

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 65,
No. 107, 18th June, 2026*

No. 8 of 2026

First Session Thirteenth Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Maternity Protection Act,
Chap. 45:57

THE MATERNITY PROTECTION (AMENDMENT)
BILL, 2026

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to amend the Maternity Protection Act, Chap. 45:57, to give legislative effect to the Articles of the International Labour Organization Maternity Protection Convention, No. 183, to ensure conformity with international labour standards, clarifying the roles and responsibilities of employers and employees under the Act by updating its provisions to ensure effective implementation. It aims to expand maternity protection to include paternity and parental leave for both natural and adoptive parents and to provide breastfeeding breaks. The reforms further promote the retention of all employees in the workforce who qualify under the Act and safeguards their employment status. The amendments seek to foster a family-supportive workplace culture for employees without prejudice to their employment status or advancement before and after childbirth and for related matters.

Clause 1 of the Bill would provide the short title of the Bill.

Clause 2 of the Bill would provide for the commencement of the Act by Proclamation.

Clause 3 of the Bill would provide for the interpretation for “the Act” to mean the Maternity Protection Act, Chap. 45:57.

Clauses 4 and 5 of the Bill would amend the long title and short title of the Maternity Protection Act to reflect the expanded scope of the Act to include paternity leave, parental leave and protection for nursing mothers in the workplace and other related matters. The short title of the Act would be amended to read “The Maternity, Paternity and Parental Leave Protection Act”.

Clause 6 of the Bill would amend section 4 of the Act by—

- (a) amending the definition of “employee” and “qualified person”; and
- (b) inserting the definitions of “breastfeeding”, “continuously employed”, “parental leave” and “paternity leave”.

Clause 7 of the Bill would amend section 5 of Act by deleting the words “or collective agreement” and substituting with “, collective agreement or contract of employment”.

Clause 8 of the Bill would amend section 7(4) of the Act to allow an employee time off during working hours for postnatal medical care for up to three months following the birth of the child.

Clause 9 of the Bill would amend the Act by inserting after section 7, new sections 7A to 7E which seeks to provide entitlement to breastfeeding breaks, paternity leave, parental leave, entitlement to leave for the father, if the mother dies and entitlement to leave for the father or guardian if the mother is unable to care for the child.

Clause 10 of the Bill would amend section 8(2), by repealing and substituting the definition of “continuously employed”.

Clause 11 of the Bill would amend the Act by inserting after section 8, new sections 8A, 8B, 8C and 8D which would provide for paternity and parental leave.

Clause 12 of the Bill would amend section 9 of the Act—

- (a) by expanding subsection (1) to include the date of birth or death of the child when the employee does not proceed on leave and a premature birth occurs; and
- (b) by providing that during the period of maternity leave, where this period falls short of 14 weeks, the employer shall pay the additional week on a pro-rated basis.

Clause 13 of the Bill would amend section 10 (1) of the Act, to set out the procedure to be followed where an employee is unable to return to work on the intended date of return.

Clause 14 of the Bill would amend the Act by inserting after section 10, a new section 10A to apply section 10 of the Act *mutatis mutandis* to the new categories of paternity leave, parental leave, leave under section 7D and leave under section 7E in relation to the right to return to work.

Clause 15 of the Bill would amend section 11 of the Act, by inserting after the words “maternity leave” the words “, paternity leave, parental leave, leave under section 7D or leave under section 7E” to reflect the expanded categories of persons an employer can claim as a tax deduction.

Clause 16 of the Bill would amend section 12 of the Act, by inserting a new subsection 1A which provides that an employer is prohibited from dismissing, penalising, or prejudicing a worker solely because the worker has filed a trade dispute or made a complaint seeking redress for a breach of the Act.

Clause 17 of the Bill would amend the Act by inserting a new section 12A which seeks to provide that matters arising under the Act and referred to the Industrial Court must be heard within six weeks of referral and, once commenced, continued on a day-to-day basis where possible until completion. Judgment must be delivered within six weeks of the conclusion of the hearing, or within a further two weeks in exceptional circumstances with reasons provided; if delayed beyond that period, the Court must publicly state the reasons for the delay at weekly intervals until judgment is delivered.

Clause 18 of the Bill would amend section 14 of the Act to allow authorised officers to interview workers about pay and employment conditions.

Clause 19 of the Bill would amend section 17 of the Act to allow authorised officers to apply for court orders under the Act.

Clause 20 of the Bill would repeal and substitute section 18 of the Act to clarify maternity leave entitlements and return to work rights, including for paternity and parental leave.

Clause 21 of the Bill would seek to expand section 19 to include paternity, parental, and related leave in addition to maternity leave, vacation, and sick leave.

Clause 22 of the Bill would repeal section 20 of the Act and substitute a new section which seeks to provide that an employee on maternity, paternity, parental leave, leave under section 7D or 7E, shall not be terminated, demoted, receive pay at a reduced rate or deprived of an opportunity to be considered for promotion.

The clause further seeks to provide a fine for an employer who contravenes the section as well as shifting the burden of proof onto the employer to prove that the reasons for termination, demotion, reduced pay or bypassing for promotion was not related to pregnancy, childbirth and its consequences or breastfeeding.

Clause 23 would amend the Act by inserting after section 20, a new section 20A which would seek to prohibit employers from requiring pregnancy tests for job applicants except in specified circumstances.

Clause 24 of the Bill would amend section 21 of the Act by expanding pension and gratuity calculations to include paternity, parental, and related leave categories.

Clause 25 of the Bill would provide for references in any written law to “the Maternity Protection Act” would be substituted with a reference “The Maternity, Paternity and Parental Leave Protection Act”.

BILL

AN ACT to amend the Maternity Protection Act,
Chap. 45:57

[, 2026]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Maternity Protection Short title
(Amendment) Act, 2026.

2. This Act comes into operation on such date as is Commencement
fixed by the President by Proclamation.

3. In this Act, “the Act” means the Maternity Interpretation
Protection Act.

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Protection Act.

Long title repealed
and substituted

4. The long title to the Act is repealed and the following long title is substituted:

“An Act to provide for maternity, paternity, parental benefits and protection for nursing mothers in the workplace and for related matters.”.

Short title amended

5. The Act is amended in section 1, by deleting the words “the Maternity Protection Act” and substituting the words “the Maternity, Paternity and Parental Leave Protection Act”.

Section 4 amended

6. Section 4 of the Act is amended—

(a) in the definition of “employee”, by deleting the words “or a household assistant” and substituting the words “a household assistant or a trainee”;

(b) in the definition of “qualified person”, by deleting the words “Part III of the Nurses and Midwives Registration Act” and substituting the words “Part III of the Nursing Personnel Act”;

(c) by inserting the following definitions in the appropriate alphabetical sequence:

“ “breastfeeding” means breastfeeding a child or expressing breast milk and feeding it to a child immediately or storing it for the purpose of feeding it to the child at a later time;

“continuously employed” includes service under a previous contract, including daily rated service that immediately precedes an employee’s present contract with that employer;

“parental leave” means the leave entitlement referred to in section 7C;

“paternity leave” means the leave entitlement referred to in section 7B;”.

7. Section 5 of the Act is amended, by deleting the words “or collective agreement” and substituting the words “, collective agreement or contract of employment”. Section 5 amended

8. Section 7(4) of the Act is amended, by inserting after the words “prenatal medical care” the words “and postnatal medical care up to three months after the birth of the child”. Section 7 amended

9. The Act is amended by inserting after section 7, the following sections: Sections 7A, 7B, 7C, 7D and 7E inserted

“Entitlement to breast-feeding breaks

7A. (1) An employee who is breastfeeding is entitled, without loss of pay, to take one hour off from her work each working day as a breastfeeding break, until the child is twelve months old.

(2) The breastfeeding breaks referred to in subsection (1), may be taken—

(a) in the form of—

(i) one break of sixty minutes;

(ii) two breaks of thirty minutes each; or

(iii) three breaks of twenty minutes each; or

(b) in such other manner as to number and duration of breaks as may be agreed by her and the employer.

(3) An employer shall provide a place, other than a bathroom, that is shielded from public view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk as far as reasonably practicable.

Paternity
leave

7B. The father of a child is entitled to pay while on paternity leave for fourteen days from his employment in accordance with Regulations made under section 22 by the Minister.

Parental
leave

7C. An employee who is—

(a) an adopter or a prospective adopter in accordance with the Adoption of Children Act; or

(b) a guardian as defined in the Family Law (Guardianship of Minors, Domicile and Maintenance) Act,

Chap. 46:03

Chap. 46:08

of a newborn child or a child up to the age of one year, is entitled to pay while on parental leave for a period of fourteen weeks from his or her employment in accordance with Regulations made under section 22 by the Minister.

Entitlement
to leave for
the father, if
the mother
dies

7D. If an employee who has delivered a living child dies during childbirth or within the fourteen weeks leave entitlement following her confinement, the father of the child is entitled to the unexpired portion of that leave to which the mother would have been entitled to from his employment, in accordance with Regulations made under section 22 by the Minister.

Entitlement
to leave for
the father or
guardian if
the mother is
unable to
care for the
child

7E. Where—

- (a) a mother is unable to provide care for her child due to medical reasons; or
- (b) the newborn child requires specialised medical care,

the father or guardian of the child is entitled to leave from his employment in accordance with Regulations made under section 22 by the Minister.”.

10. The Act is amended by repealing section 8(2) and substituting the following subsection: Section 8 amended

“(2) For the purpose of subsection (1), “continuously employed” shall include service under a previous contract, including daily rated service that immediately precedes an employee’s present contract with that employer.”.

11. The Act is amended by inserting after section 8, the following sections: Sections 8A, 8B, 8C and 8D inserted

“Eligibility
for
paternity
leave

8A. An employee is not entitled to the rights referred to in section 7B unless—

- (a) as of the mother’s expected date of confinement as certified by a qualified person, he has been continuously employed by that employer for a period of not less than twelve months;
- (b) he informs his employer, in writing, no later than eight weeks before the mother’s expected date of confinement that he will require leave of absence due to pregnancy;

(c) he submits to his employer, a medical certificate from a qualified person stating the expected date of confinement; and

(d) he informs his employer in writing of his intention to return to work at the expiry of his paternity leave.

Eligibility for
parental
leave

8B. An employee is not entitled to the rights referred to in section 7C, unless—

(a) as of the date of—

(i) the adoption order made under the Adoption of Children Act; or

(ii) the relevant order of the Court made under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act,

Chap.46:03

Chap.46:08

he has been continuously employed by that employer for a period of not less than twelve months;

(b) he informs his employer, in writing, as soon as reasonably practicable before the expected date of—

(i) the adoption order made under the Adoption of Children Act; or

(ii) the relevant order of the Court made under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act,

that he will require leave of absence;

- (c) he submits to his employer, the relevant documents stating the date set by the Court—
 - (i) for granting the adoption order made under the Adoption of Children Act;
 - (ii) the relevant order of the Court made under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act; and
- (d) he informs his employer in writing of his intention to return to work at the expiry of his parental leave.

Eligibility for
leave under
section 7D

8C. An employee is not entitled to the rights referred to in section 7D unless—

- (a) he has been continuously employed by that employer for a period of not less than twelve months;
- (b) he informs his employer in writing, that the mother of his child died during childbirth or within her fourteen week leave entitlement and that he will require leave of absence for fourteen weeks or the unexpired portion of that leave to which the mother would have been entitled to;
- (c) he submits to his employer, the relevant documents confirming the death of the mother; and

(d) he informs his employer in writing of his intention to return to work at the expiry of his leave.

Eligibility for leave under section 7E 8D. An employee is not entitled to the rights referred to in section 7E, unless —

(a) he has been continuously employed by that employer for a period of not less than twelve months;

(b) he informs his employer in writing that—

(i) the mother of his child is medically unable to provide care for her child; or

(ii) the newborn child requires specialised medical care;

(c) he submits to his employer, the relevant medical certification confirming that—

(i) the mother is unable to provide care for her child; or

(ii) the newborn child requires specialised medical care; and

(d) he informs his employer in writing of his intention to return to work at the expiry of his leave.”.

Section 9 amended

12. Section 9 of the Act is amended—

(a) in subsection (1), by inserting after the words “she proceeded on leave” the words

“or the date of birth or death of the child when the employee does not proceed on leave and a premature birth occurs”; and

- (b) in subsection (2), by inserting after the words “leave with half-pay.”, the words “Where this period falls short of 14 weeks, the employer shall pay such additional amount as is necessary to ensure that the employee receives payment equivalent to 14 weeks.”.

13. Section 10 of the Act is amended, by repealing Section 10 amended subsection (1) and substituting the following subsection:

“(1) Where an employee is unable to return to work on the required date, she shall submit to her employer a certificate from a registered medical practitioner as far as reasonably practicable before the required date of return, stating that by reason of disease or bodily or mental disablement, whether to herself or her baby, she will be incapable of returning to work on the required date and shall inform her employer in writing of her intended date of return.”.

14. The Act is amended by inserting after section 10, Section 10A inserted the following section:

“Right to return to work for an employee after paternity, parental leave under section 7D or leave under section 7E

10A. Section 10 shall apply *mutatis mutandis* to an employee who is entitled to—

(a) paternity leave;

(b) parental leave;

(c) leave under section 7D; or

(d) leave under section 7E,

in relation to his right to return to work on the intended date of return.”.

Section 11 amended **15.** The Act is amended in section 11, in paragraphs (a) and (b) by inserting after the word “maternity leave”, the words “, paternity leave, parental leave, leave under section 7D or leave under section 7E”.

Section 12 amended **16.** Section 12 of the Act is amended, by inserting after subsection (1), the following subsection:

“(1A). An employer shall not dismiss an employee, or adversely affect his employment, or alter his position to his prejudice, by reason only of the circumstances that the worker has filed—

(a) a trade dispute; or

(b) a report seeking redress against his employer,

for a breach of this Act.”.

Section 12A inserted **17.** The Act is amended by inserting after section 12, the following section:

“Limitation on delivery of judgment **12A.** (1) Matters under this Act which fall to be heard and determined by the Industrial Court, shall be heard within six weeks of being referred to the Court and once hearing has commenced, be heard from day-to-day, as far as possible, until the hearing is completed.

(2) Judgment in a matter referred to in this Act shall be delivered not later than six weeks from the date of completion of the hearing, save that in exceptional circumstances judgment shall be delivered not later than two weeks after the end of the six week period referred to and reasons for the delay shall be indicated in the judgment.

(3) Where the Court fails to deliver its judgment within the two-week period referred to in subsection (2), it shall state

in open court the reasons for the delay and if such delay continues the Court shall, at further one-week intervals, state the reasons for the continued delay, until judgment is delivered.”.

18. Section 14 of the Act is amended—

Section 14 amended

- (a) in paragraph (a), by deleting the word “and” after the words “that employer;”;
- (b) in paragraph (b), by deleting the full stop after the words “that employee” and substituting the words “; and”; and
- (c) by inserting after paragraph (b), the following paragraph:

“(c) to permit him to interview workers with respect to the remuneration received and the terms and conditions of service enjoyed.”.

19. Section 17 of the Act is amended, by inserting after the words “of which the employee is a member,” the words “an authorised officer”.

Section 17 amended

20. The Act is amended by repealing section 18 and substituting the following section:

Section 18 repealed and substituted

“No limit on employee’s right to leave”

18. (1) There is no limit to an employee’s right to maternity leave under section 7(1)(a) and her right to return to work under section 7(1)(c).

(2) There is no limit to an employee’s right to paternity leave, parental leave, leave under section 7D or leave under section 7E and his or her right to resume work after such leave on terms no less favourable than were enjoyed by him or her immediately prior to the leave.”.

Section 19 amended

21. Section 19 of the Act is amended, by inserting after the words “maternity leave”, the words “, paternity leave, parental leave, leave under section 7D or leave under section 7E”.

Section 20 repealed and substituted

22. The Act is amended by repealing section 20 and substituting the following section:

“Employee not to be demoted, receive reduce pay or bypass for promotion” 20. (1) An employee on maternity leave, paternity leave, parental leave, leave under section 7D, leave under section 7E or breastfeeding breaks under section 7A, shall not be—

- (a) terminated;
- (b) demoted;
- (c) receive pay at a reduced rate; or
- (d) deprived of an opportunity to be considered for promotion for which that employee is eligible and which may arise during that employee’s period of leave.

(2) An employer who contravenes subsection (1) is liable on determination by the Industrial Court to a fine of thirty-five thousand dollars.

(3) The burden of proving that the reasons referred to in subsection (1) for termination, demotion, reduction of pay or being deprived of an opportunity for promotion are unrelated to pregnancy, childbirth and its consequences or breastfeeding, lies with the employer.”.

Section 20A inserted

23. The Act is amended by inserting after section 20, the following section:

“Employer shall not require an applicant for employment to take a pregnancy test” 20A. (1) An employer shall not require an applicant for employment to take a pregnancy test unless—

- (a) the position involves the use of, or exposure to, chemicals, substances or anything

dangerous to the health of the mother and the unborn child; or

(b) hazardous working conditions pose a risk to health and safety of the mother and the unborn child.

(2) An employer who contravenes subsection (1) is liable on determination by the Industrial Court to a fine of thirty-five thousand dollars.”.

24. Section 21 of the Act is amended, by inserting Section 21 amended after the word “maternity leave”, the words “, paternity leave, parental leave, leave under section 7D or leave under section 7E”.

25. In any written law, where there is a reference to Reference to Maternity Protection Act Chap. 45:57 substituted “the Maternity Protection Act” such reference shall be substituted with a reference to “the Maternity, Paternity and Parental Leave Protection Act”.

Passed in the Senate this day of , 2026.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 8 of 2026

FIRST SESSION
THIRTEENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Maternity
Protection Act, Chap. 45:57

Received and read the

First time

Second time

Third time