



Analysis – in the light of the European Union acquis – of ILO up to date Conventions

- Annex "C183 - Maternity Protection Convention" -

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SUMMARY	
Convention	<ul style="list-style-type: none"> • C183 - Maternity Protection Convention, 2000 (No. 183)
Subject	<ul style="list-style-type: none"> • Convention No. 183 provides for 14 weeks of maternity benefit to women to whom the instrument applies (Article 4). Women who are absent from work on maternity leave shall be entitled to a cash benefit which ensures that they can maintain themselves and their child in proper conditions of health and with a suitable standard of living and which shall be no less than two-thirds of her previous earnings or a comparable amount (Article 6). The convention also requires ratifying states to take measures to ensure that a pregnant woman or nursing mother is not obliged to perform work which has been determined to be harmful to her health or that of her child, and provides for protection from discrimination based on maternity (Article 8). The standard also prohibits employers to terminate the employment of a woman during pregnancy or absence on maternity leave, or during a period following her return to work, except on grounds unrelated to pregnancy, childbirth and its consequences, or nursing. Women returning to work must be returned to the same position or an equivalent position paid at the same rate (Article 8(2)). Also provides a woman the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child (Article 10).
Member State uptake	<ul style="list-style-type: none"> • Twenty-six states have ratified C183, of which thirteen are Member States: • Austria (30 Apr 2004; <i>period of maternity leave: 16 weeks</i>); Bulgaria (06 Dec 2001; <i>period of maternity leave: 135 days</i>); Cyprus (12 Jan 2005; <i>period of maternity leave: 16 weeks</i>); Hungary (04 Nov 2003; <i>period of maternity leave: 24 weeks</i>); Italy (07 Feb 2001; <i>period of maternity leave: 5 months</i>); Latvia (09 Feb 2009; <i>period of maternity leave: 16 weeks</i>); Lithuania (29 Sep 2003; <i>period of maternity leave: 126 calendar days</i>); Luxembourg (08 Apr 2008; <i>period of maternity leave: 16 weeks</i>); Netherlands (15 Jan 2009; <i>period of maternity leave: 16 weeks</i>); Portugal (08 Nov 2012; <i>workers are entitled to an initial parental leave of 120 or 150 consecutive days increased by 30 days in the case where both parents share the leave so each one parent enjoys, exclusively, a period of 30 consecutive days or two periods of 15 consecutive days after the mandatory first six weeks for the mother. In case of multiple births, the leave increases by 30 days for each twin beyond the first</i>); Romania (23 Oct 2002; <i>period of maternity leave: 126 calendar days</i>); Slovakia (12 Dec 2000; <i>period of maternity leave: 28 weeks</i>); Slovenia (01 Mar 2010; <i>period of maternity leave: 105 days</i>).
Relevant EU <i>acquis</i> engaged	<ul style="list-style-type: none"> • C183 falls under the ILO classification of maternity protection, and engages EU chapters on social policy and judiciary and fundamental rights. • C183 engages Articles 23 and 33 of the European Charter of Fundamental Rights. • C183 engages Articles 4(2)(b), 19, 151, 153(1)(a), 157(1) TFEU • C183 engages:

	<ul style="list-style-type: none"> - Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) - European Parliament and Council Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) - Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC
Summary of compatibility analysis	<ul style="list-style-type: none"> • C183 is wholly compatible with the EU <i>acquis</i>. • C183 is more stringent than the <i>acquis</i> on the length of compulsory leave after childbirth (Convention Article 4(4)); the requirement that the prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave (Convention Article 4(5)); the amount of cash benefits that women are entitled to on maternity leave (Convention Article 6(3)-(4)); the requirement that medical benefits be provided by the State (Convention Article 6(7)-(8)); breaks for breastfeeding (Convention Article 10); periodic review (Convention Article 11). • The <i>acquis</i> is more stringent than the Convention on the prohibition of derogations from the protection it affords pregnant workers (Convention Article 2(2)). • C183 is more specific than the <i>acquis</i> on the prohibition of the employer 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 prohibited or restricted for pregnant or nursing women under national laws or regulations; or where there is a recognized or significant risk to the health of the woman and child (Convention Article 9(2)).
Assessment of external competence	<ul style="list-style-type: none"> • Where C183 engages the <i>acquis</i> it falls under Union and Member State shared competence.
Ranking criteria	<ul style="list-style-type: none"> • Compatibility: C183 is wholly compatible with the EU <i>acquis</i>. • Value added: High • C183 adds significant value to the <i>acquis</i>, providing for greater maternity rights, cash benefits and medical benefits to pregnant and recently pregnant workers. • Importance to the EU: High

	<ul style="list-style-type: none"> In <i>Commission Staff Working Document SEC(2008) 2184</i> point 6.3, C183 is among several Conventions specifically mentioned in re-emphasising the statement of the renewed <i>Social Agenda (COM 2008(412))</i> that the Commission would promote ratification of up-to-date ILO instruments. Importance to the ILO: High C183 is one five Conventions that forms part of the ILO's mandate on gender equality. 		
Implications	Compatibility	<ul style="list-style-type: none"> C183 is wholly compatible with the EU <i>acquis</i>. 	
	Competence	<ul style="list-style-type: none"> Where C183 engages the <i>acquis</i> it falls under Union and Member State shared competence, and therefore Member States do not require Council authorisation to ratify it. 	
	Priority	High	
SUBSTANTIVE ANALYSIS:			
Convention Provisions	EU <i>acquis</i> engaged by Convention's provisions, and relevant EU instruments	Compatibility of Convention's provisions with relevant EU standard	External competence in relation to the Convention's provisions
Having decided upon the adoption of certain proposals with regard to the revision of the Maternity Protection Convention (Revised), 1952, and Recommendation, 1952, which is the fourth item on the agenda of the session, and			
SCOPE Article 1 For the purposes of this Convention, the term woman applies to any female person without	Articles 151 and 153(1)(a) TFEU Council Directive 92/85/EEC on the introduction of measures to encourage	Compatible regulation.	Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of

<p>discrimination whatsoever and the term child applies to any child without discrimination whatsoever.</p>	<p>improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)</p> <p>Article 2 For the purposes of this Directive:</p> <p>(a) pregnant worker shall mean a pregnant worker who informs her employer of her condition, in accordance with national legislation and/or national practice;</p> <p>(b) worker who has recently given birth shall mean a worker who has recently given birth within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice;</p>		<p>shared Union and Member State competence.</p>
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	(c) worker who is breastfeeding shall mean a worker who is breastfeeding within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice.		
Article 2 1. This Convention applies to all employed women, including those in atypical forms of dependent work.	See above.	Compatible regulation.	Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.
2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special	Directive 92/85/EEC 2. The provisions of Directive 89/391/EEC, except for Article 2 (2) thereof, shall apply in full to the whole area covered by paragraph 1, without prejudice to any more stringent and/or specific provisions contained in this Directive. Directive 89/391/EC	EU law more stringent than the Convention: The Directives, read in conjunction, do not permit derogations from the protection afforded to pregnant workers.	Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC and Directive 89/391/EC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.

<p>problems of a substantial nature.</p>	<p><i>Article 2</i> Scope 1. This Directive shall apply to all sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.). 2. This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it. In that event, the safety and health of workers must be ensured as far as possible in the light of the objectives of this Directive.</p>		
<p>3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the</p>	<p>No relevant <i>acquis</i>.</p>		

<p>Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.</p>			
<p>HEALTH PROTECTION 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</p>	<p>Directive 92/85/EEC Article 1 Purpose 1. The purpose of this Directive, which is the tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC, is to implement measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or who are breastfeeding. Article 6 Cases in which exposure is</p>	<p>Compatible regulation.</p>	<p>Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.</p>

<p>to the mother's health or that of her child.</p>	<p>prohibited</p> <p>In addition to the general provisions concerning the protection of workers, in particular those relating to the limit values for occupational exposure:</p> <ol style="list-style-type: none">1. pregnant workers within the meaning of Article 2 (a) may under no circumstances be obliged to perform duties for which the assessment has revealed a risk of exposure, which would jeopardize safety or health, to the agents and working conditions listed in Annex II, Section A;2. workers who are breastfeeding, within the meaning of Article 2 (c), may under no circumstances be obliged to perform duties for which the assessment has revealed a risk of exposure, which would jeopardize safety or health, to the agents and working conditions listed in Annex II, Section B.		
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On 'competent authority':

In Opinion 2/91 the ECJ states that:

'34. ...even if the competent authority referred to... is an authority of one of the Member States, the Community may nevertheless assume the aforementioned obligation for external purposes. Just as, for internal purposes, the Community may provide, in an area covered by Community rules, that national authorities are to be given certain supervisory powers (see in particular Article 4 of Council Directive 80/1107/EEC of 27 November 1980 on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work, OJ 1980 L 327, p. 8, cited by the Council), it may also, for external purposes,

	undertake commitments designed to ensure compliance with substantive provisions which fall within its competence and imply the attribution of certain supervisory powers to national authorities.'		
<p>MATERNITY LEAVE Article 4</p> <p>1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.</p>	<p>Article 8 Maternity leave</p> <p>1. Member States shall take the necessary measures to ensure that workers within the meaning of Article 2 are entitled to a continuous period of maternity leave of a least 14 weeks allocated before and/or after confinement in accordance with national legislation and/or practice.</p> <p>2. The maternity leave stipulated in paragraph 1 must include compulsory maternity leave of at least two weeks allocated before and/or after confinement in accordance with national legislation and/or practice.</p>	Compatible regulation.	<p>Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.</p>
2. The length of the period	No relevant <i>acquis</i> .		

<p>of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.</p>			
<p>3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.</p>	<p>No relevant <i>acquis</i>.</p>		
<p>4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.</p>	<p>See Convention Article 4(1) above.</p>	<p>Convention more stringent than the <i>acquis</i>.</p>	<p>Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.</p>
<p>5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth</p>	<p>No relevant <i>acquis</i>.</p>	<p>Convention more stringent than the <i>acquis</i>.</p>	

<p>and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.</p>			
<p>LEAVE IN CASE OF ILLNESS OR COMPLICATIONS Article 5 On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.</p>	<p>Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC</p> <p>Clause 3: Time off from work on grounds of force majeure</p> <p>1. Member States and/or management and labour shall take the necessary measures to entitle workers to time off from work, in accordance with national legislation, collective agreements and/or practice, on grounds of force majeure for urgent family reasons in cases of sickness or accident making the immediate presence of the worker indispensable.</p> <p>2. Member States and/or</p>	<p>Compatible regulation.</p>	<p>Union and Member State shared competence as to external agreements that engage Directive 96/34/EC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.</p>

	management and labour may specify the conditions of access and detailed rules for applying clause 3.1 and limit this entitlement to a certain amount of time per year and/or per case.		
<p>BENEFITS</p> <p>Article 6</p> <p>1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.</p>	<p>Article 11</p> <p>Employment rights</p> <p>In order to guarantee workers within the meaning of Article 2 the exercise of their health and safety protection rights as recognized in this Article, it shall be provided that:</p> <p>1. in the cases referred to in Articles 5, 6 and 7, the employment rights relating to the employment contract, including the maintenance of a payment to, and/or entitlement to an adequate allowance for, workers within the meaning of Article 2, must be ensured in accordance with national legislation and/or national practice;</p>	<p>Compatible regulation.</p>	<p>Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC:</p> <p>The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.</p>

	<p>2. in the case referred to in Article 8, the following must be ensured:</p> <p>(a) the rights connected with the employment contract of workers within the meaning of Article 2, other than those referred to in point (b) below;</p> <p>(b) maintenance of a payment to, and/or entitlement to an adequate allowance for, workers within the meaning of Article 2;</p> <p>3. the allowance referred to in point 2 (b) shall be deemed adequate if it guarantees income at least equivalent to that which the worker concerned would receive in the event of a break in her activities on grounds connected with her state of health, subject to any ceiling laid down under national legislation;</p>		
<p>2. Cash benefits shall be at a level which ensures that the woman can maintain</p>	<p>See above.</p>	<p>Compatible regulation.</p>	<p>Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC:</p>

herself and her child in proper conditions of health and with a suitable standard of living.			The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.
3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.	See above.	Convention more stringent than the <i>acquis</i>: The Directive does not provide that the cash benefit must be at least two-thirds of her previous earnings.	Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.
4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.	See above.	Convention more stringent than the <i>acquis</i>: See above.	Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.

<p>5. Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.</p>	<p>See above.</p>	<p>Compatible regulation.</p>	<p>Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.</p>
<p>6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.</p>	<p>Article 153(1) TFEU (c) social security and social protection of workers;</p>	<p>Convention more stringent than the <i>acquis</i>: Currently EU law coordinates Member States social schemes, but does not provide for substantive benefits.</p>	<p>Union and Member State shared competence as to international agreements that engage EU social policy: Social policy is an area of Union and Member State shared competence under Article 4(2)(b) TFEU.</p>
<p>7. Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when</p>	<p>Article 153(1) TFEU (c) social security and social protection of workers;</p>	<p>Convention more stringent than the <i>acquis</i>: Currently EU law coordinates Member States social schemes, but does not provide for substantive benefits.</p>	<p>Union and Member State shared competence as to international agreements that engage EU social policy: Social policy is an area of Union and Member State shared competence under Article 4(2)(b) TFEU.</p>

necessary.			
8. In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:	Article 153(1) TFEU (c) social security and social protection of workers;	Convention more stringent than the <i>acquis</i>: Currently EU law coordinates Member States social schemes, but does not provide for substantive benefits.	Union and Member State shared competence as to international agreements than engage EU social policy: Social policy is an area of Union and Member State shared competence under Article 4(2)(b) TFEU.
(a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or	Article 153(1) TFEU (c) social security and social protection of workers;	Convention more stringent than the <i>acquis</i>: Currently EU law coordinates Member States social schemes, but does not provide for substantive benefits.	Union and Member State shared competence as to international agreements than engage EU social policy: Social policy is an area of Union and Member State shared competence under Article 4(2)(b) TFEU.
(b) it is subsequently agreed at the national level by the government and the representative organizations of employers	Article 153(1) TFEU (c) social security and social protection of workers;	Convention more stringent than the <i>acquis</i>: Currently EU law coordinates Member States social schemes, but does	Union and Member State shared competence as to international agreements than engage EU social policy: Social policy is an area of Union and

and workers.		not provide for substantive benefits.	Member State shared competence under Article 4(2)(b) TFEU.
<p>Article 7</p> <p>1. A Member whose economy and social security system are insufficiently developed shall be deemed to be in compliance with Article 6, paragraphs 3 and 4, if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations.</p>	<p>Article 11</p> <p>3. the allowance referred to in point 2 (b) shall be deemed adequate if it guarantees income at least equivalent to that which the worker concerned would receive in the event of a break in her activities on grounds connected with her state of health, subject to any ceiling laid down under national legislation;</p>	Compatible regulation.	<p>Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC:</p> <p>The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.</p>
<p>2. A Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of this Convention under article 22 of the Constitution of the International Labour Organization, explain the reasons therefor and indicate the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe</p>	No relevant <i>acquis</i> .		

<p>the measures taken with a view to progressively raising the rate of benefits.</p>			
<p>EMPLOYMENT PROTECTION AND NON-DISCRIMINATION Article 8 1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.</p>	<p>European Charter of Fundamental Rights Article 33. Family and professional life</p> <p>Definition 1. The family shall enjoy legal, economic and social protection</p> <p>2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and parental leave following the birth or adoption of a child.</p> <p>Directive 92/85/EEC Article 10 Prohibition of dismissal In order to guarantee workers, within the meaning of Article 2, the exercise of their health and safety protection rights as</p>	<p>Compatible regulation.</p>	<p>Union and Member State shared competence as to external agreements that engage Directive 92/85/EEC: The Directive provides for minimum requirements in the area of social policy, which under Article 4(2)(b) is an area of shared Union and Member State competence.</p>

recognized under this Article, it shall be provided that:

1. Member States shall take the necessary measures to prohibit the dismissal of workers, within the meaning of Article 2, during the period from the beginning of their pregnancy to the end of the maternity leave referred to in Article 8 (1), save in exceptional cases not connected with their condition which are permitted under national legislation and/or practice and, where applicable, provided that the competent authority has given its consent;

2. if a worker, within the meaning of Article 2, is dismissed during the period referred to in point 1, the employer must cite duly substantiated grounds for her dismissal in writing;

	<p>3. Member States shall take the necessary measures to protect workers, within the meaning of Article 2, from consequences of dismissal which is unlawful by virtue of point 1.</p>		
<p>2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.</p>	<p>Article 19 TFEU Article 157(1) TFEU</p> <p>European Parliament and Council Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)</p> <p>Article 15 Return from maternity leave A woman on maternity leave shall be entitled, after the end of her period of maternity leave, to return to her job or to an equivalent post on terms and conditions which are no less favourable to her and to</p>	<p>Compatible regulation.</p>	<p>Union and Member State shared competence as to international agreements that engage Directive 2006/54/EC: The Directive sets minimum requirements in the field of social policy, which is an area of shared competence under Article 4(2)(b) TFEU.</p>

	benefit from any improvement in working conditions to which she would have been entitled during her absence.		
<p>Article 9</p> <p>1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including - notwithstanding Article 2, paragraph 1 - access to employment.</p>	<p>European Charter of Fundamental Rights Article 23. Equality between men and women</p> <p>Definition</p> <p>Equality between men and women must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.</p> <p>Directive 2006/54/EC Article 1 Purpose The purpose of this Directive is to ensure the implementation of the principle of equal opportunities and equal</p>	<p>Compatible regulation.</p>	<p>Union and Member State shared competence as to international agreements that engage Directive 2006/54/EC:</p> <p>The Directive sets minimum requirements in the field of social policy, which is an area of shared competence under Article 4(2)(b) TFEU.</p>

	<p>treatment of men and women in matters of employment and occupation.</p> <p>To that end, it contains provisions to implement the principle of equal treatment in relation to:</p> <ul style="list-style-type: none"> (a) access to employment, including promotion, and to vocational training; (b) working conditions, including pay; (c) occupational social security schemes. <p>It also contains provisions to ensure that such implementation is made more effective by the establishment of appropriate procedures.</p>		
<p>2. Measures referred to in the preceding paragraph 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</p>	<p>Directive 2006/54/EC Article 2</p> <p>2. For the purposes of this Directive, discrimination includes:</p> <ul style="list-style-type: none"> (c) any less favourable treatment of a woman related to pregnancy or maternity leave within the 	<p>Compatible regulation.</p>	<p>Union and Member State shared competence as to international agreements that engage Directive 2006/54/EC:</p> <p>The Directive sets minimum requirements in the field of social policy, which is an area of shared competence under Article 4(2)(b) TFEU.</p>

in respect of work that is:	meaning of Directive 92/85/EEC.		
(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or	Article 14 2. Member States may provide, as regards access to employment including the training leading thereto, that a difference of treatment which is based on a characteristic related to sex shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that its objective is legitimate and the requirement is proportionate.	Compatible regulation.	Union and Member State shared competence as to international agreements that engage Directive 2006/54/EC: The Directive sets minimum requirements in the field of social policy, which is an area of shared competence under Article 4(2)(b) TFEU.
(b) where there is a recognized or significant risk to the health of the woman and child.	See above.	Compatible regulation.	Union and Member State shared competence as to international agreements that engage Directive 2006/54/EC: The Directive sets minimum requirements in the field of social policy, which is an area of shared competence under Article

			4(2)(b) TFEU.
BREASTFEEDING MOTHERS Article 10 1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.	Article 153(1)(a) TFEU	Convention more specific than the <i>acquis</i>.	Union and Member State shared competence as to international agreements than engage EU social policy: Social policy is an area of Union and Member State shared competence under Article 4(2)(b) TFEU.
2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.	Article 153(1)(a) TFEU	Convention more specific than the <i>acquis</i>.	Union and Member State shared competence as to international agreements than engage EU social policy: Social policy is an area of Union and Member State shared competence under Article 4(2)(b) TFEU.
PERIODIC REVIEW Article 11 Each Member shall examine periodically, in consultation with the representative organizations of employers	Article 153(1)(a) TFEU	Convention more specific than the <i>acquis</i>.	Union and Member State shared competence as to international agreements than engage EU social policy: Social policy is an area of Union and Member State shared competence under

<p>and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.</p>			<p>Article 4(2)(b) TFEU.</p>
<p>IMPLEMENTATION Article 12 This Convention shall be implemented by means of laws or regulations, except in so far as effect is given to it by other means such as collective agreements, arbitration awards, court decisions, or in any other manner consistent with national practice.</p>	<p>No relevant <i>acquis</i>.</p>		
<p>FINAL PROVISIONS Articles 13 – 21</p>			

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