



INTERNATIONAL LABOUR OFFICE

REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS *(article 19 of the Constitution of the International Labour Organisation)*

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Workers with Family Responsibilities Convention, 1981 (No. 156)

Maternity Protection Convention, 2000 (No. 183)

Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)

Workers with Family Responsibilities Recommendation, 1981 (No. 165)

Maternity Protection Recommendation, 2000 (No. 191)

Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:

5. In the case of a Convention:

...

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

...

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

Report

to be made no later than 28 February 2022, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of _____, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Workers' and employers' organizations may send comments no later than 30 June 2022.

Context and scope of the questions

At its 337th Session in October–November 2019, the Governing Body requested the Office to prepare for its consideration at its 338th Session (March 2020) the article 19 report form on six instruments: the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and Recommendation (No. 165), as well as the Maternity Protection Convention, 2000 (No. 183) and Recommendation (No. 191), for a General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2021 to be discussed by the Conference Committee on the Application of Standards in 2022. In May 2020, the Governing Body decided to defer by one year the article 19 report requested. Consequently, the General Survey will be prepared by the Committee of Experts in 2022 and examined by the Committee on the Application of Standards of the Conference in 2023.

During the discussion, the Governing Body stressed that the General Survey would contribute to the reflection on how to best achieve gender equality at work, in line with the ILO's commitment in this regard, expressed in the Centenary Declaration for the Future of Work.

The General Survey will provide a comprehensive overview of the legislation and national policies in place with regard to the six instruments in ILO Member States (Part I). Moreover, the General Survey will shed light on how the specific labour and employment rights provided under the six instruments under examination are enabling factors towards achieving gender equality (Part II). It will also highlight the importance of raising awareness on the principles enshrined in these six instruments and of establishing appropriate enforcement and monitoring mechanisms, to ensure their effective application (Part III). Further, the General Survey will be an opportunity to contribute to a better understanding of the provisions both in law and in practice of the above-mentioned instruments; the challenges and opportunities in their application, and will encourage the sharing of experiences and good practices among ILO Member States.

The present questionnaire has also been prepared in the light of the ILO Declaration on Social Justice for a Fair Globalization and its follow-up. Account has been taken of the fact that “[t]his follow-up seeks to make the fullest possible use of all the means of action provided under the Constitution of the ILO to fulfil its mandate. Some of the measures to assist the Members may entail some adaptation of existing modalities of application of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States”. For instance, by grouping and focusing on instruments related to a specific strategic objective, General Surveys may provide an overview on the law and practice in ILO Member States concerning certain instruments and feed into the recurrent discussions with relevant information on the trends and practices in relation to a given strategic objective.

Lastly, the General Survey will enable the ILO Member States to assess the contribution of these standards to the achievement of the 2030 Agenda for Sustainable Development, through the realization of multiple Sustainable Development Goals (SDGs), notably SDGs: 1 (Poverty), 3 (Good health and well-being), 5 (Gender equality) and 8 (Decent work and economic growth). It will also inform the preparation of the recurrent discussion on fundamental principles and rights at work by the Conference in 2024 and depending on when the SRM TWG chooses to review the maternity protection instruments, could either feed into the SRM TWG discussion or follow up on it.

The following questions relate to issues covered by Conventions Nos 111, 156, 183, and Recommendations Nos 111, 165 and 191.

In order to keep the present questionnaire specific, brief and focused, as requested during the November 2019 Governing Body discussion, it is limited to 32 questions. Consequently, questions are not presented instrument by instrument (or article by article). Rather, they focus on the common topics raised by the different instruments, each time identifying the provisions of the instruments to which they refer. In addition, since gender equality and maternity protection are key components of the transformative policies called for in the 2030 Agenda for Sustainable Development and contribute to a number of SDGs, notably Goals 5 (Gender equality) and 8 (Decent work and economic growth), a question on the SDGs and Beijing+25¹ has also been included.

As appropriate, please give a specific reference (weblink) or include information relating to the provisions of the relevant legislation, regulations, collective agreements, work rules, arbitration awards, court decisions and policies, as well as electronic copies thereof.

¹ 2020 marked the 25th anniversary of the [Fourth World Conference on Women](#) and adoption of the [Beijing Declaration and Platform for Action](#) (1995), reaching an important milestone ten years ahead of the achievement of the Sustainable Development Goals by 2030.

Article 19 report form concerning gender equality and non-discrimination, family responsibilities, and maternity protection

Notes

1. Governments of countries which have ratified one or several of the Conventions and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Conventions not ratified, if any, and the Recommendations. It will not be necessary to repeat information already provided in reports under article 22 in connection with the Conventions ratified. *The questions contained under the titles "Standard-setting action" and "Possible need for technical assistance" are addressed to all Member States.*

2. Unless defined differently in the instruments covered by this report form, when reference is made to "national laws and regulations" or "provisions", this should be understood as including laws, regulations, policies, collective agreements, court decisions or arbitration awards.

3. When reference is made to "workers with family responsibilities", this should not be understood as referring only to women.

4. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current and emerging practices.

Part I. Legal and institutional framework on gender equality and non-discrimination

National framework on non-discrimination and maternity protection		
1.	<div style="background-color: #1a2b4d; color: white; padding: 2px;">Convention No. 111 and Recommendation No. 111</div> <p>Please indicate any provisions in national law and practice, including policies, preventing and prohibiting discrimination¹ in employment and occupation, specifying:</p> <ul style="list-style-type: none"> • whether these provisions and policies include a definition of discrimination, indicating the grounds covered [C.111: Art. 1(1)(a)–(b); R.111: Para. 1]; • whether these provisions and policies cover discrimination on any of the following grounds: race, colour, sex, religion, political opinion, national extraction, or social origin [C.111: Art. 1(1)(a); R.111: Para. 1]; • how, if covered, these provisions and policies address the prevention and prohibition of sex-based discrimination, including sexual harassment [C.111: Art. 1(1)(a), Art. 2, Art. 3; R.111: Paras 1 and 2(a)–(b)]; • whether these provisions and policies cover discrimination on additional grounds [C.111: Art. 1(1)(b)]; • whether legislation addresses discrimination based on more than one of the above-mentioned grounds (e.g. situations where workers are discriminated against based on their sex in addition to their national extraction or colour) [C.111: Art. 1(1)(a), Art. 2, Art. 3; R.111: Para. 1]; • whether these provisions and policies apply to both the public and private sectors and cover all workers [C.111: Art. 2]; and • whether and, if so, how workers' and employers' organizations participate in the elaboration, evaluation and review of these policies, and the role of workers and 	<p>C.111: Arts 1–3 and 5 R.111: Parts I and II C.156: Arts 1-4, 9 and 11 R.165: Paras 1–2, 6–8 and 15–17 and Part VI C.183: Arts 1, 2 and 9 R.191: Para. 5</p>

¹ For the purposes of this questionnaire, the term "discrimination" refers both to direct and indirect discrimination.

employers and their respective organizations in the implementation of these policies [C.111: Art. 3(a)].

Convention No. 156 and Recommendation No. 165

Please indicate any provisions in national law and practice, including policies, preventing and prohibiting discrimination in employment and occupation, specifying:

- whether these provisions and policies cover discrimination on the following grounds: marital status, family situation and family responsibilities [C.156: Arts 2-3; R.165: Paras 1-2, 6-8 and 15-16];
- whether these provisions and policies apply to both the public and private sectors and cover all workers [C.156: Art. 2];
- the definition given in your country to the terms “dependent child” and “other member of the immediate family who clearly needs care or support” in the context of any measures adopted to ensure that terms and conditions of employment are such as to enable workers with family responsibilities to reconcile their employment and family responsibilities [C.156: Art.1(3)];
- include social security, tax relief or other appropriate measures that take into account the situation of workers with family responsibilities (e.g. family benefits, crediting of pension rights for periods of leave, consideration of family responsibilities in determining requirements of unemployment benefits) [C.156: Art. 4(b); R.165: Part VI]; and
- whether and, if so, how workers’ and employers’ organizations participate in the elaboration, evaluation and review of these policies, and the role of workers and employers and their respective organizations in the implementation of these policies [C.156: Art. 11; R. 165: Para. 5].

Convention No. 183 and Recommendation No. 191

Please indicate any provisions in national law and practice, including policies, providing for maternity protection, specifying:

- any definition given in your country to the terms “child” and “woman” in the context of the implementation of maternity protection measures [C.183: Art. 1];
- which are the categories of women to whom maternity protection measures apply, whether any provisions or measures have been taken or envisaged for the protection of women in atypical forms of dependent work ² [C.183: Art. 2(1)];
- whether there are any categories of workers excluded from these measures as well as the reasons for their exclusion and whether the representative organizations of employers and workers concerned were consulted [C.183: Art. 2(2) and (3)]; and
- whether these provisions and policies cover discrimination on the ground of maternity [C.183: Art. 9(1); R.191: Para. 5].

² See Article 2(1) of Convention No.183. “Women in atypical forms of dependent work” can comprise those who are working without a written employment contract, those in disguised employment, those in home work, casual work, temporary work, as well as those working in the informal economy.

2.	<p>Convention No. 111 and Recommendation No. 111</p> <p>Please indicate any laws or regulations that limit the type of work individuals can do or exclude them from certain occupations, or otherwise limit their access to or continuation in employment³ [C.111: Arts 1 and 5].</p>	C.111: Arts 1 and 5
3.	<p>Convention No. 111 and Recommendation No. 111</p> <p>Please indicate whether any special measures to promote equality of opportunity and treatment have been adopted in favour of certain groups in disadvantaged positions (e.g. women and/or workers with family responsibilities) [C.111: Art. 5(2)].</p>	C.111: Art. 5(2)

Part II. Achieving gender equality through employment and labour rights

Equal access to employment and occupation

4.	<p>Convention No. 111 and Recommendation No. 111</p> <p>Equal access to training</p> <p>Please indicate any legislative or other measures taken to promote girls' and women's access to education, training, and employment counselling, and information on the programmes and policies in place to improve women's and men's access to a wider range of jobs (e.g. training of women in non-traditionally "female" sectors) [C.111: Arts 1, 3(b) and 3(e); R.111: Paras 1, 2(b)(i)–(ii) and 3].</p> <p>Ensuring equal access to employment and occupation and termination of employment</p> <p>Please indicate any legislative and other measures taken to ensure that race, colour sex, religion, political opinion, social origin and national extraction do not constitute reasons for:</p> <ul style="list-style-type: none"> • refusal of employment [C.111: Art. 1; R.111: Paras 1 and 2(b)(i)–(ii)]; • refusal of advancement and benefits within employment [C.111: Art. 1; R.111: Para. 2(b)(iii)–(vi)]; and • termination of employment [C.111: Art. 1]. <p>(For example, any measures to prohibit personal questions during interview processes and during employment, any measures on the non-disclosure of previous salary information, etc.).</p>	C.111: Arts 1, 3(b), 3(e) and 5 R.111: Paras 1, 2 and 3
5.	<p>Convention No. 156 and Recommendation No. 165</p> <p>Ensuring access to training</p> <p>Please communicate any information on the services available to workers with family responsibilities with regard to their right to vocational training, and to provide them with counselling and information, placement services and paid educational leave arrangements (specifying whether the services are free of charge to the workers) [C.156: Arts 4 and 7; R.165: Paras 9(a) and 12–15].</p>	C.156: Arts 3, 4, 7 and 8 R.165: Paras 6–8, 9(a) and 12–16

³ Such as, for example, the prohibition of women's work at night, the requirement of prior approval for work from their spouse, the prohibition of certain jobs.

	<p>Ensuring equal access to employment and occupation and termination of employment</p> <p>Please indicate any legislative and any other measures taken to ensure that marital status, family situation and family responsibilities do not constitute reasons for:</p> <ul style="list-style-type: none"> • refusal of employment [C.156: Art. 3; R.165: Paras 6–8]; • refusal of advancement and benefits within employment [C.156: Art. 3; R.165: Paras 6–8 and 15]; and • termination of employment [C.156: Art. 8; R.165: Para. 16]. 	
6.	<p>Convention No. 183 and Recommendation No. 191</p> <p>Ensuring equal access to employment and occupation and termination of employment</p> <p>Please indicate any legislative and other measures taken to ensure that maternity does not constitute direct or indirect reasons for:</p> <ul style="list-style-type: none"> • refusal of employment [C.183: Art. 9]; • refusal of advancement and benefits within employment [C.183: Art. 9]; and • termination of employment [C.183: Art. 8(1)]. <p>(For example, any measures to prohibit mandatory pregnancy tests except where required by national legislation in respect of work that is prohibited or restricted for pregnant or nursing women or where there is a significant risk to the health of the women and child.)</p>	C.183: Arts 8(1) and 9

Leave

7.	<p>Convention No. 156 and Recommendation No. 165</p> <p>Leave to meet family responsibilities</p> <p>Please indicate whether workers are entitled to other leave to meet family responsibilities, such as:</p> <ul style="list-style-type: none"> • parental leave [C.156: Art. 4; R.165: Para. 22]; • paternity leave; and • leave in case of illness of family members [R.165: Para. 23]. <p>Please indicate for each type of leave: the duration of the leave periods, the conditions of eligibility to the leave, the basis upon which the leave is granted, and other modalities of the leave (such as the use and distribution of leave between parents) [R.165: Paras 22 and 23].</p>	C.156: Art. 4 R.165: Paras 22–23
8.	<p>Convention No. 183 and Recommendation No. 191</p> <p>Leave related to maternity</p> <p>Please indicate whether workers are entitled to the following leave:</p> <ul style="list-style-type: none"> • leave for medical examination related to pregnancy [R.191: Para. 6(6)]; and • leave in case of illness, complications or risk of complications arising out of pregnancy or childbirth [C.183: Art. 5]; and maternity leave [C.183: Art. 4; R.191: Para. 1]. 	C.183: Arts 4–5 and 11 R.191: Paras 1, 6(6) and 10

	<p>Please specify the duration of maternity leave before and after childbirth, and whether the period of leave after childbirth includes a compulsory six-week period (if such period is less than six weeks, please indicate whether it has been agreed at the national level by the government and the representative organizations of employers and workers) [C.183: Art. 4(4)].</p>
	<p>Please indicate whether the appropriateness of extending the period of maternity leave is examined periodically in consultation with the representative organizations of employers and workers [C.183: Art. 11].</p>
	<p>Related types of leave</p> <p>Please indicate whether workers are entitled to the following leave:</p> <ul style="list-style-type: none"> • in the case of death of the mother before the expiry of postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave? [R.191: Para. 10(1)]; • in the case of sickness or hospitalization of the mother after childbirth and before the expiry of postnatal leave, and where the mother cannot look after the child, is the employed father of the child entitled to a leave of a duration equal to the unexpired portion of the postnatal maternity leave to look after the child? [R.191: Para. 10(2)]; • leave for adoptive parents to look after their child [R.191: Para. 10(5)]; and • parental leave [R.191: Para. 10(3) and (4)].
	<p>Please indicate for each type of leave: the duration of the leave periods, the conditions of eligibility to the leave, the basis upon which the leave is granted, and other modalities of the leave (such as the use and distribution of leave between parents) [R.191: Para. 10(4) and (5)].</p>
	<p>Please also indicate any measures taken to safeguard the employment and social security rights of workers who take the leave and any measures taken to encourage men and women workers to take such leave.</p>

Benefits		
	Convention No. 156 and Recommendation No. 165	
9.	<p>Cash benefits during leave to meet family responsibilities</p> <p>Please indicate whether any financial compensation, cash benefits or other type of income support is provided to workers during periods of leave of absence referred to in question 7. Please specify the categories of workers covered, the qualifying conditions, and the financing modalities of the respective benefits provided [C.156: Art. 4(b); R.165: Paras 27–28].</p>	<p>C.156: Art. 4(b) R.165: Paras 27–28</p>

10.	<p>Convention No. 183 and Recommendation No. 191</p> <p>Cash benefits during leave</p> <p>Please indicate whether any cash benefits or other type of income support is provided to women workers and workers with family responsibilities during periods of leave of absence referred to in question 8, by any of the following means or a combination thereof:</p> <ul style="list-style-type: none"> • compulsory social insurance; • public funds; • the employer; • social assistance funds; • tax relief and other fiscal measures; and • other means as determined by national law and practice. 	C.183: Arts 6 and 7 R.191: Paras 2–4
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Return to employment

11.	<p>Convention No. 156 and Recommendation No. 165</p> <p>Return to work after other types of leave to meet family responsibilities</p> <p>Please indicate whether any measures have been adopted to ensure that workers who take parental leave do so without relinquishing employment and with their rights resulting from employment being safeguarded. Please specify whether these measures also apply to the types of leave referred to in question 7 [C.156: Art. 4(b); R.165: Para. 22(1)].</p> <p>Please also indicate any measures taken to safeguard the social security rights of workers who take the leave (e.g. the crediting of pension rights for such periods) [C.156: Art. 4(b); R.165: Para. 28].</p>	C.156: Art. 4(b) R.165: Paras 22(1) and 28
12.	<p>Convention No. 183 and Recommendation No. 191</p> <p>Return to work after maternity or adoption leave</p> <p>Please indicate whether any measures of a legal and procedural nature have been adopted to ensure that women and adoptive parents, as the case may be, are guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of their maternity or adoption leave [C.183: Art. 8(2); R.191: Paras 5 and 10(5)].</p>	C.183: Art. 8(2) R.191: Paras 5 and 10(5)

Other measures to reconcile work and family responsibilities

13.	<p>Convention No. 156 and Recommendation No. 165</p> <p>Other work arrangements to reconcile work and family responsibilities</p> <p>Please indicate any measures taken to ensure that terms and conditions of employment are such as to enable workers to reconcile their work and family responsibilities [C.156: Art. 4; R.165: Para. 17].</p>	C.156: Arts 1, 4 and 9 R.165: Paras 3 and 17–21
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	<p>In this regard, please indicate:</p> <ul style="list-style-type: none"> • the extent to which measures have been taken to reduce daily working hours and overtime, provide more flexible arrangements in working schedules, rest periods and holidays, and to take family responsibilities into consideration in the assignment of shift and night work and when transferring workers from one locality to another [R.165: Paras 18–20]; • whether these measures cover all workers with family responsibilities (e.g. fathers, adoptive parents, etc.) [C.156: Art. 1]; • the extent to which measures have been taken to ensure that the terms and conditions of employment, including social security coverage, of part-time and temporary workers, are, to the extent possible, equivalent to those of full-time and permanent workers respectively (and, in appropriate cases, that their entitlement is calculated on a pro-rata basis) [R.165: Para. 21(1)–(2)]; • the extent to which measures have been taken to give the option to part-time workers to obtain or return to full-time employment when a vacancy exists and when the circumstances which determined assignment to part-time employment no longer exist [R.165: Para. 21(3)]; and • whether these measures are provided for under national legislation, collective agreements, work rules, or through any other means [C.156: Art. 9; R.165: Para. 3]. 	
14.	<p>Convention No. 156 and Recommendation No. 165</p> <p><i>Services (childcare and family services and facilities, home-help and home-care services)</i></p> <p>Please provide any detailed information on the measures taken to take account of the needs of workers with family responsibilities in community planning [C.156: Art. 5].</p> <p>In particular, please provide any information on the measures taken to:</p> <ul style="list-style-type: none"> • develop childcare and family services and facilities, as well as home-help and home-care services (e.g. information on: the number of childcare and family services and facilities available in the country (including long-term facilities such as facilities and services for persons with disabilities and their families), their geographical distribution, how they are organized and staffed, the cost and method of payment, etc.) [R.165: Paras 25–26 and 33]; and • promote the provision of services in the community, such as public transport, supply of water and energy in or near workers housing with labour-saving layout [R.165: Para. 34]. 	C.156: Art. 5 R.165: Paras 25–26 and 33–34

15.	<p>Convention No. 183 and Recommendation No. 191</p> <p>Health protection</p> <p>Please indicate any legislative and practical measures taken to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined to be prejudicial to the health of the mother or the child [C.183: Art. 3; R.191: Para. 6(1)], specifying:</p> <ul style="list-style-type: none"> • whether alternatives are available to pregnant and breastfeeding mothers where the work they perform entails a significant risk for their health or their child's without loss of pay [R.191: Para. 6(2)–(4)]; and • whether women retain a right to return to their jobs or an equivalent job as soon as it is safe for them to do so [R.191: Para. 6(5)]. 	C.183: Art. 3 R.191: Para. 6
16.	<p>Convention No. 183 and Recommendation No. 191</p> <p>Work arrangements</p> <p>Measures to facilitate nursing</p> <p>Please indicate:</p> <ul style="list-style-type: none"> • whether any national legislation provides for the right of women to one or more daily breaks or a daily reduction of hours of work to breastfeed their child [C.183: Art. 10(1)];⁴ • any daily arrangement of working time prescribed for such purposes (including the period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work), and whether the frequency and length of nursing breaks can be adapted to particular needs [C.183: Art. 10(2); R.191: Paras 7–8]; • whether these breaks or reduction of daily hours are counted as working time and remunerated accordingly [C.183: Art. 10(2)]; and • whether provision is made under national law or practice for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace [R.191: Para. 9]. 	C.183: Art. 10 R.191: Paras 7–10

Part III. Promoting gender equality in employment and occupation

Raising awareness on gender equality		
17.	<p>Convention No. 111 and Recommendation No. 111</p> <p>Promoting understanding and acceptance of gender equality and non-discrimination</p> <p>Please describe any measures taken to promote information and education, which generate a broad public understanding of the principle of gender equality and of the problems faced by women workers and workers with family responsibilities, including information on:</p>	C.111: Art. 3(a) and (b) R.111: Paras 2–5 C.156: Arts 6 and 11 R.165: Paras 5, 10–11, and 24

⁴ For information, please note that in ensuring access to the system of protection offered by the Convention, in certain countries access for adoptive parents to nursing or feeding breaks may exist. Furthermore, and with a view to ensure and promote gender equality among parents, access for biological fathers to nursing or feeding breaks may also exist. Members may wish to provide any relevant information in this regard.

	<ul style="list-style-type: none"> the measures taken to secure acceptance and observance of the principle of equality of opportunity and treatment for men and women workers [C.111: Art. 3(b)]. <p>Please indicate the role of employers' and workers' organizations in promoting understanding, acceptance and the realization of the principle of gender equality [C.111: Art. 3(a)].</p> <p>Convention No. 156 and Recommendation No. 165</p> <p>Promoting understanding and acceptance of gender equality and non-discrimination</p> <p>Please describe the measures taken to promote information and education, which generate a broad public understanding of the principle of gender equality and of the problems faced by women workers and workers with family responsibilities, including information on:</p> <ul style="list-style-type: none"> the measures taken to address stereotypes which promote the exclusions of girls/women from certain educational programmes/opportunities [C.156: Art. 6; R.165: Para. 10]; the research undertaken to provide objective information on which relevant policies and measures may be based [R.165: Paras 11(a) and 24(a)]; and educational activities that encourage the sharing of family responsibilities between men and women [R.165: Para. 11(b)]. <p>Please indicate the role of employers' and workers' organizations in promoting understanding, acceptance and the realization of the principle of gender equality [C.156: Art. 11; R.165: Para. 5].</p>	
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Implementation, monitoring and enforcement		
18.	<p>Convention No. 111 and Recommendation No. 111</p> <p>Please indicate how it is ensured that any laws and policies addressing discrimination based on race, colour, sex, religion, political opinion, national extraction, or social origin or other grounds as per Article 1(1)(b) of C.111, and promoting gender equality, are effectively monitored and implemented in practice [R.111: Para. 10].</p> <p>In particular, please provide information on relevant activities of the following institutions:</p> <ul style="list-style-type: none"> the labour inspectorate (e.g. trainings on gender equality, creation of special labour inspectorate task forces on gender equality, etc.); equality or other specialized bodies (including information on their mandate, their functioning and their accessibility to the workers); courts (including information on whether any special procedural arrangements may apply such as special constitutional procedures; the reversal of the burden of proof; and on whether specific references to the international labour standards covered by this questionnaire have been made in court decisions); and 	<p>R.111: Paras 9 and 10 C.156: Arts 9–11 C.183: Arts 8, 9 and 12</p>

- other bodies competent to address dispute prevention and resolution (e.g. ombudsperson, etc.).

Please provide information on the manner in which the participation of employers' and workers' organizations is ensured in practice in equality or other specialized bodies [R.111: Para. 9].

Convention No. 156 and Recommendation No. 165

Please indicate how it is ensured that any laws and policies addressing discrimination based on marital status, family situation, and family responsibilities, and promoting gender equality, are effectively monitored and enforced in practice [C.156: Arts 9 and 10].

In particular, please provide information on relevant activities of the following institutions:

- the labour inspectorate (e.g. trainings on gender equality, creation of special labour inspectorate task forces on gender equality, etc.);
- equality or other specialized bodies (including information on their mandate, their functioning and their accessibility to the workers);
- courts (including information on whether any special procedural arrangements may apply such as special constitutional procedures; the reversal of the burden of proof; and on whether specific references to the international labour standards covered by this questionnaire have been made in court decisions); and
- other bodies competent to address dispute prevention and resolution (e.g. ombudsperson, etc.).

Please provide information on the manner in which the participation of employers' and workers' organizations is ensured in practice in equality or other specialized bodies [C.156: Art. 11].

Convention No. 183

Please indicate how it is ensured that the laws and policies addressing discrimination based on maternity are effectively monitored and enforced in practice [C.183: Arts 9 and 12].

Please indicate any relevant legal, including procedural, measures by virtue of which protection against unlawful termination of employment based on maternity is provided, specifying the remedies afforded in case of unjust dismissal.

Please indicate whether the burden of proving that the reasons for dismissal are unrelated to maternity shall rest on the employer [C.183: Arts 8 and 12].

Informational collection

19.	Convention No. 111 and Recommendation No. 111	C.111: Arts 1–3 R.111: Para. 1 C.156: Arts 3 and 5 R.165: Paras 6–8, 11, 17–18, 21–23 and 24–26 C.183: Arts 2, 3–4, 6 and 8–9 R.191: Paras 1, 5 and 10
Please indicate whether the following information, including statistics, is collected (and if so, please communicate such information): <ul style="list-style-type: none"> • information disaggregated by sex on the number of cases of discrimination brought to court (in particular based on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin), the number of complaints filed and the follow up given to these complaints (outcome, sanctions imposed and reparations awarded) [C.111: Arts 1–3; R.111: Para. 1]. 		
	Convention No. 156 and Recommendation No. 165	
	Please indicate whether the following information is collected (and if so, please communicate such information): <ul style="list-style-type: none"> • information disaggregated by sex on the number of cases of discrimination brought to court (in particular based on the grounds of marital status, family situation or family responsibilities), the number of complaints filed and the follow up given to these complaints (outcome, sanctions imposed and reparations awarded) [C.156: Art. 3; R.165: Paras 6–8]; • information on the number of women and men in employment by parental status, number and age of children, household composition, including information on related working conditions (e.g. occupation, industry, type of contract, public/private, number of hours of work, earnings) [R.165: Paras 17–18]; • information disaggregated by sex on the number of workers eligible for family or care leave, and the number of workers benefiting from such leave [R.165: Paras 22–23]; • information on the number of workers with family responsibilities, collected to ascertain their needs and preferences for childcare and family services and facilities, and home help and home care; [C.156: Art. 5; R.165: Paras 24–26]; • information on the number of workers in part-time employment, and on other flexible arrangements as regards working schedule rest periods, working hours and holidays, disaggregated by age and sex [R.165: Para. 21]; • any other research into the various aspects of the employment of workers with family responsibilities with a view to providing objective information on which sound policies and measures may be based [R.165: Para. 11(a)]; and • any other research conducted on the sharing of family responsibilities between men and women [R.165: Para. 11(b)]. 	
	Convention No. 183 and Recommendation No. 191	
	Please indicate whether the following information, including statistics, is collected (and if so, please communicate such information): <ul style="list-style-type: none"> • information disaggregated by sex on the number of cases of discrimination brought to court (in particular based on the grounds of maternity), the number of complaints filed and the follow up given to these complaints (outcome, sanctions imposed and reparations awarded) [C.183: Arts 8–9; R.191: Para. 5]; • information on the number of women in employment, including information on the number of women in atypical forms of dependent work (e.g. home work, casual work, temporary work, etc.) [C.183: Art. 2(1)]; and 	

	<ul style="list-style-type: none"> • information disaggregated by sex on the number of workers eligible for maternity-related leave, and the number of workers benefiting from such leave [C.183: Arts 3–4; R.191: Paras 1 and 10]. 	
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The way forward

20.	<p>Optional question</p> <p>Please provide information on your country's strategy (e.g. national plan) for the attainment of the Sustainable Development Goals (SDGs), in particular SDG 5, target 5.1 – Achieve gender equality and empower all women and girls, and on the national reviews that may have been conducted on the implementation of the Beijing Declaration and Platform for Action for Beijing+25.</p>	
21.	<p>Prospects for and obstacles to ratification</p> <p>Please provide information on any prospects of ratification and identify the challenges or obstacles regarding the possible ratification of any of the Conventions covered by the questionnaire (Nos 111, 156 and 183), and indicate any measures taken or envisaged to overcome these obstacles.</p>	
22.	<p>Standard-setting action</p> <p>Are there any existing gaps or inconsistencies that should be addressed by future standard-setting discussions in regard to the instruments to which this questionnaire relates.</p>	
23.	<p>Possible need for technical assistance</p> <p>Please indicate whether your country has formulated any requests for technical assistance by the ILO to give effect to the provisions of the instruments covered by this questionnaire? If, so please provide information on the effect of this support. Please also indicate the manner in which the ILO could best provide appropriate assistance within its mandate to support countries' efforts to promote gender equality at work.</p>	
24.	<p>Please indicate the representative employers' or workers' organizations to which copies of the present questionnaire have been communicated in accordance with article 23(2) of the ILO Constitution and indicate whether you have received observations from such organizations concerning the effect given, or to be given, to any of the instruments to which this questionnaire relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.</p>	

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, and

Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights,

adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Discrimination (Employment and Occupation) Convention, 1958:

Article 1

1. For the purpose of this Convention the term discrimination includes—

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.

2. distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.

3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice—

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.

Workers with Family Responsibilities Convention, 1981 (No. 156)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-seventh Session on 3 June 1981, and

Noting the Declaration of Philadelphia concerning the Aims and Purposes of the International Labour Organisation which recognises that "all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity", and

Noting the terms of the Declaration on Equality of Opportunity and Treatment for Women Workers and of the resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, adopted by the International Labour Conference in 1975, and

Noting the provisions of international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, namely the Equal Remuneration Convention and Recommendation, 1951, the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and Part VIII of the Human Resources Development Recommendation, 1975, and

Recalling that the Discrimination (Employment and Occupation) Convention, 1958, does not expressly cover distinctions made on the basis of family responsibilities, and considering that supplementary standards are necessary in this respect, and

Noting the terms of the Employment (Women with Family Responsibilities) Recommendation, 1965, and considering the changes which have taken place since its adoption, and

Noting that instruments on equality of opportunity and treatment for men and women have also been adopted by the United Nations and other specialised agencies, and recalling, in particular, the fourteenth paragraph of the Preamble of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979, to the effect that States Parties are "aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women", and

Recognising that the problems of workers with family responsibilities are aspects of wider issues regarding the family and society which should be taken into account in national policies, and

Recognising the need to create effective equality of opportunity and treatment as between men and women workers with family responsibilities and between such workers and other workers, and

Considering that many of the problems facing all workers are aggravated in the case of workers with family responsibilities and recognising the need to improve the conditions of the latter both by measures responding to their special needs and by measures designed to improve the conditions of workers in general, and

Having decided upon the adoption of certain proposals with regard to equal opportunities and equal treatment for men and women workers: workers with family responsibilities, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-third day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Workers with Family Responsibilities Convention, 1981:

Article 1

1. This Convention applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

2. The provisions of this Convention shall also be applied to men and women workers with responsibilities in relation to other members of their immediate family who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

3. For the purposes of this Convention, the terms dependent child and other member of the immediate family who clearly needs care or support mean persons defined as such in each country by one of the means referred to in Article 9 of this Convention.

4. The workers covered by virtue of paragraphs 1 and 2 of this Article are hereinafter referred to as workers with family responsibilities.

Article 2

This Convention applies to all branches of economic activity and all categories of workers.

Article 3

1. With a view to creating effective equality of opportunity and treatment for men and women workers, each Member shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

2. For the purposes of paragraph 1 of this Article, the term discrimination means discrimination in employment and occupation as defined by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

Article 4

With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be taken—

- (a) to enable workers with family responsibilities to exercise their right to free choice of employment; and
- (b) to take account of their needs in terms and conditions of employment and in social security.

Article 5

All measures compatible with national conditions and possibilities shall further be taken—

- (a) to take account of the needs of workers with family responsibilities in community planning; and to develop or promote community services, public or private, such as child-care and family services and facilities.

Article 6

The competent authorities and bodies in each country shall take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems.

Article 7

All measures compatible with national conditions and possibilities, including measures in the field of vocational guidance and training, shall be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.

Article 8

Family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Article 9

The provisions of this Convention may be applied by laws or regulations, collective agreements, works rules, arbitration awards, court decisions or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions.

Article 10

1. The provisions of this Convention may be applied by stages if necessary, account being taken of national conditions: Provided that such measures of implementation as are taken shall apply in any case to all the workers covered by Article 1, paragraph 1.

2. Each Member which ratifies this Convention shall indicate in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation in what respect, if any, it intends to make use of the faculty given by paragraph 1 of this Article, and shall state in subsequent reports the extent to which effect has been given or is proposed to be given to the Convention in that respect.

Article 11

Employers' and workers' organisations shall have the right to participate, in a manner appropriate to national conditions and practice, in devising and applying measures designed to give effect to the provisions of this Convention.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 17

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force;

as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

Maternity Protection Convention, 2000 (No. 183)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Noting the need to revise the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952, in order to further promote equality of all women in the workforce and the health and safety of the mother and child, and in order to recognize the diversity in economic and social development of Members, as well as the diversity of enterprises, and the development of the protection of maternity in national law and practice, and

Noting the provisions of the Universal Declaration of Human Rights (1948), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979), the United Nations Convention on the Rights of the Child (1989), the Beijing Declaration and Platform for Action (1995), the International Labour Organization's Declaration on Equality of Opportunity and Treatment for Women Workers (1975), the International Labour Organization's Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998), as well as the international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, in particular the Convention concerning Workers with Family Responsibilities, 1981, and

Taking into account the circumstances of women workers and the need to provide protection for pregnancy, which are the shared responsibility of government and society, and

Having decided upon the adoption of certain proposals with regard to the revision of the Maternity Protection Convention (Revised), 1952, and Recommendation, 1952, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this fifteenth day of June of the year two thousand the following Convention, which may be cited as the Maternity Protection Convention, 2000.

SCOPE

Article 1

For the purposes of this Convention, the term woman applies to any female person without discrimination whatsoever and the term child applies to any child without discrimination whatsoever.

Article 2

1. This Convention applies to all employed women, including those in atypical forms of dependent work.

2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the

International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.

HEALTH PROTECTION

Article 3

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

MATERNITY LEAVE

Article 4

1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.

2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.

3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.

4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.

5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.

LEAVE IN CASE OF ILLNESS OR COMPLICATIONS

Article 5

On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

BENEFITS

Article 6

1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.

5. Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

7. Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

8. In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where::

- (a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or
- (b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

Article 7

1. A Member whose economy and social security system are insufficiently developed shall be deemed to be in compliance with Article 6, paragraphs 3 and 4, if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations.

2. A Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of this Convention under article 22 of the Constitution of the International Labour Organization, explain the reasons therefor and indicate the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe the measures taken with a view to progressively raising the rate of benefits.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

Article 8

1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.

2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Article 9

1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including - notwithstanding Article 2, paragraph 1 - access to employment.

2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

- (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
- (b) where there is a recognized or significant risk to the health of the woman and child.

BREASTFEEDING MOTHERS

Article 10

1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

PERIODIC REVIEW

Article 11

Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.

IMPLEMENTATION

Article 12

This Convention shall be implemented by means of laws or regulations, except in so far as effect is given to it by other means such as collective agreements, arbitration awards, court decisions, or in any other manner consistent with national practice.

FINAL PROVISIONS

Article 13

This Convention revises the Maternity Protection Convention (Revised), 1952.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 19

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Discrimination (Employment and Occupation) Convention, 1958,

adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight, the following Recommendation, which may be cited as the Discrimination (Employment and Occupation) Recommendation, 1958:

The Conference recommends that each Member should apply the following provisions:

I. Definitions

1.

(1) For the purpose of this Recommendation the term discrimination includes—

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.

(2) Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof is not deemed to be discrimination. (3) For the purpose of this Recommendation the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

II. Formulation and Application of Policy

2. Each Member should formulate a national policy for the prevention of discrimination in employment and occupation. This policy should be applied by means of legislative measures, collective agreements between representative employers' and workers' organisations or in any other manner consistent with national conditions and practice, and should have regard to the following principles:

- (a) the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern;

all persons should, without discrimination, enjoy equality of opportunity and treatment in respect of—

- (i) access to vocational guidance and placement services;
- (ii) access to training and employment of their own choice on the basis of individual suitability for such training or employment;
- (iii) advancement in accordance with their individual character, experience, ability and diligence;

- (iv) security of tenure of employment;
- (v) remuneration for work of equal value;
- (vi) conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures, as well as social security measures and welfare facilities and benefits provided in connection with employment;

government agencies should apply non-discriminatory employment policies in all their activities;

employers should not practise or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment, or in fixing terms and conditions of employment; nor should any person or organisation obstruct or interfere, either directly or indirectly, with employers in pursuing this principle;

in collective negotiations and industrial relations the parties should respect the principle of equality of opportunity and treatment in employment and occupation, and should ensure that collective agreements contain no provisions of a discriminatory character in respect of access to, training for, advancement in or retention of employment or in respect of the terms and conditions of employment;

employers' and workers' organisations should not practise or countenance discrimination in respect of admission, retention of membership or participation in their affairs.

3. Each Member should—

(a) ensure application of the principles of non-discrimination—

- (i) in respect of employment under the direct control of a national authority;
- (ii) in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;

promote their observance, where practicable and necessary, in respect of other employment and other vocational guidance, vocational training and placement services by such methods as—

- (i) encouraging state, provincial or local government departments or agencies and industries and undertakings operated under public ownership or control to ensure the application of the principles;
- (ii) making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles;
- (iii) making eligibility for grants to training establishments and for a licence to operate a private employment agency or a private vocational guidance office dependent on observance of the principles.

4. Appropriate agencies, to be assisted where practicable by advisory committees composed of representatives of employers' and workers' organisations, where such exist, and of other interested bodies, should be established for the purpose of promoting application of the policy in all fields of public and private employment, and in particular—

- (a) to take all practicable measures to foster public understanding and acceptance of the principles of non-discrimination;
- (b) to receive, examine and investigate complaints that the policy is not being observed and, if necessary by conciliation, to secure the correction of any practices regarded as in conflict with the policy; and
- (c) to consider further any complaints which cannot be effectively settled by conciliation and to render opinions or issue decisions concerning the manner in which discriminatory practices revealed should be corrected.

5. Each Member should repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy.

6. Application of the policy should not adversely affect special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status are generally recognised to require special protection or assistance.

7. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State should not be deemed to be discrimination, provided that the individual concerned has the right to appeal to a competent body established in accordance with national practice.

8. With respect to immigrant workers of foreign nationality and the members of their families, regard should be had to the provisions of the Migration for Employment Convention (Revised), 1949, relating to equality of treatment and the provisions of the Migration for Employment Recommendation (Revised), 1949, relating to the lifting of restrictions on access to employment.

9. There should be continuing co-operation between the competent authorities, representatives of employers and workers and appropriate bodies to consider what further positive measures may be necessary in the light of national conditions to put the principles of non-discrimination into effect.

III. Co-ordination of Measures for the Prevention of Discrimination in All Fields

10. The authorities responsible for action against discrimination in employment and occupation should co-operate closely and continuously with the authorities responsible for action against discrimination in other fields in order that measures taken in all fields may be co-ordinated.

Workers with Family Responsibilities Recommendation, 1981 (No. 165)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-seventh Session on 3 June 1981, and

Noting the Declaration of Philadelphia concerning the Aims and Purposes of the International Labour Organisation which recognises that all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Noting the terms of the Declaration on Equality of Opportunity and Treatment for Women Workers and of the resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, adopted by the International Labour Conference in 1975, and

Noting the provisions of international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, namely the Equal Remuneration Convention and Recommendation, 1951, the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and Part VIII of the Human Resources Development Recommendation, 1975, and

Recalling that the Discrimination (Employment and Occupation) Convention, 1958, does not expressly cover distinctions made on the basis of family responsibilities, and considering that supplementary standards are necessary in this respect, and

Noting the terms of the Employment (Women with Family Responsibilities) Recommendation, 1965, and considering the changes which have taken place since its adoption, and

Noting that instruments on equality of opportunity and treatment for men and women have also been adopted by the United Nations and other specialised agencies, and recalling, in particular, the fourteenth paragraph of the Preamble of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979, to the effect that States Parties are aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women, and

Recognising that the problems of workers with family responsibilities are aspects of wider issues regarding the family and society which should be taken into account in national policies, and

Recognising the need to create effective equality of opportunity and treatment as between men and women workers with family responsibilities and between such workers and other workers, and

Considering that many of the problems facing all workers are aggravated in the case of workers with family responsibilities and recognising the need to improve the conditions of the latter both by measures responding to their special needs and by measures designed to improve the conditions of workers in general, and

Having decided upon the adoption of certain proposals with regard to equal opportunities and equal treatment for men and women workers: workers with family responsibilities, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and eighty-one, the following Recommendation, which may be cited as the Workers with Family Responsibilities Recommendation, 1981:

I. Definition, Scope and Means of Implementation

1.

(1) This Recommendation applies to men and women workers with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

(2) The provision of this Recommendation should also be applied to men and women workers with responsibilities in relation to other members of their immediate family who need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating or advancing in economic activity.

(3) For the purposes of this Recommendation, the terms dependent child and other member of the immediate family who needs care or support mean persons defined as such in each country by one of the means referred to in Paragraph 3 of this Recommendation.

(4) The workers covered by virtue of subparagraphs (1) and (2) of this Paragraph are hereinafter referred to as workers with family responsibilities.

2. This Recommendation applies to all branches of economic activity and all categories of workers.

3. The provisions of this Recommendation may be applied by laws or regulations, collective agreements, works rules, arbitration awards, court decisions or a combination of these methods, or in any other manner consistent with national practice which may be appropriate, account being taken of national conditions.

4. The provisions of this Recommendation may be applied by stages if necessary, account being taken of national conditions: Provided that such measures of implementation as are taken should apply in any case to all the workers covered by Paragraph 1, subparagraph (1).

5. Employers' and workers' organisations should have the right to participate, in a manner appropriate to national conditions and practice, in devising and applying measures designed to give effect to the provisions of this Recommendation.

II. National Policy

6. With a view to creating effective equality of opportunity and treatment for men and women workers, each Member should make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

7. Within the framework of a national policy to promote equality of opportunity and treatment for men and women workers, measures should be adopted and applied with a view to preventing direct or indirect discrimination on the basis of marital status or family responsibilities.

8.

(1) For the purposes of Paragraphs 6 and 7 above, the term discrimination means discrimination in employment and occupation as defined by Articles 1 and 5 of the Discrimination (Employment and Occupation) Convention, 1958.

(2) During a transitional period special measures aimed at achieving effective equality between men and women workers should not be regarded as discriminatory.

9. With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities should be taken—

- (a) to enable workers with family responsibilities to exercise their right to vocational training and to free choice of employment;
- (b) to take account of their needs in terms and conditions of employment and in social security; and
- (c) to develop or promote child-care, family and other community services, public or private, responding to their needs.

10. The competent authorities and bodies in each country should take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems.

11. The competent authorities and bodies in each country should take appropriate measures—

- (a) to undertake or promote such research as may be necessary into the various aspects of the employment of workers with family responsibilities with a view to providing objective information on which sound policies and measures may be based; and
- (b) to promote such education as will encourage the sharing of family responsibilities between men and women and enable workers with family responsibilities better to meet their employment and family responsibilities.

III. Training and Employment

12. All measures compatible with national conditions and possibilities should be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities.

13. In accordance with national policy and practice, vocational training facilities and, where possible, paid educational leave arrangements to use such facilities should be made available to workers with family responsibilities.

14. Such services as may be necessary to enable workers with family responsibilities to enter or re-enter employment should be available, within the framework of existing services for all workers or, in default thereof, along lines appropriate to national conditions; they should include, free of charge to the workers, vocational guidance, counselling, information and placement services which are staffed by suitably trained personnel and are able to respond adequately to the special needs of workers with family responsibilities.

15. Workers with family responsibilities should enjoy equality of opportunity and treatment with other workers in relation to preparation for employment, access to employment, advancement within employment and employment security.

16. Marital status, family situation or family responsibilities should not, as such, constitute valid reasons for refusal or termination of employment.

IV. Terms and Conditions of Employment

17. All measures compatible with national conditions and possibilities and with the legitimate interests of other workers should be taken to ensure that terms and conditions of employment are such as to enable workers with family responsibilities to reconcile their employment and family responsibilities.

18. Particular attention should be given to general measures for improving working conditions and the quality of working life, including measures aiming at—

(a) the progressive reduction of daily hours of work and the reduction of overtime, and more flexible arrangements as regards working schedules, rest periods and holidays, account being taken of the stage of development and the particular needs of the country and of different sectors of activity.

19. Whenever practicable and appropriate, the special needs of workers, including those arising from family responsibilities, should be taken into account in shift-work arrangements and assignments to night work.

20. Family responsibilities and considerations such as the place of employment of the spouse and the possibilities of educating children should be taken into account when transferring workers from one locality to another.

21.

(1) With a view to protecting part-time workers, temporary workers and homeworkers, many of whom have family responsibilities, the terms and conditions on which these types of employment are performed should be adequately regulated and supervised.

(2) The terms and conditions of employment, including social security coverage, of part-time workers and temporary workers should be, to the extent possible, equivalent to those of full-time and permanent workers respectively; in appropriate cases, their entitlement may be calculated on a pro rata basis. (3) Part-time workers should be given the option to obtain or return to full-time employment when a vacancy exists and when the circumstances which determined assignment to part-time employment no longer exist.

22.

(1) Either parent should have the possibility, within a period immediately following maternity leave, of obtaining leave of absence (parental leave), without relinquishing employment and with rights resulting from employment being safeguarded.

(2) The length of the period following maternity leave and the duration and conditions of the leave of absence referred to in subparagraph (1) of this Paragraph should be determined in each country by one of the means referred to in Paragraph 3 of this Recommendation.

(3) The leave of absence referred to in subparagraph (1) of this Paragraph may be introduced gradually.

23.

(1) It should be possible for a worker, man or woman, with family responsibilities in relation to a dependent child to obtain leave of absence in the case of its illness.

(2) It should be possible for a worker with family responsibilities to obtain leave of absence in the case of the illness of another member of the worker's immediate family who needs that worker's care or support.

(3) The duration and conditions of the leave of absence referred to in subparagraphs (1) and (2) of this Paragraph should be determined in each country by one of the means referred to in Paragraph 3 of this Recommendation.

V. Child-care and Family Services and Facilities

24. With a view to determining the scope and character of the child-care and family services and facilities needed to assist workers with family responsibilities to meet their employment and family responsibilities, the competent authorities should, in co-operation with the public and private organisations concerned, in particular employers' and workers' organisations, and within the scope of their resources for collecting information, take such measures as may be necessary and appropriate—

- (a) to collect and publish adequate statistics on the number of workers with family responsibilities engaged in or seeking employment and on the number and age of their children and of other dependants requiring care; and

to ascertain, through systematic surveys conducted more particularly in local communities, the needs and preferences for child-care and family services and facilities.

25. The competent authorities should, in co-operation with the public and private organisations concerned, take appropriate steps to ensure that child-care and family services and facilities meet the needs and preferences so revealed; to this end they should, taking account of national and local circumstances and possibilities, in particular—

- (a) encourage and facilitate the establishment, particularly in local communities, of plans for the systematic development of child-care and family services and facilities, and
- (b) themselves organise or encourage and facilitate the provision of adequate and appropriate child-care and family services and facilities, free of charge or at a reasonable charge in accordance with the workers' ability to pay, developed along flexible lines and meeting the needs of children of different ages, of other dependants requiring care and of workers with family responsibilities.

26.

(1) Child-care and family services and facilities of all types should comply with standards laid down and supervised by the competent authorities.

(2) Such standards should prescribe in particular the equipment and hygienic and technical requirements of the services and facilities provided and the number and qualifications of the staff.

(3) The competent authorities should provide or help to ensure the provision of adequate training at various levels for the personnel needed to staff child-care and family services and facilities.

VI. Social Security

27. Social security benefits, tax relief, or other appropriate measures consistent with national policy should, when necessary, be available to workers with family responsibilities.

28. During the leave of absence referred to in Paragraphs 22 and 23, the workers concerned may, in conformity with national conditions and practice, and by one of the means referred to in Paragraph 3 of this Recommendation, be protected by social security.

29. A worker should not be excluded from social security coverage by reference to the occupational activity of his or her spouse and entitlement to benefits arising from that activity.

30.

(1) The family responsibilities of a worker should be an element to be taken into account in determining whether employment offered is suitable in the sense that refusal of the offer may lead to loss or suspension of unemployment benefit.

(2) In particular, where the employment offered involves moving to another locality, the considerations to be taken into account should include the place of employment of the spouse and the possibilities of educating children.

31. In applying Paragraphs 27 to 30 of this Recommendation, a Member whose economy is insufficiently developed may take account of the national resources and social security arrangements available.

VII. Help in Exercise of Family Responsibilities

32. The competent authorities and bodies in each country should promote such public and private action as is possible to lighten the burden deriving from the family responsibilities of workers.

33. All measures compatible with national conditions and possibilities should be taken to develop home-help and home-care services which are adequately regulated and supervised and which can provide workers with family responsibilities, as necessary, with qualified assistance at a reasonable charge in accordance with their ability to pay.

34. Since many measures designed to improve the conditions of workers in general can have a favourable impact on those of workers with family responsibilities, the competent authorities and bodies in each country should promote such public and private action as is possible to make the provision of services in the community, such as public transport, supply of water and energy in or near workers' housing and housing with labour-saving layout, responsive to the needs of workers.

VIII. Effect on Existing Recommendations

35. This Recommendation supersedes the Employment (Women with Family Responsibilities) Recommendation, 1965.

Maternity Protection Recommendation, 2000 (No. 191)

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and Having decided upon the adoption of certain proposals with regard to maternity protection, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Maternity Protection Convention, 2000 (hereinafter referred to as "the Convention"),

adopts this fifteenth day of June of the year two thousand the following Recommendation, which may be cited as the Maternity Protection Recommendation, 2000.

MATERNITY LEAVE

1.

(1) Members should endeavour to extend the period of maternity leave referred to in Article 4 of the Convention to at least 18 weeks.

(2) Provision should be made for an extension of the maternity leave in the event of multiple births.

(3) To the extent possible, measures should be taken to ensure that the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth.

BENEFITS

2. Where practicable, and after consultation with the representative organizations of employers and workers, the cash benefits to which a woman is entitled during leave referred to in Articles 4 and 5 of the Convention should be raised to the full amount of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

3. To the extent possible, the medical benefits provided for in Article 6, paragraph 7, of the Convention should include:

- (a) care given in a doctor's office, at home or in a hospital or other medical establishment by a general practitioner or a specialist;
- (b) maternity care given by a qualified midwife or by another maternity service at home or in a hospital or other medical establishment;
- (c) maintenance in a hospital or other medical establishment;
- (d) any necessary pharmaceutical and medical supplies, examinations and tests prescribed by a medical practitioner or other qualified person; and
- (e) dental and surgical care.

FINANCING OF BENEFITS

4. Any contribution due under compulsory social insurance providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits, whether paid by both the employer and the employees or by the employer, should be paid in respect of the total number of men and women employed, without distinction of sex.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

5. A woman should be entitled to return to her former position or an equivalent position paid at the same rate at the end of her leave referred to in Article 5 of the Convention. The period of leave referred to in Articles 4 and 5 of the Convention should be considered as a period of service for the determination of her rights.

HEALTH PROTECTION

6.

(1) Members should take measures to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child. The results of the assessment should be made available to the woman concerned.

(2) In any of the situations referred to in Article 3 of the Convention or where a significant risk has been identified under subparagraph (1) above, measures should be taken to provide, on the basis of a medical certificate as appropriate, an alternative to such work in the form of

- (a) elimination of risk;
- (b) an adaptation of her conditions of work;
- (c) a transfer to another post, without loss of pay, when such an adaptation is not feasible; or
- (d) paid leave, in accordance with national laws, regulations or practice, when such a transfer is not feasible.

(3) Measures referred to in subparagraph (2) should in particular be taken in respect of:

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

(4) A pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing.

(5) The woman should retain the right to return to her job or an equivalent job as soon as it is safe for her to do so.

(6) A woman should be allowed to leave her workplace, if necessary, after notifying her employer, for the purpose of undergoing medical examinations relating to her pregnancy.

BREASTFEEDING MOTHERS

7. On production of a medical certificate or other appropriate certification as determined by national law and practice, the frequency and length of nursing breaks should be adapted to particular needs.

8. Where practicable and with the agreement of the employer and the woman concerned, it should be possible to combine the time allotted for daily nursing breaks to allow a reduction of hours of work at the beginning or at the end of the working day.

9. Where practicable, provision should be made for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace.

RELATED TYPES OF LEAVE

10.

(1) In the case of the death of the mother before the expiry of postnatal leave, the employed father of the child should be entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave.

(2) In the case of sickness or hospitalization of the mother after childbirth and before the expiry of postnatal leave, and where the mother cannot look after the child, the employed father of the child should be entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave, in accordance with national law and practice, to look after the child.

(3) The employed mother or the employed father of the child should be entitled to parental leave during a period following the expiry of maternity leave.

(4) The period during which parental leave might be granted, the length of the leave and other modalities, including the payment of parental benefits and the use and distribution of parental leave between the employed parents, should be determined by national laws or regulations or in any manner consistent with national practice.

(5) Where national law and practice provide for adoption, adoptive parents should have access to the system of protection offered by the Convention, especially regarding leave, benefits and employment protection.