

Non-discrimination prohibition

- PREGNANCY = the legislation prohibits discrimination in employment based on pregnancy.
- MATERNITY = the legislation prohibits discrimination in employment based on maternity.
- FAMILY RESPONSIBILITIES = the legislation prohibits discrimination in employment based on family responsibilities.
- MARITAL STATUS = the legislation prohibits discrimination in employment based on marital status.
- SEX = the legislation prohibits discrimination in employment based on sex.
- NO PROHIBITION = the legislation does not include any of the above discriminatory grounds in employment, or there is no general prohibition of discrimination in employment based on these grounds.
- *** = information is not available or could not be identified.

Employment protection and non-discrimination – Maternity Protection Convention, 2000 (No. 183), Article 9.1:

Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including [...] access to employment”.

This indicator aims to determine whether the legislation includes an explicit prohibition of discrimination based on pregnancy, maternity, family responsibilities, marital status or sex. All the discriminatory grounds for which information was available or could be identified are reported for each country.

The term “discrimination” is defined in line with Article 1 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and includes:

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organisations, where such exist, and with other appropriate bodies.

Pregnancy test

- EXPLICIT = pregnancy testing is explicitly prohibited in the legislation.
- IMPLICIT = pregnancy testing is implicitly prohibited in the legislation.
- NO PROHIBITION = pregnancy testing is not explicitly or implicitly prohibited.
- *** = information is not available or could not be identified.

Employment protection and non-discrimination – Maternity Protection Convention, 2000 (No. 183), Article 9.2:

Measures [to ensure that maternity does not constitute a source of discrimination in employment] shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

- (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
- (b) where there is a recognized or significant risk to the health of the woman and child.

This indicator determines whether the legislation includes an explicit prohibition of pregnancy tests. In cases where there is an explicit prohibition of discrimination in access to employment based on pregnancy, maternity, family responsibilities or sex, it is interpreted that pregnancy testing is implicitly prohibited.