

## The revision of ILO C130 Maternity Protection Convention

The Rio Congress had misgivings about the revamp of International Labour Organization Convention No 103 to protect pregnant workers and those who have recently given birth, chiefly due to the employers' pressure to water it down, with the backing of many governments, including EU states on certain points.

The revision should be completed at the next ILO general session in June 2000.

The new proposal may improve the existing Convention on some specifics, but its general thrust remains worrying. Its pro-flexibility stance would allow states which ratify it to create exclusions which seriously curtail the rights of some categories, or all, women workers.

The proposal under discussion is also not on all fours with Community law.

- Some of its provisions could improve existing rules. Article 7, for instance, which prevents employers from dismissing workers during their pregnancy or maternity leave improves on the Community directive by putting the onus on the employer to prove that the reasons for dismissal are unconnected with pregnancy, childbirth or their consequences.
- Article 9 on the right to take breast-feeding breaks also improves on the Community directive.
- On the other hand, many other provisions fall short of the directive's standards.

What is alarming is how ready some European States are to negotiate "cut price" terms for women workers in other parts of the world, almost as if they wanted to free their multinationals from having to give the same fundamental rights to women workers that they employ in other parts of the world.

The most dangerous aspects of the proposal are:

- The scope, which allows states to exclude certain categories of workers or enterprises.
- The previous convention provided a period of at least twelve weeks' maternity leave, six of which were compulsory. The employers managed to cut out any definition of the length of compulsory leave, and the current draft leaves it to the individual State to specify its own period.
- The current wording does not effectively guarantee the levels of social security benefits paid during maternity leave.

The European Union, as such, was unable to get the Member States to take a common line even on issues which were covered by a Community directive. So, only Denmark came out firmly against excluding categories of workers and firms from the scope.

As to whether a State which ratifies the convention should review and extend the twelve weeks minimum maternity leave at regular intervals, most EU States apart from the United Kingdom were in favour. The British government thought the better option was family-friendly employment policies and more flexibility.

Sweden was among the minority of EU States to oppose setting a period of compulsory maternity leave. Its objection that a reference to compulsory leave would be a decisive obstacle to Sweden's ratification of the convention smacks of disingenuousness, however, when Sweden is bound by a Community directive to grant compulsory leave ! ■

