

along with labour laws and workplace measures, play a key role in supporting both mothers and fathers as parents with a shared interest in the health and well-being of their children. For instance, in Chile, following a public-health reform aimed at promoting breastfeeding and the increased attendance of fathers during childbirth, the share of women reporting the presence of a birth partner grew from 20.5 per cent in 2001 to 71 per cent in 2008 (the partner almost always being the father) (UN, 2011). Paid time off for fathers to attend antenatal health-care appointments is also emerging. In France, the 2014 law on equality between women and men affords partners of a pregnant woman leave of absence to attend three medical examinations.

5.2 Dangerous or unhealthy work

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

Convention No. 183, Article 3

[The ILO Committee of Experts] considers that protective measures applicable to women's employment which are based on stereotypes regarding women's professional abilities and role in society, violate the principle of equality of opportunity and treatment between men and women in employment and occupation. Provisions relating to the protection of persons working under hazardous or difficult conditions should be aimed at protecting the health and safety of both men and women at work, while taking account of gender differences with regard to specific risks to their health.

General Survey on the fundamental Conventions concerning rights at work, 2012, Paragraph 840

While the earlier maternity protection Recommendation called for a complete prohibition of employment of a woman on work prejudicial to her health or that of her child during pregnancy and up to at least three months after childbirth, Convention No. 183 sets out the right of pregnant or nursing women not to be obliged to

perform work that is hazardous, unhealthy or harmful to their health or the health of their unborn or newborn child. In addition, with respect to this work, Recommendation No. 191 moves towards a position adapted to the needs of the individual by requiring an assessment of workplace risks for the safety and health of pregnant or nursing women and their children (see Paul, 2004, for guidance on risk assessment). If a significant workplace risk is established, protective measures should be taken (see below). The Convention also highlights the key consultative role of workers' and employers' organizations, which are consulted regarding the introduction of legislative, collective bargaining agreements and company-level measures concerning the protection of health in the context of pregnancy, childbirth and nursing.

More than two-thirds of countries (111) have statutory measures on dangerous or unhealthy work which can affect pregnant or nursing women. Of 160 countries for which information was available, 78 (49 per cent) set out explicit prohibitions against such work. For example, Albania's Labour Code sets out the principle that pregnant or breastfeeding women may not be employed to carry out difficult or hazardous jobs, which jeopardize the health of the mother and child. In Equatorial Guinea, pregnant workers cannot perform overtime work, nor perform inappropriate tasks or tasks harmful to their state, while, in Japan, an employer cannot assign a pregnant women or women within 1 year after childbirth to any work injurious to pregnancy, childbirth, nursing and related matters. Under the Labour Code in Iraq, it is forbidden to employ women in arduous work or work which is harmful to their health.¹¹

In line with Convention No. 183, another 33 countries (21 per cent), such as Burundi, Madagascar, India and Japan, established the principle that a worker is not obliged to perform dangerous or unhealthy work. In Chile, the labour law enshrines the principle that pregnant workers cannot be obliged to perform any dangerous work and must be transferred to another type of work.¹² In 49 countries (31 per cent), however, no protection exists against performing hazardous work while pregnant or nursing (see figure 5.2), including in Bosnia and Herzegovina, Brazil, Cambodia, Cape Verde, Denmark, Guatemala, Kenya, Myanmar and Romania.