

Notes

1. ILO News, available at: http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_193975/lang--en/index.htm [30 Mar. 2014].
2. ABC News, Australia: "Pregnancy overtakes disability as top source of workplace discrimination complaints". See <http://www.abc.net.au/news/2013-11-06/pregnancy-overtakes-disability-as-the-top-source-of-discrimination/5072904> [9 Dec. 2013].
3. ILO News, op. cit.
4. R. Basu: "Pregnant? You're fired", in *The Straits Times*, 8 Nov. 2009.
5. CTA-AIM, Mozambique News Agency, Newsletter No. 160, Feb. 2014.
6. The 20 countries are: Afghanistan, Algeria, Antigua and Barbuda, Bangladesh, Brunei Darussalam, Central African Republic, Comoros, Congo, Denmark, Dominica, Guinea-Bissau, Islamic Republic of Iran, Mali, Mexico, Nepal, Sao Tome and Principe, Trinidad and Tobago, United Arab Emirates, Yemen, Zimbabwe.
7. For example, Brazil, Cambodia, Cyprus, Egypt, France (for maternity leave), Japan, Lesotho, Niger, Nigeria, Paraguay, Peru (within 90 days of childbirth), Senegal, Sweden and Uganda.
8. For example, Barbados, Belgium, Bulgaria (only if the enterprise is closing down), Costa Rica, Cuba, Dominican Republic, Ecuador, Finland, Ghana, Guatemala, Honduras, Lebanon, Lithuania, Mongolia, New Zealand, Nicaragua, Panama, Papua New Guinea, Singapore, Somalia, Sudan, Swaziland and the Bolivarian Republic of Venezuela.
9. See, for instance, the CEACR Direct Requests on Maternity Protection to China-Hong Kong SAR, C3, 2008. Available at NORMLEX: <http://www.ilo.org/normlex> [30 Mar. 2014].
10. These are Cameroon, Madagascar, Mauritania and Niger.
11. In Japan, there are even provisions that extend the right to return to former employees. There, employers must give preference in recruiting to former employees who left their jobs because of pregnancy, childcare or family responsibilities.
12. In the United Kingdom, workers have the right to return to the same job after maternity leave. After parental leave or paternity leave of four or more weeks, workers have the right to return to the same or an equivalent job.
13. See, for example, CEACR, Angola, Observation 2010; Belgium, Direct requests 2010 and 2011; Ecuador, Observation 2011.
14. The number of ratifications in this list is current as of January 2014.
15. These are Democratic Republic of the Congo, Kenya, Mauritius, Namibia, Rwanda, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe.
16. Namely Fiji, India, Indonesia and Republic of Korea.
17. Brazil, Grenada, Guatemala, Guyana and Saint Lucia.
18. Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Canada, Croatia, Cyprus, Estonia, France, Greece, Hungary, Ireland, Italy, Kazakhstan, Malta, the Republic of Moldova, New Zealand, Serbia, Slovakia, Slovenia, Switzerland, Turkey and the United Kingdom.
19. Afghanistan, Bahrain, Jamaica, Myanmar, Nepal, United Arab Emirates and Vanuatu.
20. Afghanistan, Bahrain, Brunei Darussalam, Cameroon, Congo, Dominica, Ghana, Jamaica, Jordan, Kuwait, Madagascar, Malawi, Malaysia, Mali, Myanmar, Nepal, Seychelles, Singapore, Solomon Islands, United Arab Emirates and Vanuatu.
21. In Argentina, women may sign any type of employment contract and, as a result of collective labour agreements or official regulations, shall not be subjected to any type of discrimination in employment based on sex or marital status, although that status may change during the course of her employment relationship. In the Philippines, employers cannot discriminate against women on the basis of their sex.
22. In Norway, in addition to comprehensive prohibitions against discrimination on the basis of sex, pregnancy, nursing and a number of other grounds, further provisions may be prescribed as to which types of different treatment are permitted, including provisions regarding affirmative action in favour of men in connection with the care of children.
23. In Canada, at the federal level, discrimination on the grounds of sex is prohibited. Where the grounds of discrimination are pregnancy or childbirth, the discrimination is deemed to be on the grounds of sex. In Ontario, the legal right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant; and in Quebec the Charter of Human Rights and Freedom guarantees that every person has a right to full and equal recognition and exercise of their human rights and freedoms, without distinction, exclusion or preference based on pregnancy. In the United States, the Civil Rights Act and its amendment, the Pregnancy Discrimination Act, prohibit an employer with 15 or more employees from refusing to hire or dismissing a pregnant employee because of her pregnancy or any pregnancy-related condition.
24. In Norway, different treatment that promotes gender equality is not a contravention of the provision that prohibits direct or indirect differential treatment based on sex. The same applies to special rights and rules regarding measures that are intended to protect women in connection with pregnancy, childbirth and breastfeeding. In Swaziland, no treatment accorded to females as provided in legislation in connection with the birth or expected birth of a child is deemed to be in contravention of the section of the Employment Act which prohibits an employer from discriminating between male and female employees by failing to pay equal pay for equal work. In the Republic of Korea, measures taken to protect the maternity of working women during their pregnancy, childbirth and child feeding are not to be considered discriminatory. Similar provisions exist in Albania and Tajikistan.
25. An implicit ban includes legislation that explicitly prohibits discrimination in access to employment based on pregnancy, maternity, family responsibilities or sex.
26. The others are: Austria, Azerbaijan, Belarus, Bulgaria, Croatia, Denmark, Fiji, Finland, Gabon, Guyana, Hungary, Italy, Kenya, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Netherlands, Peru, Russian Federation, Saint Lucia, Spain, Tajikistan, United Republic of Tanzania, The former Yugoslav Republic of Macedonia and Zimbabwe.
27. Le Défenseur des Droits and ILO. Available at: <http://www.ilo.org/public/french/region/eurpro/paris/actualites/index.htm#baro7> [31 Mar. 2014].
28. See Australian Government, Fair Work Ombudsman, Discrimination. Available at: <http://www.fairwork.gov.au/employment/discrimination/pages/default.aspx> [31 Mar. 2014].