

to adopt the necessary measures to prohibit dismissal of workers from the beginning of pregnancy to the end of maternity leave, except in cases not connected with their condition and authorized under national legislation or practice. Most EU Member States do provide such protections.

Protecting mothers against employment termination after childbirth by combining leave measures with job protection regulations is perhaps the most fundamental policy instrument to protect situation of mothers in the labour market. Transitions to new employers or new jobs within the existing workplace tend to be associated with wage reductions and long-term negative cumulative effects on mothers' wages, especially when associated with reductions in hours. Legal rules that mandate the right to return to the same job with the same pay, as required by maternity protection standards, are therefore a critical measure for addressing the motherhood wage penalty (Grimshaw and Rubery, forthcoming). Employment protection is also fundamental to guarantee the right to paternity and parental leave and improve men's take-up rates. For instance, one aspect of the Brazilian debate on the extension of paternity leave from five to 15–30 days has been the need to insure men's job security during the leave. One proposal is to accompany the leave extension with a right to employment protection over the first four months after birth, targeting households where fathers are the only breadwinners (O'Brien, 2013). In France, the 2014 law on equality between women and men establishes that employers cannot terminate the employment contract of a male employee during the four weeks following the birth of a child.

Length of protection against dismissal in national laws

Convention No. 183 calls for protection against dismissal during a period following a woman's return to work after maternity leave but leaves it to national laws or regulations to define that period. Often, this relates to the period during which the national legislation authorizes interruption of work with a view to nursing a newborn child. In at least 56 countries, national laws explicitly prescribe a duration during which such protection is extended. According to the Committee of Experts and the information in the database, however,

there is a fairly widespread trend towards further extending the period during which employment is protected, beyond the strict context of maternity leave. In many countries, the duration of employment protection extends well beyond the end of maternity leave, as in the Republic of Moldova (from pregnancy until the child is 6 years old); in Azerbaijan, Estonia, Lithuania and Mongolia (from pregnancy until the child is 3 years of age); in Gabon (from pregnancy until 15 months after birth); in Chile and Panama (from pregnancy to 1 year after the expiry of the maternity leave); Bolivia (from pregnancy to 1 year after childbirth); in Angola, Somalia and Vietnam, until the child is 1 year old; and in Argentina (from notification of pregnancy to seven-and-a-half months after childbirth). In 2012, the Bolivarian Republic of Venezuela extended the special protection against dismissal from the start of pregnancy up to 2 years after childbirth, instead of 1 year. In 2011 and 2013, Argentina established special regulations governing employment contracts for work in agriculture and for domestic workers. These laws grant protection against wrongful dismissal during the protected period for these categories of workers, who are particularly vulnerable to discriminatory practices (ILO CEACR, 2014; ILO, 2013b).

In other countries, the protection extends until the end of the nursing period. Pregnant women and nursing mothers are protected in Cape Verde, Guatemala, Indonesia, Malta and Portugal among other countries. Nevertheless, there are still some countries where employment protection is limited to maternity leave and any extensions thereof, as in Botswana, Cambodia, Fiji, Lebanon, Lesotho, Libya, Malaysia, Niger and Paraguay. In a small number of countries, protection is even more limited. In Egypt, for example, women are only protected from dismissal during maternity leave or, in Chad, only during pregnancy.

It is worth noting that in some countries where parental or other kinds of leave are available, employment protection is available not only to the mother but also to other persons. In Chile, if the mother dies, the father of the child can take the remainder of "maternity leave" and be protected against dismissal for 1 year after the expiry of the maternity leave, as suggested by Recommendation No. 191. In Mongolia, dismissal is prohibited for single fathers with children below 3 years of age. In Estonia, it is prohibited for an