201,253	3,204,063	3,308,048	3,727,098	4,088,012
6. Skilled agricultural and fishery workers	4,983,460	5,221,319	5,141,252	5,017,446	5,143,617	5,459,063	5,558,570	5,726,285	5,685,178
7. Craft and related trades workers	1,317,085	1,353,756	1,405,602	1,378,963	1,396,426	1,322,444	1,324,197	1,381,666	1,415,124
8. Plant and machine operators and assemblers	774,572	780,102	796,514	905,556	900,965	924,962	957,356	925,849	820,803
9. Elementary occupations	1,926,010	1,885,424	2,059,551	2,120,199	2,161,716	2,118,301	2,130,720	2,208,076	2,259,570
10. Workers not classifiable by occupation	6,687	6,740	7,074	11,684	18,395	23,036	26,053	17,200	12,004

Source : The Labor Force Survey, National Statistical Office, Ministry of Information and Communication Technology

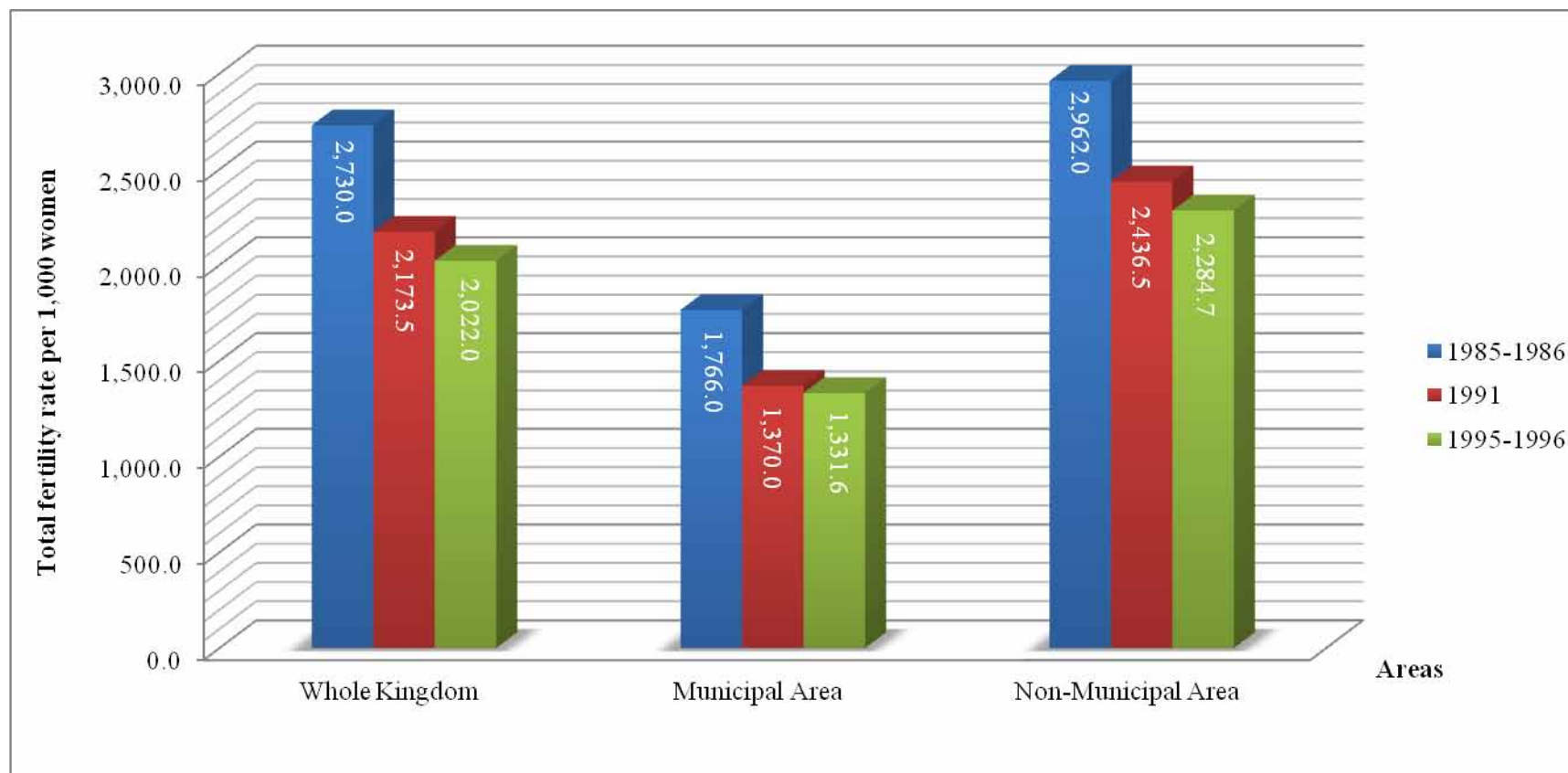
Compiled by : Statistical Forecasting Bureau, National Statistical Office

Table U : Total fertility rate of Thailand by region in 1995-1996, 1991 and 1985-1986



Source : Report on The 1995 -1996 Survey of Population Change, National Statistical Office. <http://web.nso.go.th/eng/stat/popchang/popchgt2.htm>

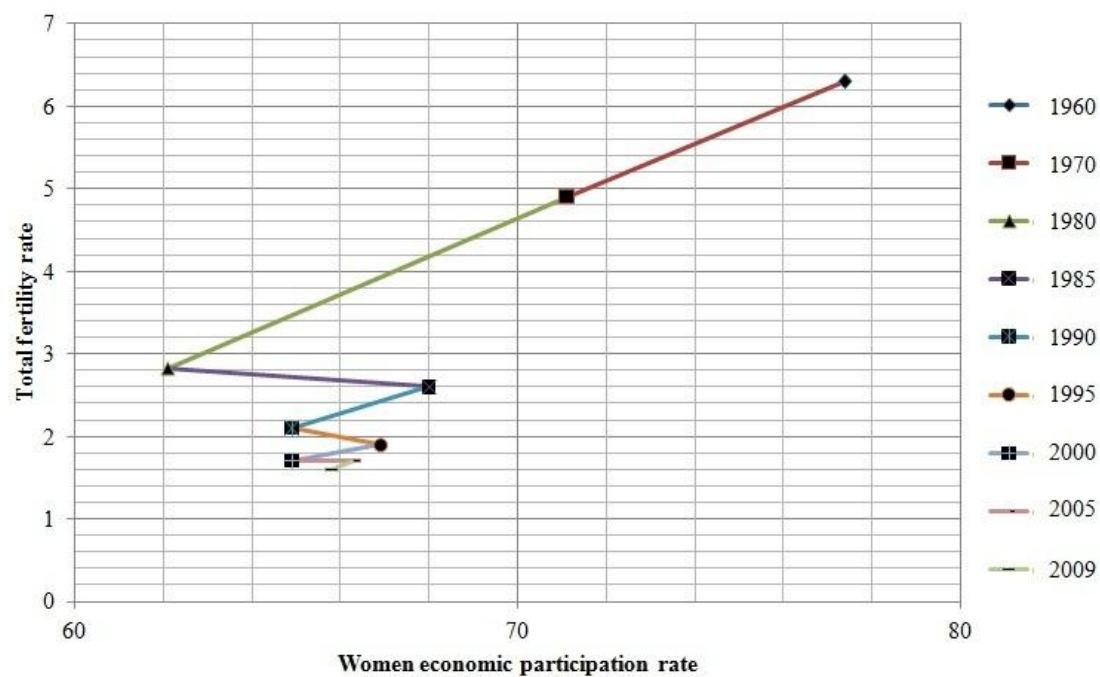
Table V : Total fertility rate of Thailand by area in 1995-1996, 1991 and 1985-1986



Source : Report on The 1995 -1996 Survey of Population Change, National Statistical Office. <http://web.nso.go.th/eng/stat/popchang/popchgt2.htm>

Table W : A relation between women economic participation and total fertility rate in Thailand

Year	1960	1970	1980	1985	1990	1995	2000	2005	2009
Women economic participation	77.4	71.1	62.1	68	64.9	66.9	64.9	66.3	65.8
Total fertility rate	6.3	4.9	2.82	2.6	2.1	1.9	1.7	1.7	1.6



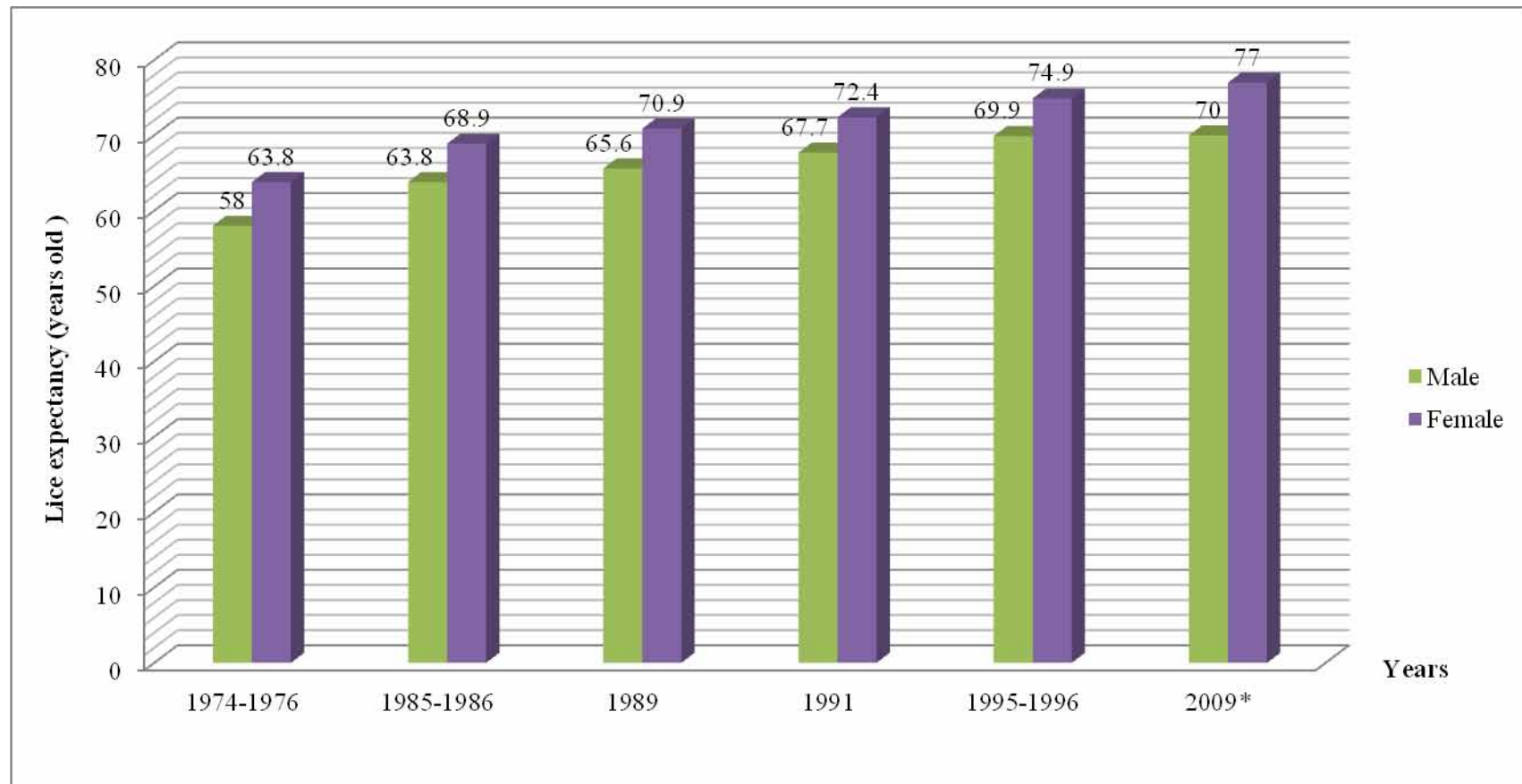
Source : 1) Data from World Bank Statistic Office and UNSD Statistic Office is collected in fertility rate

2) Data from ILO statistic office is collected in women economic participation

Note : 1) The first two fertility rates are based on 1965 and 1975,

2) The proportion population aged 13 years old and above and 3) Women economic participation rate in 1995 is based on 1996

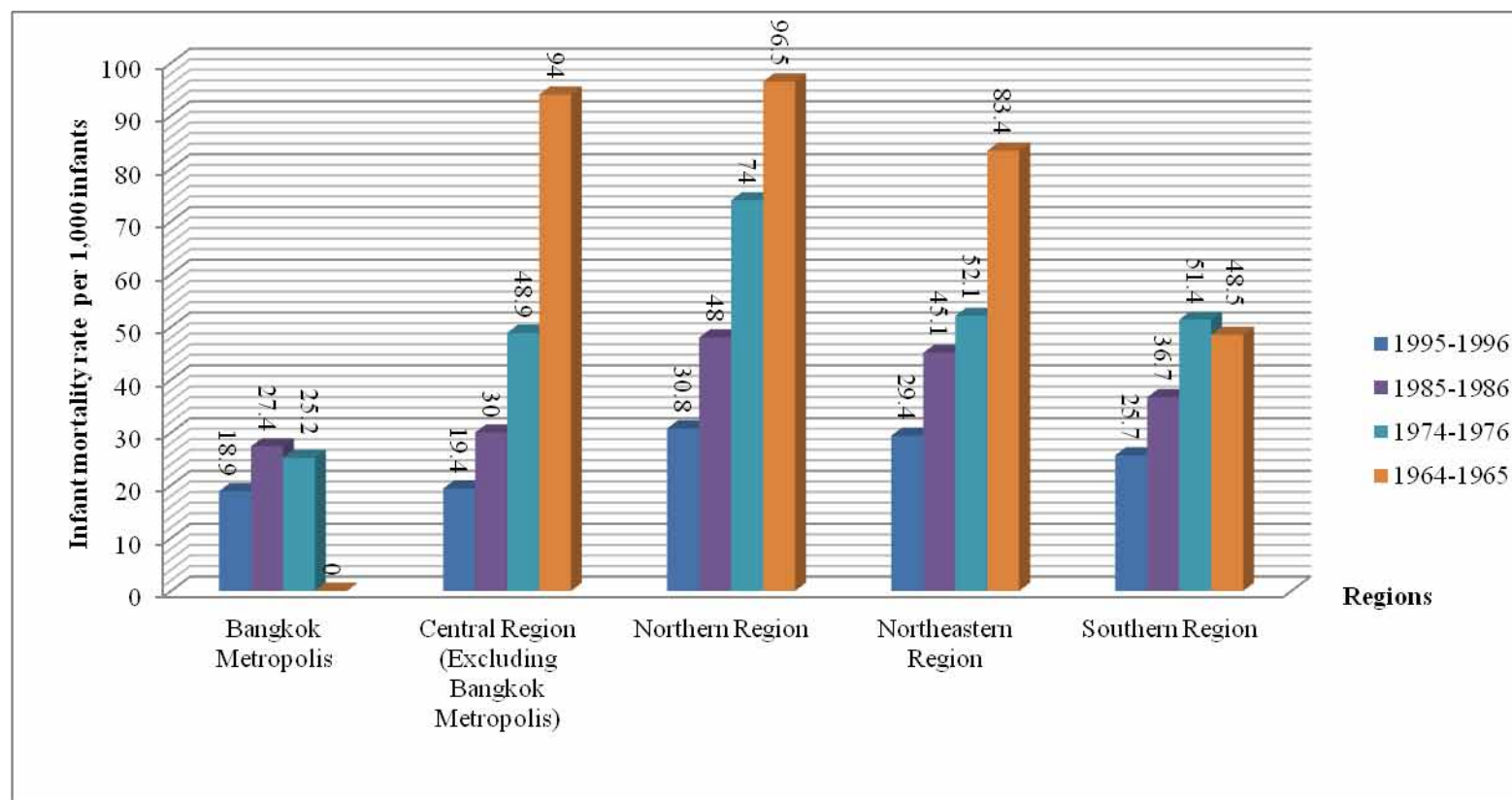
Table X : Expectation of life at birth of Thailand by gender 1974-2009



Source : Report on The 1995-1996 Survey of Population Change, National Statistical Office.

* Data is based on United Nations Statistic Division (UNSD)

Table Y : Percentage distribution Infant mortality rate by regions per 1,000 infants during 1964-1996 (Thailand)

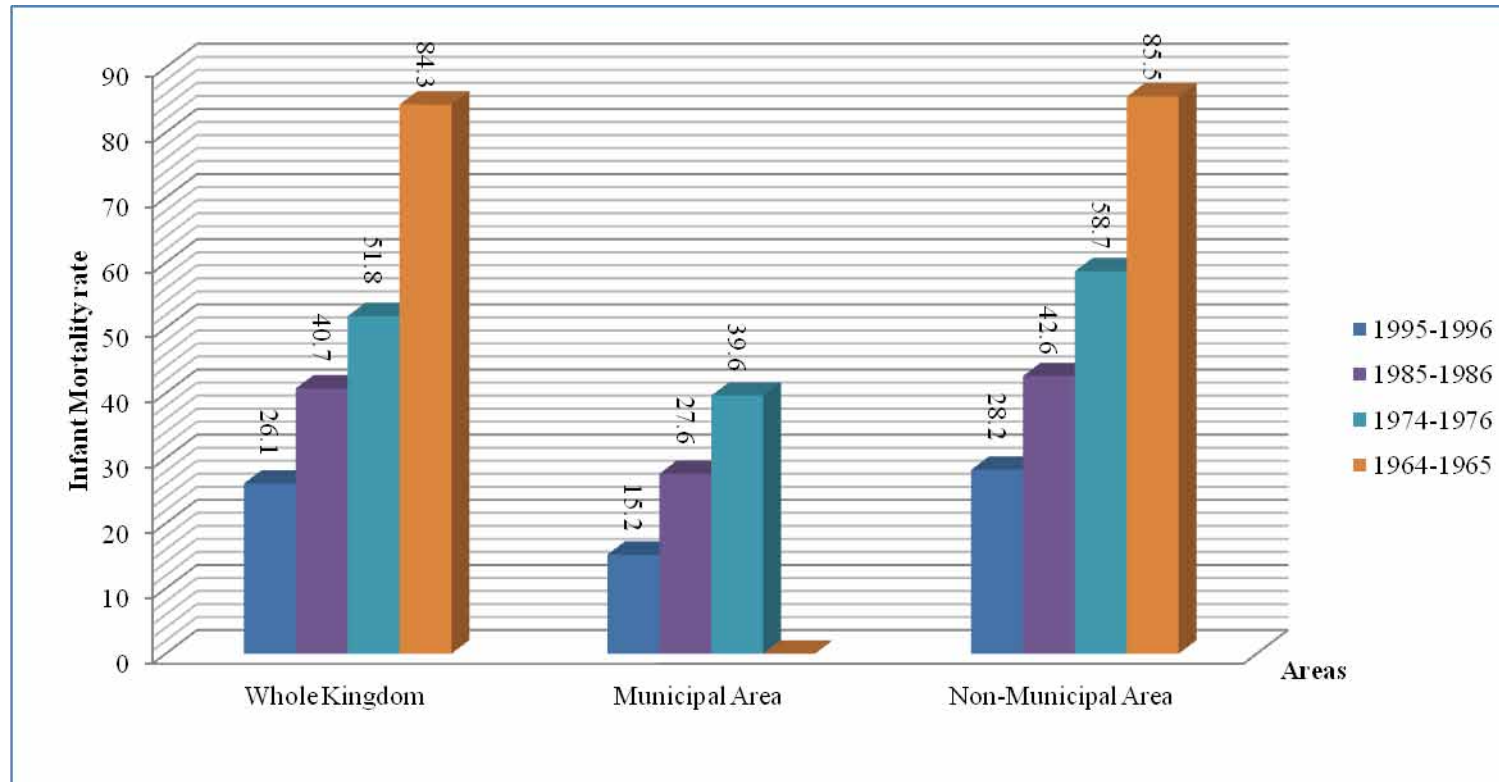


Note : The 1985-1986, 1974-1976, 1964-1965 Survey of Population Change used Dual Record System Method.

* The 1964-1965 Survey of Population Change. In Municipal area excluded Bangkok Metropolis-Thonburi and no Survey in Bangkok Metropolis in this year.

Source : Report on The 1995-1996 Survey of Population Change, National Statistical Office. <http://web.nso.go.th/eng/stat/popchang/popchgt4.htm>

Table Z : Percentage distribution Infant mortality rate by areas per 1,000 infants during 1964-1996



Note : The 1985-1986, 1974-1976, 1964-1965 Survey of Population Change used Dual Record System Method.

* The 1964-1965 Survey of Population Change. In Municipal area excluded Bangkok Metropolis-Thonburi and no Survey in Bangkok Metropolis in this year.

Source : Report on The 1995-1996 Survey of Population Change, National Statistical Office. <http://web.nso.go.th/eng/stat/popchang/popchgt4.htm>

Table A1 : Numbers of insured person servicing Social Security Fund due to maternity leave (Thailand)

Item/Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Number of establishments	110,814	301,518	324,079	346,936	362,559	375,705	381,506	382,170	389,953	395,924
Number of insured person under article 33	5,865,208	6,900,223	7,434,237	7,831,463	8,225,477	8,537,801	8,781,262	8,779,131	8,680,359	8,955,744
Number of insured person under article 39	118,231	147,415	175,131	200,298	241,929	322,379	400,905	514,422	679,700	747,005
Number of utilization of insured										
Sickness (Case)	16,067,396	18,247,247	21,331,082	22,793,471	22,164,334	23,694,845	26,935,417	28,467,919	28,984,350	29,802,623
Invalidity (Case)	435	614	504	708	760	706	683	828	795	917
Death (Case)	13,637	15,209	18,362	17,433	17,441	17,662	17,691	18,567	18,343	19,357
Maternity (Case)	184,281	194,641	226,841	254,848	251,960	-	282,199	295,455	291,966	282,277
Old age (Case)	16,963	22,063	41,662	46,782	60,874	65,696	76,248	89,519	98,035	114,268
Child allowance (Case)	507,259	531,651	812,924	856,142	931,992	1,095,707	1,169,778	1,212,359	1,254,102	1,255,645
Unemployment (Case)	-	-	-	15,722	28,021	39,902	56,581	71,951	139,165	89,965

- refers to No data

Note: 1. Insured person Article 33 : a person who pays contributions which provides entitlement to benefits under the Social Security Act. B.E. 2533 and amended by Social Security Act.

2. Insured person Article 39 : any person who has been an insured person Article 33 and whose insurance has subsequently ceased Article 38(2) and he or she notify his/her intention to continue to be insured person.

Source : Social Security Office, Ministry of Labour

Compiled by : Statistical Forecasting Bureau, National Statistical Office

Table A2 : a descriptive official document regarding Thai maternity leave reform (in Thai)

บันทึก เรื่อง สิทธิลาคลอดของลูกจ้างหญิงที่ลาคลอดต่อเนื่องกันในระหว่างการใช้ ประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน ลงวันที่ 16 เมษายน พ.ศ. 2515 กับประกาศกระทรวงมหาดไทย ฯ (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536

<เนื้อหา> กระทรวงมหาดไทยได้มีหนังสือ ตวนมาก ที่ มท 1706/7407 ลงวันที่ พฤษภาคม 2536 ถึงสำนักงานคณะกรรมการกฤษฎีกา ความว่า กระทรวงมหาดไทย อาศัยอำนาจตามประกาศของคณะปฏิวัติ ฉบับที่ 103 ลงวันที่ 16 มีนาคม พ.ศ. 2515 ออกประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 ปรับปรุงแก้ไขสิทธิลาคลอดของลูกจ้างหญิงให้มีผลใช้บังคับ ตั้งแต่วันที่ 1 พฤษภาคม 2536 ความว่า "ลูกจ้างซึ่งเป็นหญิงมีครรภ์มีสิทธิลาคลอด ก่อนและหลังคลอดครรภ์หนึ่ง ไม่เกินเก้าสิบวัน ในนายจ้างจ่ายค่าจ้างแก่ ลูกจ้างซึ่งลาคลอดเท่ากับค่าจ้างในวันทำงานตลอดระยะเวลาที่ลา แต่ไม่เกินสี่สิบห้าวัน วันลาตามวรรคหนึ่งให้นับรวมวันหยุดที่มีระหว่างวันลาด้วย" ทั้งนี้ ประกาศดังกล่าวได้ยกเลิกความในข้อ 18 แห่งประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน ลงวันที่ 16 เมษายน พ.ศ. 2515 ที่กำหนดว่า "ลูกจ้างซึ่งเป็นหญิงมีครรภ์มีสิทธิลาเพื่อการคลอดเพิ่มขึ้นจากวันลาป่วย ที่กำหนดไว้ในข้อ 12 วรรคหนึ่ง โดยไม่ได้รับค่าจ้างอีกหกสิบวันรวมทั้งวันหยุดด้วย แต่ถ้าหญิงนั้นได้ทำงานมาแล้วไม่น้อยกว่าหนึ่งร้อยแปดสิบวัน ให้มีสิทธิได้รับค่าจ้าง เท่าเวลาที่ลาตามอัตราที่ได้รับอยู่แต่ไม่เกินสามสิบวัน ถ้าหญิงนั้นยังไม่สามารถทำงานได้เนื่องจากการคลอด ก็ให้มีสิทธิลาโดยไม่ได้รับค่าจ้างอีกสามสิบวัน การลาตามข้อนี้ ให้นำข้อ 12 วรรคสองและวรรคสามมาใช้บังคับโดยอนุโลม"

-2- ปรากฏว่ามีลูกจ้างหญิงหลายรายลาคลอดคาบเกี่ยวระหว่างประกาศ กระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน ฉบับเดิมกับฉบับใหม่ใช้บังคับ ตัวอย่างเช่น ลาคลอดตั้งแต่วันที่ 1 เมษายน 2536 ถึงวันที่ 30 พฤษภาคม 2536 รวม 60 วัน เมื่อมีประกาศฉบับใหม่ใช้บังคับลูกจ้างนั้นขอลาคลอดต่อจากวันที่ 30 พฤษภาคม 2536 ต่อไปอีก 30 วัน และขอรับค่าจ้างในวันลาเพิ่มเติมอีก 15 วันด้วย จึงมีปัญหาที่จะต้องพิจารณาว่าลูกจ้างนั้นมีสิทธิลาและได้รับค่าจ้างระหว่างลาเพิ่มขึ้น ตามประกาศฉบับใหม่หรือไม่ ซึ่งปัญหาเรื่องนี้มีความเห็นเป็นสองฝ่าย คือ ฝ่ายที่หนึ่งเห็นว่า เมื่อเป็นการลาคลอดตามประกาศฉบับเดิมก็ย่อมมีสิทธิ ตามประกาศฉบับเดิม คือ ไม่มีสิทธิลาต่ออีก 30 วัน และไม่มีสิทธิได้รับค่าจ้างอีก 15 วัน ฝ่ายที่สองเห็นว่า เนื่องจากประกาศฉบับใหม่ให้สิทธิลูกจ้างหญิงเพิ่มขึ้น เมื่อมีวันลาคลอดต่อเนื่องมาจนถึงวันที่ 1 พฤษภาคม 2536 ยังไม่ถึง 90 วัน และลูกจ้าง ประสงค์จะลาคลอดต่อเนื่องจนครบ 90 วัน ตามประกาศฉบับใหม่ลูกจ้างก็ย่อมมีสิทธิ ลาต่อเนื่องเพิ่มขึ้นจนครบ 90 วัน และมีสิทธิได้รับค่าจ้างในวันลาคลอดเพิ่มขึ้นตามจำนวน วันลาที่เพิ่มขึ้นนับจากวันที่ 1 พฤษภาคม 2536 ด้วย แต่เมื่อรวมกับค่าจ้างในวันลาคลอด ที่ได้รับก่อนวันที่ 1 พฤษภาคม 2536 แล้วต้องไม่เกิน 45 วัน และกรณีที่ลูกจ้างทำงานไม่ครบ 180 วัน ซึ่งไม่มีสิทธิได้รับค่าจ้างระหว่าง ลาคลอดตามประกาศฉบับเดิม เมื่อลูกจ้างนั้นไม่มีสิทธิลาต่อเนื่องเพิ่มขึ้นจนครบ 90 วัน ตามประกาศฉบับใหม่ ก็ย่อมมีสิทธิได้รับค่าจ้างในวันลาคลอดตามจำนวนวันลาที่เพิ่มขึ้น นับจากวันที่ 1 พฤษภาคม 2536 ด้วย แต่ไม่เกิน 15 วัน เนื่องจากปัญหาเรื่องนี้มีความเห็นแตกต่างกันและเป็นปัญหาสำคัญ กระทรวงมหาดไทยจึงขอหารือคณะกรรมการกฤษฎีกา เพื่อพิจารณาให้ความเห็นคณะกรรมการกฤษฎีกา(กรรมการร่างกฎหมาย คณะที่ 5) ได้พิจารณาปัญหา ดังกล่าวโดยรับฟังคำชี้แจงของผู้แทน กระทรวงมหาดไทย(กรมสวัสดิการและคุ้มครองแรงงาน) แล้ว มีปัญหาที่ต้องพิจารณาว่าลูกจ้างหญิงที่ลาคลอด โดยเริ่มลา ก่อนวันที่ประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 ใช้บังคับ และระยะเวลาที่ลาคลอดต่อเนื่องมาจนถึงวันที่ประกาศกระทรวงมหาดไทย เรื่อง

-3- การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 ใช้บังคับรวมหกสิบวัน จะมีสิทธิลาคลอดเพิ่มเติมให้ครบกำหนดเก้าสิบวันและมีสิทธิได้รับค่าจ้างในระหว่างวันลาคลอดเพิ่มเติมตามข้อ 18 ของประกาศกระทรวงมหาดไทย เรื่องการคุ้มครองแรงงาน ลงวันที่ 16 เมษายน พ.ศ. 2515 ซึ่งแก้ไขเพิ่มเติมโดยประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 หรือไม่ และหากลูกจ้างหญิงที่ลาคลอดเพิ่มเติมดังกล่าวทำงาน ไม่ครบหนึ่งร้อยแปดสิบวันจะมีสิทธิได้รับค่าจ้างในระหว่างลาคลอดตามข้อ 18 ของประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน ลงวันที่ 16 เมษายน พ.ศ. 2515 ซึ่งแก้ไขเพิ่มเติมโดยประกาศกระทรวงมหาดไทย ฯ (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 ด้วยหรือไม่ โดยที่ประกาศ กระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน เป็น ประกาศซึ่งออกโดยอาศัยอำนาจตามประกาศของคณะปฏิวัติ ฉบับที่ 103 ลงวันที่ 16 มีนาคม พ.ศ. 2515 มีวัตถุประสงค์ที่จะกำหนดมาตรฐานขั้นต่ำของสิทธิประโยชน์ที่ ลูกจ้างจะพึงได้รับจากนายจ้าง เพื่อเป็นการให้ความคุ้มครองสิทธิขั้นพื้นฐานของลูกจ้าง โดยในส่วนของสิทธิประโยชน์ในการลาคลอดของลูกจ้างซึ่งเป็นหญิงมีครรภ์นั้น เดิมข้อ 18 ของประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน ลงวันที่ 16 เมษายน พ.ศ. 2515 กำหนดให้ลูกจ้างซึ่งเป็นหญิงมีครรภ์มีสิทธิลาเพื่อการคลอดเพิ่ม ขึ้นจากวันลาป่วย ได้อีกหกสิบวันรวมทั้งวันหยุดโดยไม่ได้รับค่าจ้าง แต่ถ้าหญิงนั้นได้ทำงานมาแล้วไม่น้อยกว่าหนึ่งร้อยแปดสิบวันให้มีสิทธิได้รับค่าจ้างเท่าเวลาที่ลาตามอัตราที่ได้รับอยู่แต่ไม่เกินสามสิบวัน และถ้าหญิงนั้นยังไม่สามารถทำงานได้เนื่องจากการคลอด ก็ให้มีสิทธิลาโดยไม่ได้รับค่าจ้างอีกสามสิบวัน และต่อมาได้มีประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 แก้ไขเพิ่มเติมข้อ 18*(1) ของประกาศกระทรวงมหาดไทยดังกล่าว

* (1) ข้อ 18 ลูกจ้างซึ่งเป็นหญิงมีครรภ์มีสิทธิลาคลอด ก่อนและหลังคลอดครรภ์หนึ่ง ไม่เกินเก้าสิบวันให้นายจ้างจ่ายค่าจ้างแก่ลูกจ้างซึ่งลาคลอดเท่ากับค่าจ้างในวันทำงานตลอดระยะเวลาที่ลา แต่ไม่เกินสี่สิบห้าวัน วันลาตามวรรคหนึ่งให้นับรวมวันหยุดที่มีระหว่างวันลาด้วย

-4- โดยกำหนดให้ลูกจ้างซึ่งเป็นหญิงมีครรภ์มีสิทธิลาคลอดก่อนและหลังคลอดครรภ์หนึ่งไม่เกินเก้าสิบวัน และให้นายจ้างจ่ายค่าจ้างแก่ลูกจ้างซึ่งลาคลอดเท่ากับค่าจ้างในวันทำงานตลอดระยะเวลาที่ลา แต่ไม่เกินสี่สิบห้าวัน จากการแก้ไข

เพิ่มเติมประกาศกระทรวงมหาดไทยดังกล่าวจะเห็นได้ว่าได้มีการเพิ่มสิทธิประโยชน์ให้แก่ลูกจ้างหญิงที่ลาคลอดโดยได้ตัดเงื่อนไขเรื่อง ระยะเวลาการทำงานของลูกจ้างที่ลาคลอดซึ่งจะมีสิทธิได้รับค่าจ้างในวันลาคลอดออก อันมีผลทำให้ลูกจ้างที่ลาคลอดมีสิทธิได้รับค่าจ้างในระหว่างลาคลอดโดยเท่าเทียมกันไม่ว่าลูกจ้างนั้นได้ทำงานมาแล้วกี่วัน ส่วนระยะเวลาที่จะมีสิทธิได้รับค่าจ้างในระหว่างลาคลอดนั้น ยังคงมีหลักการเช่นเดิม คือมีสิทธิได้รับค่าจ้างตลอดระยะเวลาที่ลา เพียงแต่ได้ขยายระยะเวลาที่จะได้รับค่าจ้างจากไม่เกินสามสิบวันเป็นไม่เกินสี่สิบห้าวันเท่านั้น นอกจากนี้ จำนวนวันลาคลอดที่ลูกจ้างซึ่งเป็นหญิงมีครรภ์มีสิทธิลาได้ก็ยังคงเป็นเช่นเดิม คือ มีสิทธิลาได้เก้าสิบวัน ซึ่งในการใช้สิทธิลาคลอดของลูกจ้างซึ่งเป็นหญิงมีครรภ์ นั้น ประกาศกระทรวงมหาดไทยฉบับเดิมและที่แก้ไขใหม่ไม่ได้กำหนดว่าให้ใช้สิทธิลาคลอดสำหรับการคลอดบุตรครั้งหนึ่งได้เพียงครั้งเดียว ลูกจ้างซึ่งเป็นหญิงมีครรภ์จึงมีสิทธิลาคลอดตามระยะเวลาที่กฎหมายให้สิทธิโดยไม่จำเป็นต้องลาครั้งเดียวให้ครอบคลุมระยะเวลาที่มีสิทธิทั้งหมด กล่าวคือจะขอลาหลายครั้งต่อเนื่องกันตามความจำเป็นก็ได้ ดังนั้น ถ้าลูกจ้างได้ลาคลอดตามสิทธิที่กำหนดไว้ในประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน ลงวันที่ 16 เมษายน พ.ศ. 2515 แล้วเมื่อถึงวันที่ 1 พฤษภาคม 2536 อันเป็นวันที่ใช้บังคับประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536*(2)ถ้าวันลาคลอดเดิมยังมีได้สิ้นสุดไปก่อนวันที่ 30 เมษายน 2536 สิทธิการลาคลอดและประโยชน์ที่จะได้รับนับแต่วันที่ 1 พฤษภาคม 2536 เป็นต้นไป ย่อมเป็นไปตามประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 โดยมีสิทธิที่จะขอลาคลอดได้ต่อไปจนกว่าจะครบเก้าสิบวันและมีสิทธิที่จะได้รับค่าจ้างในระหว่างลาคลอดระยะเวลาที่ลา แต่ไม่เกินสี่สิบห้าวัน

 *(2) ข้อ 1 ประกาศนี้ให้ใช้บังคับตั้งแต่วันที่ 1 พฤษภาคม พ.ศ. 2536 เป็นต้นไป

-5-ด้วยเหตุผลดังกล่าว คณะกรรมการกฤษฎีกา(กรรมการร่างกฎหมายคณะที่ 5) จึงเห็นว่า ลูกจ้างหญิงที่ลาคลอดตามกรณีที่หารือมานี้ย่อมมีสิทธิลาคลอดเพิ่มเติมต่อเนื่องไปอีกจนครบเก้าสิบวัน และมีสิทธิได้รับค่าจ้างตลอดระยะเวลาที่ลาคลอดตามข้อ 18*(3) ของประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน ลงวันที่ 16 เมษายน พ.ศ. 2515 ซึ่งแก้ไขเพิ่มเติมโดยประกาศกระทรวงมหาดไทยฯ (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 แต่เมื่อรวมกับค่าจ้าง ในวันลาคลอดที่ได้รับก่อนวันที่ 1 พฤษภาคม 2536 แล้วต้องไม่เกินสี่สิบห้าวันส่วนลูกจ้างหญิงที่ลาคลอดซึ่งทำงานไม่ครบหนึ่งร้อยแปดสิบวัน หากวันลาคลอดที่ลาไว้เดิมและวันลาคลอดที่ลาเพิ่มเติมอยู่ในช่วงระยะเวลาของการใช้บังคับประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 ลูกจ้างหญิงดังกล่าวย่อมมีสิทธิได้รับค่าจ้างตลอดระยะเวลาที่ลาแต่ไม่เกินสี่สิบห้าวัน แต่คำว่า "ตลอดระยะเวลาที่ลา" ในกรณีหลังนี้ต้องนับแต่วันที่ 1 พฤษภาคม 2536 อันเป็นวันที่ประกาศกระทรวงมหาดไทย (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 ใช้บังคับ เพราะก่อนวันใช้ประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 ลูกจ้างในกรณีหลังนี้ไม่มีสิทธิได้รับค่าจ้าง เมื่อสิทธิที่จะได้รับค่าจ้างเป็นสิทธิที่เกิดขึ้นตามประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 ดังนั้น จึงต้องนับแต่วันที่ประกาศกระทรวงมหาดไทย เรื่อง การคุ้มครองแรงงาน (ฉบับที่ 13) ลงวันที่ 28 เมษายน พ.ศ. 2536 ใช้บังคับ คือ วันที่ 1 พฤษภาคม 2536 เป็นต้นไป ถ้าวันลาครบเก้าสิบวันลูกจ้างยังมีสิทธิได้รับค่าจ้างเพียงเท่าระยะเวลาที่ลานั้นนับแต่วันที่ 1 พฤษภาคม 2536 เท่านั้น

(ลงชื่อ) อัครราช จุฬารัตน
 (นายอัครราช จุฬารัตน)
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 ปฏิบัติราชการแทน เลขาธิการคณะกรรมการกฤษฎีกา
 สำนักงานคณะกรรมการกฤษฎีกา
 มิถุนายน 2536

 *(3) โปรดดูเชิงอรรถที่ (1), ข้างต้น. / โปบุลย์ - คัด/ทาน

Source:http://www.lawreform.go.th/lawreform/images/th/jud/th/deca/2536/c2_0255_2536.txt
 [accessed July 14, 2011]

BIOGRAPHY

Miss Puttida Phuttharak lives in Songkhla, Thailand. In 2005, Puttida graduated high school from Mahavashiravude School and, then, Bachelor Degree from Prince of Songkla University (majoring in English for business) at Hat Yai campus in 2008. Later on, she continued her further education on Master Degree in Korean Studies at Chulalongkorn University. Moreover, she also has been an exchange student in Seoul National University during her master in 2010. Currently she is employed as Foreign Trade Specialist at Bangkok Bank, Thailand.