

**Methodological notes*****Dangerous or unhealthy work***

- NO OBLIGATION = pregnant or breastfeeding workers cannot be obliged to perform dangerous or unhealthy work.
- NO OBLIGATION (W) = all women cannot be obliged to perform dangerous or unhealthy work.
- PROHIBITION = pregnant or breastfeeding workers are prohibited from performing dangerous or unhealthy work.
- PROHIBITION (W) = all women are prohibited from performing dangerous or unhealthy work.
- NO PROTECTION = there are no legal measures to protect the safety and health of pregnant or breastfeeding workers.
- \*\*\* = information is not available or could not be identified.

Health protection – Maternity Protection Convention, 2000 (No. 183), Article 3:

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.

Paragraph 6(3) of the Maternity Protection Recommendation, 2000 (No. 191) defines work prejudicial to the health of the mother or the child as it follows:

- (a) arduous work involving the manual lifting, carrying, pushing or pulling of loads;
- (b) work involving exposure to biological, chemical or physical agents which represent a reproductive health hazard;
- (c) work requiring special equilibrium;
- (d) work involving physical strain due to prolonged periods of sitting or standing, to extreme temperatures, or to vibration.

This indicator establishes whether the legislation includes any provision to protect pregnant or breastfeeding workers from dangerous or unhealthy work. It distinguishes between “NO OBLIGATION”, namely the worker's right not to be obliged to perform dangerous work, and “PROHIBITION”, namely the statutory interdiction to prevent pregnant or breastfeeding from performing dangerous work. The indicator refers to general non-obligation/prohibition of dangerous or unhealthy work as well as to non-obligation/

prohibition which is limited to specific tasks or conditions (for example, working with chemicals, certain loads, etc.). For details, see the ILO Working Conditions Laws Database. In some cases, the legislation forbids hazardous or unhealthy work for all women, with or without special measures for pregnant or breastfeeding workers. These instances are marked by (W).

***Alternatives to dangerous work***

- ELIMINATION = where dangerous or unhealthy work or a risk has been identified, the hazard/risk should be eliminated.
- ADAPTATION = in case of hazard or risk, pregnant or breastfeeding workers' conditions of work should be adapted in order to prevent hazard or risk exposure.
- TRANSFER = in case of hazard or risk, pregnant or breastfeeding workers should be transferred to a post that does not entail hazard or risk exposure.
- EXTRA LEAVE = in case of hazard or risk, pregnant or breastfeeding workers should be entitled to additional leave.
- NO ALTERNATIVE = the law does not provide for alternatives to dangerous or unhealthy work.
- \*\*\* = information is not available, could not be identified or is not applicable.

Health protection – Paragraph 6(2) of Recommendation No. 191:

In any of the situations [in which work has been determined by the competent authority to be prejudicial to the health of the mother or the child] or where a significant risk has been identified [...], measures should be taken to provide, on the basis of a medical certificate as appropriate, an alternative to such work in the form of

- (a) elimination of risk;
- (b) an adaptation of her conditions of work;
- (c) a transfer to another post, without loss of pay, when such an adaptation is not feasible; or
- (d) paid leave, in accordance with national laws, regulations or practice, when such a transfer is not feasible.

This indicator assesses the extent to which the legislation entitles pregnant or breastfeeding workers to any of the above alternative measures to dangerous or unhealthy work. All the statutory alternative measures for which information was available or could be identified are reported for each country. In cases where the worker is entitled to extra leave, the indicator does not specify whether this additional leave is paid, counted as sick leave, paid by the employer or social security or unpaid. For more information, see the ILO Working Conditions Laws Database.