

are dismissing women on the grounds of pregnancy (CEACR, Direct Request, Cameroon, C3, 2013).

In the Dominican Republic, the Government received 128 maternity-related employment discrimination complaints in 2009, up from 91 in 2005. In Costa Rica, the labour inspectorate received 635 complaints in 2009, up from 230 in 2008 (ILO, 2012b, Module 9). In the United States, pregnancy discrimination claims grew faster (at 31 per cent) than all job bias claims between 2005 and 2010 (ILO, 2012b, Module 9). Since 2001, US courts have paid out US\$ 150 million in damages in pregnancy discrimination cases.<sup>3</sup> It is not clear whether these increases in complaints reflect rising discrimination (particularly in the context of the economic crisis), or increasing awareness among workers of their maternity rights, but they do reflect the persistence of job dismissal and employment discrimination on the basis of maternity.

There have been concerns in a number of countries that maternity-related discrimination became more prevalent during the economic crisis. For example, in Greece, the Ombudsperson has expressed concern that labour flexibility measures undertaken during the crisis have disproportionately disadvantaged women, especially pregnant women and mothers. They have noted that the unilateral conversion (i.e., by the employer) of full-time contracts to shift work increased by 63 per cent between 2010 and 2011, with most of the contract changes happening in cases of women returning from maternity leave (Koukoulis-Spilitopoulos, 2012). The ILO CEACR has noted that, in 2011,

approximately 300 complaints were lodged with the Office of the Ombudsperson concerning discrimination against female workers in the private sector, in particular concerning illegal dismissal of pregnant and breastfeeding women. The Office of the Ombudsperson also observed that women were exposed to increasingly deteriorating conditions of work, especially during pregnancy and after childbirth (CEACR, Observation, C111, Greece, 2013).

In 2011, discrimination in Greece related to pregnancy and childcare leave was recorded as the most prevalent form of discrimination (making up 42.46 per cent and 21.79 per cent, respectively, of total complaints concerning discrimination) (CEACR, *ibid.*).

In Spain, an NGO working on mothers' rights published a research study that attributed increases in the percentage of women experiencing maternity-related job dismissals and "maternal mobbing", as well as increases in the difficulties for pregnant women in finding employment, to the economic crisis (Fundación Madrina, 2010). In Singapore, the trade unions have cited tough economic times in helping to explain reports of growing maternity-related discrimination.<sup>4</sup>

In other countries, such as Mozambique, maternity-related discrimination, among other labour law breaches, has been related to a sharpening of labour relations resulting from increased national and foreign investment linked to natural resources discoveries. In 2013, 13,850 violations of Mozambican labour legislation were registered by the General Inspectorate of Labour, which reported that pregnant women were particularly likely to lose their jobs, with their employment terminated by employers who were unwilling to pay for maternity leave.<sup>5</sup>

Data included in the reports submitted to the CEACR by governments, workers' and employers' organizations of countries which have ratified the relevant ILO Conventions (in accordance with Article 22 of the ILO Constitution) show that certain categories of employees are more at risk than others of becoming victims of discrimination on the grounds of pregnancy or maternity in employment or access to employment: domestic workers; women in lower paid jobs and temporary assignments; women employees in the private sector; women who often fall sick during their pregnancy or suffer complications related to pregnancy or childbirth; and even women in managerial positions (ILO CEACR, 2014).

This chapter first considers measures to safeguard the employment of women workers during maternity, such as protection against discriminatory dismissal and maintenance of employment benefits. It then reviews legal provisions against discrimination in employment at the national level, with an emphasis on provisions related to maternity. Information on these issues draws from the ILO Working Conditions Laws Database – Maternity Protection, which at present includes data on employment protection and non-discriminatory practices for 165 countries. See Appendix V for indicators by country for this chapter.