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Legislative Series
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CUBA 1

Decree and Act: Employment of Women before and after Childbirth

A) Decreto núm. 787 [*deroga el Decreto núm. 2761, de octubre 19 de 1934, y dicta en su lugar el Reglamento para la aplicación del Decreto-Ley núm. 781, de diciembre 28 de 1934, sobre empleo de mujeres antes y después del parto*]. 5 de abril de 1935. (*Gaceta Oficial*, 6 de abril de 1935, año XXXIII, núm. 80, tomo IV, pág. 6218.)

Decree no. 787 [to repeal Decree no. 2761¹ of 19th October, 1934, and to issue in lieu thereof regulations for the administration of Legislative Decree no. 781² of 28th December, 1934, concerning the employment of women before and after childbirth]. Dated 5th April, 1935.

1. It shall not be lawful for a woman to be employed during the six weeks following her confinement by any individual or in any public or private industrial or commercial undertaking or in any branch or dependency thereof, other than an undertaking in which only members of one and the same family are employed on their own account.

2. A pregnant woman shall have the right to absent herself from work if she produces a medical certificate stating that her confinement will probably take place within six weeks. Notwithstanding any mistake on the part of the medical practitioner in estimating the date of confinement, the woman shall be entitled to receive benefit from the date of the medical certificate up to the date on which the confinement actually takes place, provided that the error in the estimate does not exceed three weeks.

3. Contributors to maternity funds shall cause themselves to be registered with the competent finance office in conformity with the official register approved by the Ministry of Labour.

4. Payment of the benefit shall be subject to the condition that the mother does not engage in employment for remuneration while in receipt of benefit.

5. A woman nursing her child shall be allowed half an hour twice a day during the hours of work for this purpose, unless in accordance with a prescription of a medical practitioner she must nurse the child more frequently or for longer periods. The time spent by a mother in nursing her child shall not be deducted from her wages, whatever the method of remuneration may be, and the mother shall not be entitled to waive her right to such breaks for nursing or to the wages due for them.

6. The executive committees shall be entitled to issue decisions with respect to the payment of salaries to the certified female nurses in

¹ Decree no. 2761 of 19th October, 1934, to repeal Decree no. 1568 of 17th June, 1934, and issue in lieu thereof regulations for the administration of Legislative Decree no. 152 of 20th April, 1934 [repealed by Decree no. 781 of 28th December, 1934] respecting the employment of women before and after childbirth. (*Gaceta Oficial*, 25th October, 1934, no. 97, p. 7055.)

² Legislative Series, 1934 (Cuba 5).

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charge of the crèches mentioned in section X of Legislative Decree no. 781².

7. The executive committees shall make arrangements for the payment of the benefit due to pregnant women who submit the requisite documents, as follows:—

1. a medical certificate stating that confinement will probably take place within six weeks;
2. a medical certificate stating that confinement has taken place;
3. a certificate stating that the woman is a contributor where this is the case, or that she is entered in the register of the fund in the cases mentioned in section XIV of Legislative Decree no. 781².

The certificates mentioned under nos. 2 and 3 shall not be required if the mother receives treatment in a hospital under the direct supervision of the executive committee and there is no doubt with respect to the birth of the child and the woman's rights.

8. In addition to treatment in hospital, medicaments and medical attendance, an insured woman shall be entitled to benefit which shall not be less than the salary, daily rate of pay or wage previously received by the woman, provided that this does not exceed four pesos a day or 100 pesos a month.

For the purpose of calculation in the case of intermittent employment, a month shall be deemed to consist of twenty-six days and a day of eight working hours.

9. A woman shall receive 50 per cent. of the benefit, i. e. the sum due for the first six weeks, during her stay in hospital; the other half shall be paid on her discharge from hospital.

10. If the mother dies, the benefit shall continue to be paid to the person responsible for the maintenance of the child to which she has given birth.

11. Subject to the previous authorisation of the Ministry of Labour, the executive committees shall be entitled to conclude contracts for hospital and clinical treatment and the services of medical practitioners, certified midwives and qualified nurses, for the purpose of carrying out the provisions of Legislative Decree no. 781² and these Regulations.

12. As the economic situation of each maternity fund allows, the executive committee of the fund shall request the authorisation of the Ministry of Labour to provide additional benefits for members, e.g. special maternity and race improvement clinics where the wives of contributors or the women with whom they are living in marital relationship and their children shall also receive treatment, the granting of bonuses for nursing mothers and the taking of all such measures as may promote maternity and infant welfare.

13. The office of member of the executive committee of a maternity fund shall be honorary.

14. The Minister of Labour shall have power to issue an Order respecting the operations of the maternity funds.

15. The inspectors of the Ministry of Labour shall be responsible for supervising the administration of Legislative Decree no. 781² and of these Regulations.

16. Any person shall be entitled to report any contravention of which he may become aware to the competent criminal magistrate.

17. These Regulations shall come into operation on the date of their publication in the *Gaceta Oficial* of the Republic.

B) *Ley número 114 [modifica el artículo XIII del Decreto-Ley núm. 781 de 28 de diciembre de 1934 sobre empleo de mujeres antes y después del parto]. 23 de abril de 1935. (Gaceta Oficial, 24 de abril de 1935, edición extraordinaria, núm. 28, pág. 5.)*

Act no. 114 [to amend section XIII of Legislative Decree no. 781² of 28th December, 1934, concerning the employment of women before and after childbirth]. Dated 23rd April, 1935.

I. Section XIII of Legislative Decree no. 781² shall be amended to read as follows:—

“ XIII. For the purposes of this Legislative Decree ‘ woman ’ (mujer) shall mean any female person, irrespective of age, race, nationality and civil status. ‘ Child ’ (niño) shall mean any child born in Cuba, irrespective of the race, nationality and civil status of its parents.”

II. This Act shall come into operation on the date of its publication in the *Gaceta Oficial* of the Republic.

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