

and to promote equal opportunities and treatment in employment and occupation, without prejudice to health or economic security. Protective measures for pregnant women and women who have recently given birth include the prevention of exposure to health and safety hazards during and after pregnancy, entitlement to paid maternity leave and breastfeeding breaks, maternal and child health care, protection against discrimination in employment and occupation, including with respect to recruitment and dismissal, and a guaranteed right to return to the job after maternity leave.

Maternity protection offers numerous benefits. It contributes to the health and well-being of mothers and their babies and thus to the achievement of major development goals, including the reduction of child and maternal mortality and improvement of their health (United Nations, 2009). By safeguarding women's employment and income security during and after maternity, maternity protection also promotes and achieves effective gender equality at work. This goal is at the heart of the ILO Decent Work Agenda, which was formulated by the ILO's constituents – governments, employers and workers – as a means of identifying the Organization's four major priorities: creating jobs; guaranteeing rights at work; extending social protection; promoting social dialogue.

In this context, it is important to view maternity protection as part of the broader framework of rights and protections set out in the ILO international labour standards on equality and non-discrimination, namely the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Workers with Family Responsibilities Convention, 1981 (No. 156). In its 2012 General Survey on the Fundamental Conventions, the ILO Committee of Experts on the Application of Conventions and Recommendation (CEACR) has highlighted the importance of Convention No. 183 in recognizing that maternity protection is a precondition for gender equality and non-discrimination in employment and occupation. It has also considered that “ratification of this Convention constitutes important progress in achieving the broader objective of gender equality in employment and occupation, as enshrined in Convention No. 111” (ILO, 2012d).

Maternity protection is therefore the primary indispensable element of comprehensive work–family policies

and measures, providing working parents with access to decent work opportunities free of discrimination, in line with the Workers with Family Responsibilities Convention, 1981 (No. 156) and the accompanying Recommendation No. 165, the major ILO standards on work–family balance. Convention No. 156 requires that ratifying States¹ make it an aim of national policy that all workers with family responsibilities – both women and men – can engage in employment without discrimination or, as far as possible, conflict between work and family obligations. To this end, these instruments put forward a set of policy devices including leave policies, social care services, social security benefits, family-friendly working time and work organization arrangements, workforce reintegration policies as well as gender-responsive awareness-raising and education.

As of January 2014, a total of 66 countries are party to at least one of the three maternity protection Conventions adopted by the ILO: the Maternity Protection Convention, 1919 (No. 3); the Maternity Protection Convention (Revised), 1952 (No. 103),² ratified by 26 and 24 member States respectively; and the Maternity Protection Convention, 2000 (No. 183), which came into force on 7 February 2002 and has been ratified by 28 countries.³ In addition, the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) covers maternity health care and cash benefits under its Part VIII, which has been accepted by 35 countries.⁴

Convention No. 183 should normally be implemented through laws or regulations, although different means used in the national practice of the member States, such as collective agreements and arbitration awards, may also give it effect. Recommendations are non-binding instruments which set out guidelines that can orient national policy and action. Recommendation No. 191 complements Convention No. 183, often by suggesting higher protection, such as a longer duration of leave and higher benefits, or concrete measures which may be taken with a view to protecting the health of working women and/or their children. Also, the Recommendation deals in more depth with certain aspects of maternity protection treated in the Convention, such as how to ensure health protection, and includes some additional measures related to types of leave and financing of benefits.

The influence of the ILO maternity protection instruments extends well beyond the number of ratifications.