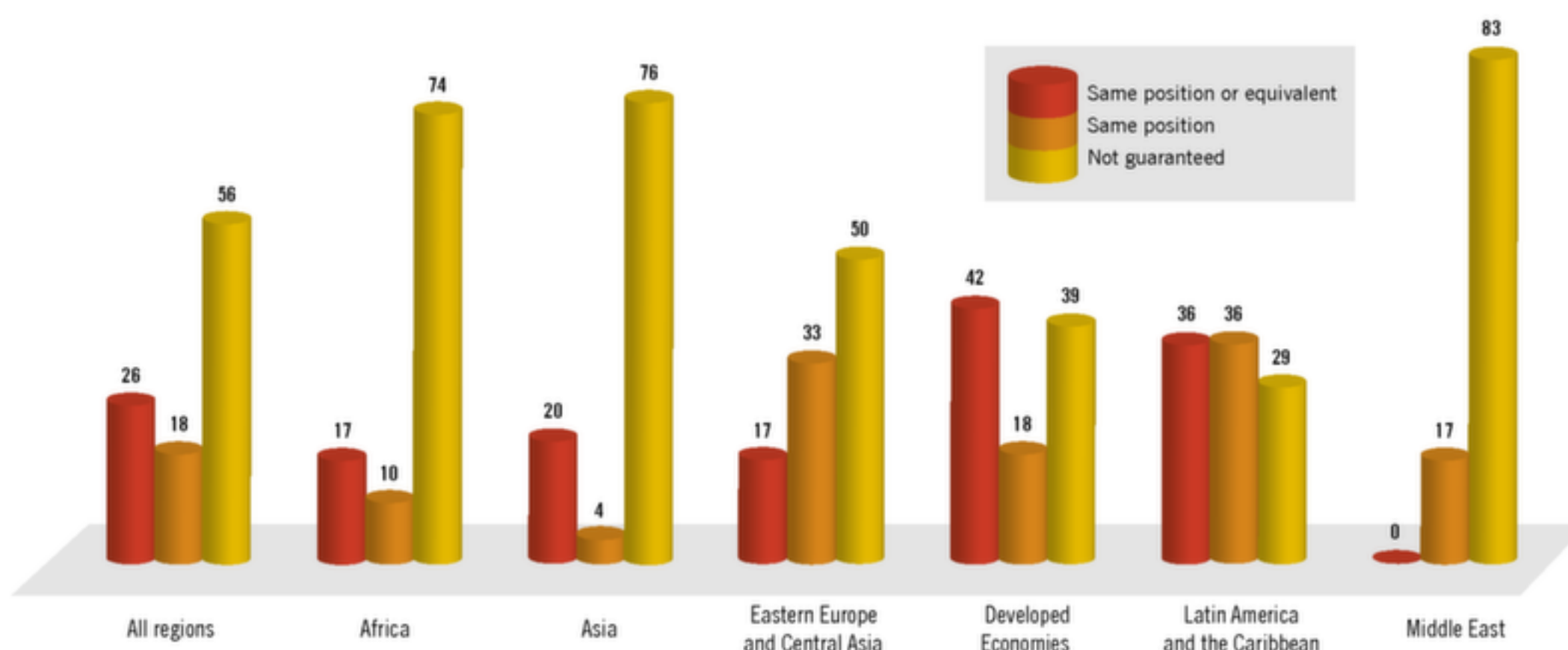


Figure 4.2 Right to return to work, 2013 (146 countries) (%)

Source: ILO Working Conditions Laws Database – Maternity Protection. Available at: <http://www.ilo.org/travdatabase> [30 Mar. 2014].

where restoring employment would cause the employer substantial economic hardship, employers may refuse to reinstate certain highly paid “key” employees. In other countries, provisions do not seem to be so specific, as they do not explicitly take into account all aspects detailed in Article 8(2) of Convention No. 183. In Italy, seasonal workers, who receive periodical unemployment benefits, are protected from dismissal during the period of maternity leave and have the right to return to work after the compulsory leave period. Some of the provisions found in other countries are detailed below:

- *The right to hold the post that the woman occupied prior to her leave* (possibility of a similar post and payment not specified): Côte d’Ivoire, Cuba, Lithuania, Mexico (if worker returns within 1 year), New Zealand (if leave is four weeks or less), the Russian Federation and Uzbekistan.
- *The post the worker will occupy after leave shall be the same or an equivalent* (payment not specified unless noted): Australia (nearest to equivalent payment specified), Costa Rica (equivalent payment specified), Croatia, Iceland (should be on no less favourable terms), Italy, Mongolia and Swaziland (equivalent payment specified).
- *The right to hold the post she occupied prior to her leave, paid at the same rate* (possibility of an equivalent post not specified): Belarus, Canada (Quebec), Nicaragua

and the United Republic of Tanzania. In practice, in some countries, after maternity leave, women who return to work face a reduction in their wage on the grounds that they will have lost the capacity for work that they would have retained and augmented had they not been absent. In 2014, in a communication sent in accordance with article 23 of the ILO Constitution, the Confederation of Autonomous Trade Unions of Serbia (CATUS) indicated that a clause on wage reduction appears in employment contracts, which is contrary to Article 8.2 of Convention No. 183 (ILO CEACR, 2014).

- In some countries, women are required to *pay a contract termination fee or repay wages collected during leave* if they do not return to work after maternity leave or resign within a certain time thereafter. For instance, in Malta, a woman must repay wages received during maternity leave if she does not return or resigns within six months of returning. In the Solomon Islands, the Labour Act does not provide for a guaranteed right to return to work after maternity leave. Rather, it imposes an obligation on workers who have received a cash benefit during a period of maternity leave to return to work after the maternity leave. Where the worker fails to return to work, she must pay to the employer the wages she received while on leave. In a few countries, however, there are provisions which explicitly allow women who do