

is new to Convention No. 183. Convention No. 111 prohibits discrimination on the grounds of sex in all aspects of employment and occupation. The CEACR has determined that discrimination on the grounds of maternity and pregnancy constitutes discrimination based on sex or gender, as these aspects necessarily affect only women in the labour market. At the same time, it has welcomed legislative provisions which explicitly include “maternity and/or pregnancy” as a prohibited ground of discrimination. Convention No. 156 provides that family responsibilities shall not constitute a valid reason for termination of employment (Article 8).

In general, it is very difficult to determine the extent of dismissals and employment discrimination on the basis of maternity. Surveys and studies on the topic are rare, and it is difficult to design surveys that can accurately capture discrimination issues. The information from studies, court cases, equal opportunity bodies and trade unions that does exist, however, points to maternity-related discrimination as a continuing global problem. A study of discrimination in the European Union, where countries have some of the strongest anti-discrimination laws in the world, reports that discrimination on the basis of maternity (which includes pregnancy in the language of Convention No. 183) persists:

It has been suggested that pregnancy and maternity related discrimination is ‘endemic’ (United Kingdom) and that women experience a lot of ‘trouble’ related to the enjoyment of their pregnancy and maternity rights (the Netherlands). In its 2012 annual report, the French Protection of Rights Body highlights that following the period of maternity or parental leave the professional situation of women very often deteriorates, and sometimes leads to harassment or to dismissal. (Masselot et al., 2012)

The European Union country review demonstrates a considerable level of maternity-based discrimination across EU Member States regarding recruitment, dismissals, pressure to resign, harassment and other practices that run counter to the principles of employment protection and non-discrimination (Masselot et al., 2012). The study refers to reports of pressure tactics used by employers to compel pregnant workers or new mothers to resign in Romania, Spain and Lithuania. In Spain, “mobbing” practices are reportedly widespread,

with pregnant women reporting having experienced harassment at work during pregnancy and dismissal or pressure to depart (see Masselot et al., 2012). In Croatia, Greece, Italy and Portugal, there are reports of widespread use of “blank resignations” – undated resignation letters that workers are forced to sign upon hiring, which are used to dismiss them if they become pregnant or are faced with a long-term illness or family responsibilities. An investigative report by a national Italian newspaper estimated that around 2 million female workers were affected by this practice, prompting new legislation to tackle this issue (see Masselot et al., 2012, and below). A similar practice, forcing women to sign agreements promising that they will not become pregnant, has been reported in Kenya.¹

Other reports from around the world also point to continued discrimination on the basis of pregnancy and maternity. In the United Kingdom, a study by the Equality and Human Rights Commission (EHRC) reported that around 7 per cent of pregnant women (approximately 30,000 per year) lose their jobs due to pregnancy. Many more (approximately 45 per cent) suffer some sort of financial loss or are pressured into quitting their jobs (EHRC, 2005). In the Russian Federation, the State Labour Inspectorate uncovered and put a stop to more than 22,900 violations of labour legislation on the part of employers with regard to working women: the two most common types of violations were dismissal of pregnant women and women with children under 3 years of age and non-payment of state social insurance during maternity leave (ILO, n.d.). In Australia, pregnancy discrimination complaints are more common than complaints regarding any other type of discrimination.² In China, a study by the All China Women’s Federation showed that 21 per cent of rural women who migrated to urban areas were fired after becoming pregnant or having a child (ILO, 2012). In the Republic of Korea, a poll by the job portal Incruit revealed that one-third of pregnant female workers decided not to take maternity leave for fear of discrimination, and 7 per cent were told to resign after claiming maternity benefits (ILO, 2012). In a survey of workers in the garment industry in Cambodia, “pregnancy” was cited as a source of discrimination in recruitment at factories by 68 per cent of the women interviewed (ILO, 2012a). In 2013, in a communication to the CEACR, the General Union of Workers of Cameroon (UGTC) reported that some enterprises