

### 3. RECONCILIATION OF WORK AND FAMILY LIFE

#### 3.1. Protection of mothers in the workplace

Austria	
Dismissal before/after giving birth	From the beginning of the pregnancy until four months after the child's birth. Parents have the right to take parental leave up to the second birthday of the child, i.e. they have protection from termination of their employment contract for two years after the birth of a child. The period during which child care allowance is paid out does not conform with the duration of parental leave. Parents also have the right to part-time employment up to the seventh birthday of the child or up to a later school begin.
Reasons for prohibitions on employment	§ 3 Mutterschutzgesetz: Eight weeks before the proposed date of confinement and eight weeks after confinement mothers must not work at all "maternity leave"). § 4 Mutterschutzgesetz: The employer is obliged to provide that expectant mothers neither do heavy physical work nor engage in any activities that would pose a risk to their own health or the health of the child.
Exemption from night work	§ 6 Mutterschutzgesetz: work at night is prohibited from 8 p.m. to 5 a.m., there are exceptions that allow working until 11 p.m.
Exemption from extra hours	§ 8 Mutterschutzgesetz: Overtime work is prohibited (daily working time must not exceed 9 and the weekly working time must not exceed 40 hours).
Are there any new plans for the protection of mothers in the workplace?	No

Azerbaijan	
Dismissal before/after giving birth	In accordance with the Labour Code of the Republic of Azerbaijan any acts of gender based discrimination at work place is strictly prohibited, any concessions, privileges and additional benefits assigned for women at work place should not be considered as discrimination. Article 79 prohibits dismissal of a woman for the reason of her pregnancy, birth of the child or having children under age of 3, except the cases of closure of the company or the institution or completion of the period of labour contract. It is also prohibited to refuse to sign the labour contract with a woman for the reason of her pregnancy or having a child under 3 years old

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	(Article 240).
Reasons for prohibitions on employment	Article 241 of the Labour Code prohibits to employ women in industrial spheres with hard or harmful labour conditions, in construction of underground tunnels, mines and other underground workings. Certain restrictions of weight are defined in the Labour Code for works with heavy carriages.
Exemption from night work	Article 241 of the Labour Code prohibits to employ women in industrial spheres with hard or harmful labour conditions, in construction of underground tunnels, mines and other underground workings. Certain restrictions of weight are defined in the Labour Code for works with heavy carriages.
Exemption from extra hours	Article 242 of the Labour Code prohibits involvement of pregnant women or women who have child/children under age of 3 to working extra hours or on holidays, week-ends or other off work days. It is also prohibited to send a woman to business trips in cases of her unwillingness or health problems.
Are there any new plans for the protection of mothers in the workplace?	Not mentioned

Belgium	
Dismissal before/after giving birth	(1) L'employeur qui occupe une travailleuse enceinte ne peut faire un acte tendant à mettre fin unilatéralement à la relation de travail à partir du moment où il a été informé de l'état de grossesse jusqu'à l'expiration d'un délai d'un mois prenant cours à la fin du congé postnatal, sauf pour des motifs étrangers à l'état physique résultant de la grossesse ou de l'accouchement.
Reasons for prohibitions on employment	(2) En raison d'un risque spécifique du fait de l'exposition à des agents, des procédés ou des conditions de travail, un aménagement des conditions de travail, un changement de travail ou un écartement peuvent intervenir. Une interdiction du travail de nuit pendant une période déterminée et une interdiction des heures supplémentaires complète le dispositif visant à protéger la santé de la future maman et de son enfant.
Exemption from night work	(3) Les travailleuses ne peuvent être tenues d'accomplir un travail de nuit: 1° pendant une période de huit semaines avant la date présumée de l'accouchement; 2° sur présentation d'un certificat médical qui en atteste la nécessité pour la sécurité ou la santé de la travailleuse ou la santé de l'enfant : a) pendant d'autres périodes se situant au cours de la grossesse ;

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	<p>b) pendant une période de quatre semaines au maximum qui suit immédiatement la fin du congé postnatal.</p> <p>Par ailleurs, la travailleuse habituellement occupée dans un régime de travail comportant des prestations entre 20 heures et 6 heures visée par la C .C.T. n° 46 a le droit de solliciter, via un écrit, un travail dans un autre régime :</p> <p>a) pendant une période d'au moins trois mois avant la date présumée de l'accouchement et d'au moins trois mois après la naissance d'un enfant ;</p> <p>b) sur présentation d'un certificat médical qui en atteste la nécessité pour la santé de la mère ou de l'enfant, pendant d'autres périodes se situant :</p> <ul style="list-style-type: none"> <li>- au cours de la grossesse ;</li> <li>- durant un laps de temps à déterminer par un médecin</li> <li>- après les trois mois qui suivent l'accouchement.</li> </ul>
Exemption from extra hours	(4) Les femmes enceintes ne peuvent en principe effectuer du travail supplémentaire.
Are there any new plans for the protection of mothers in the workplace?	Non

## Bosnia and Herzegovina

Dismissal before/after giving birth	<p>RS: Prohibited under the law.</p> <p>BD: The Law on Labour of the Brčko District of FBiH (Official gazette, no 7/00, with changes and supplements), Part VI - Protection of Employees, Section 2 – Protection of Women and Maternity Leave prohibits dismissal or discrimination during employment of pregnant women or women after childbirth.</p>
Reasons for prohibitions on employment	<p>RS: They do not exist unless the court imposes such a measure.</p> <p>BD: No information.</p>
Exemption from night work	<p>RS: Separate chapter (Articles 76-85) of the new Law on Labour of RS (Official Gazette of RS, no. 55/07) whereby the highest European standards are recognized. Article 52. Prohibition of night work for pregnant women, beginning from their 6th month of pregnancy, and for mothers with child up to one year of age.</p> <p>FBiH:</p> <p>BD: Under the Law on Labour, only with consent of a woman.</p>
Exemption from extra	<p>RS: Article 47. Prohibition of working overtime to the pregnant women and mothers with child up to three years of age.</p> <p>Additional protection of the women and motherhood: Article 76. Prohibition of performing</p>

hours	<p>manual work in lower parts of the mines.</p> <p>Article 78. Possibility of temporary deployment to another position during pregnancy and breastfeeding, if it is in the interest of preserving health of the mother and child.</p> <p>Prohibition of deployment of pregnant women and mother of child up to two years of age to another place without her consent.</p> <p>FBIH: BD: Under the Law on Labour, only with consent of a woman.</p>
Are there any new plans for the protection of mothers in the workplace?	Not mentioned

<b>Bulgaria</b>	
Dismissal before/after giving birth	<p>Under article 333, paragraph 5 of the Labour Code, a pregnant worker may be dismissed with a notice only based on article 328, paragraphs 1 and 2, points 1, 7, 8 and 12, as well as without notice under article 330, paragraphs 1 and 2, point 6. In cases under article 330, paragraphs 1 and 2, point 6, the dismissal may be executed only with the preliminary permission of the labour inspectorate.</p> <p>Under article 333, paragraph 6 of the Labour Code, a worker who takes a pregnancy and birth leave (i.e. during a leave in the amount of 315 days under article 163 of the Labour Code, including 45 days previous to the birth) may be dismissed only under article 328, paragraph 1, point 1 of the Labour Code – in case of closure of the enterprise.</p> <p>Under article 333, paragraph 1, point 1 of the Labour Code, in cases under article 328, paragraph 1, point 2 – closure of a part of the enterprise or staff reductions; point 3 – diminishing the amount of work; point 5 – lack of qualities of the worker that enable him or her to effectively carry out their obligations; and point 11 – change of the requirements for holding the position if the worker does not meet them; and article 330, paragraph 2, point 6 – disciplinary dismissal, the employer may dismiss a worker who is the mother of a child under the age of 3 only with the preliminary permission of the labour inspectorate for every separate case. The protection under article 333, paragraph 1, point 1 of the Labour Code, is applied regardless of whether the mother of a child under the age of 3 actually is making use of the leave or is working.</p> <p>The Protection procedure under article 333 of the Labour Code represents a preliminary condition which the employer must meet when carrying out a dismissal of a worker covered by the protective provision of article 333. When no consent has been requested or granted previous to the termination of the labour relation the court repeals the dismissal as illegal solely on this grounds without looking further into the labour dispute in essence.</p> <p>The protection of women with fixed term contracts against dismissal before/after giving birth is the same as the one described in i) – under article 333, these provisions in the Labour Code are applied regardless of the type of the labour relation.</p>
Reasons for prohibitions on employment	<p>Chapter XV on the Special Protection of Certain Categories of Workers, Section II on Special Protection for Women of the Labour Code includes the elaborate regulation of the protection for women, especially pregnant women and suckling mothers. Article 307, paragraph 1 of the Labour Code stipulates that the employer may not impose of force pregnant women and breastfeeding mothers into carrying out work that exposes to danger or jeopardizes their safety and health. The pregnant woman or the suckling mother may refuse to carry out a work that has been deemed to be harmful to the health of the mother or the child or that after a hazard assessment has been deemed to represent a significant risk to the health of the child of the mother or her child</p>

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	(paragraph 2). The list of works and working conditions under paragraph 1 is established with a Minister of Labour and Social Policy Ordinance (paragraph 3).
Exemption from night work	Labour legislation imposes an absolute ban on the night work by pregnant workers – the protection covers the period from establishing the pregnancy by the health authorities until the start of the pregnancy and birth leave or the interruption of the pregnancy. Labour legislation imposes a relative ban on the night work of mothers with children under the age of 6 as well as of mothers who take care of children with disabilities regardless of their age. A relative ban means that night work is forbidden unless there is a written consent of the person concerned.
Exemption from extra hours	Labour legislation imposes an absolute ban on the overtime work by pregnant workers – the protection covers the period from establishing the pregnancy by the health authorities until the start of the pregnancy and birth leave or the interruption of the pregnancy. Labour legislation imposes a relative ban on the overtime work of mothers with children under the age of 6 as well as of mothers who take care of children with disabilities regardless of their age. A relative ban means that night work is forbidden unless there is a written consent of the person concerned.
Are there any new plans for the protection of mothers in the workplace?	As a result of an analysis of the legislation concerning the correspondence of Bulgarian legislation with the requirements of Directive 2006/54/EC on the application of the principles of equal opportunities and equal treatment of women and men (reviewed) (in relation to points 114 and 127 of Chapter 13 'Social Policy and Employment' of the legal measures of the 2008 Governmental Action Plan stemming from the European Union membership of the Republic of Bulgaria) there are forthcoming legislative changes regulating the rights of persons who have used leaves for pregnancy and birth and for taking care of a small child. Under the requirements of the Directive, such persons should be entitled, after returning to work, to take up the same post or another equal to it and make full use of each and every improvement in working conditions to which they would be entitled during leave including the indexing of their salary if this has been done during their absence for the rest of the workers.

## Croatia

Dismissal before/after giving birth	<p>Prohibition of unequal treatment of pregnant women</p> <p>Article 64: (1) The employer must not refuse to employ a woman because she is pregnant, to cancel her labour contract or transfer her to other job, except under the conditions of Article 65 of this Act (1 The provisions of Article 64 of this Act do not prevent a temporary transfer of a pregnant woman or a nursing mother to other job, based on her personal request or in accordance with the employer's decision, if her state of health requires so, as confirmed by an authorized physician)</p> <p>During pregnancy, maternity leave, the exercise of the right to short-time working hours by parents or adoptive parents, adoption leave and leave for taking care of the child with serious developmental problems, and during a period of fifteen days after the cessation of pregnancy or the cessation of the exercise of these rights, the employer may not dismiss from work a pregnant woman or a person exercising one of the rights mentioned (if the employer was aware of those circumstances or if the worker notifies the employer, within a period of fifteen days following the receipt of the notice of dismissal, of those circumstances, enclosing an appropriate certificate signed by an authorized physician or another authorized body). Those circumstances do not prevent termination of a fixed-duration labour contract, upon expiration of the period of time for</p>
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	which this contract was concluded (Article 77)
Reasons for prohibitions on employment	The protection of motherhood: A woman must not perform very difficult physical labour, underground or underwater works and other works that exceptionally endanger the woman's life and health, in view of her psychological and physical characteristics (prohibition of underground work does not relate to women who perform managerial jobs, jobs in health care and social welfare, students and trainees who during their schooling or occupational training must spend a part of their time in the underground parts of mines and to women who occasionally must enter the underground parts of mines in order to carry out work which is not of a physical nature) (article 63).
Exemption from night work	Generally, night work of women in industry is prohibited. However, there are many exemptions (Articles 60 and 61). One of them is also: "A pregnant woman, a mother with a child under two years of age and a single mother with a child under three years of age may not be exempted from prohibition of night work, unless she herself requests so."
Exemption from extra hours	Article 41: (6) A pregnant woman, a mother of a child less than three years of age and a single parent of a child under six years of age may work overtime only if he or she gives a written statement about voluntary consent to such work.
Are there any new plans for the protection of mothers in the workplace?	<p>In the field of equal opportunities, basic national legislation of the Republic of Croatia has achieved good level of approximation with the EU acquis.</p> <p>Thus the Labour Act integrates principle of equal possibilities and equal treatment of man and woman in the field of employment and job performance, in compliance with Directive 2006/54/EC of European Parliament and Council dated on July 5, 2006 about implementation of principle of equal possibilities and equal treatment of man and woman in the field of employment and job performance (revised version), as well as salary regulation and definition of equal salary for equal work in compliance with the EU Council Directive 75/117/EEC dated on February 10, 1975 about legislative approximation of member states related to implementation of equal salary principle for man and woman. Woman are particularly protected during pregnancy and maternity since the employer must not refuse to employ a woman because she is pregnant, to cancel her labour contract or transfer her to other job, in compliance with the EU Council Directive 92/85/EEC dated on October 19, 1992 about implementation of measures for improvement of security and health of pregnant employee or employees who have recently given birth or are nursing in the working place (the tenth separate directive related to Article 16, Paragraph 1 of the Directive 89/391/EEC). Besides Labour Act, legal institutes of Act on Health Insurance (Official Gazette, 94/01, 88/02, 149/02, 117/03, 30/04, 177/04) and Act on Maternity Leave for Self-employed and Unemployed Mothers (Official Gazette, 24/96, 109/97, 82/01, 30/04) have transposed, into the national legislation, the EU Council Directive 86/613/EEC dated on December 11, 1986 about implementation of principle of equal treatment for men and woman as self-employed persons, including self-employed farmers, and protection of self-employed women during pregnancy and maternity leave. In cases of gender discrimination, burden of proving is on employer, as requested in Council Directive 97/80/EC dated on December 15, 1997 about obligation of submitting proofs in cases of gender discrimination, and local courts are bringing decisions on discrimination existence, claim and claim payout.</p> <p>Act on Discrimination Repression passed on July 21, 2008. (Official Gazette, no. 85/08), that will take effect on January 1, 2009 with the purpose of strengthening the process position of the person submitting anti-discrimination suit, prescribes the possibility to involve in the case, as specific interveners, all those who are institutionally, and in the frame of their activities, involved in repression of discrimination whether generally (e.g. as organizations for promotion of human</p>



	<p>rights) or as separate groups which might be victims of discrimination. This Act provides submission of associated suit as an instrument in protection of collective interests of groups claiming to be victims of the discrimination, so that associations, administrative bodies, institutions or other organizations with reasonable interest protecting collective interest of certain group or whose frame of activities includes the protection of the right on equal treatment, can submit the suit against the person violating the right on equal treatment.</p> <p>Legislation establishes independent, specialized body for repression of discrimination – Ombudsman’s Office. The Act defines, also, the term of multiple discriminations, and violation regulations are elaborated separately with the purpose of sanctioning any legal entity or natural person acting against the Act.</p> <p>New Act on Gender Equality enacted July 15, 2008 (Official Gazette, no. 82/08) compared to the earlier Act on Gender Equality (Official Gazette, no. 116/03) additionally prescribes prohibition of discrimination in the field of goods procurement and provision of services, and introduces regulation which defines unfavourable treatment of woman, based on pregnancy or maternity, as discrimination, etc. The Act establishes central independent body for repression of discrimination based on gender - Ombudsman’s Office for gender equality. The Act orders introduction of special measures with the purpose of achieving representation of both genders in the processes of public decision-making, and it is also defining gender disproportion, which exists when representation of one gender is, in the bodies of public and political decision making, less than 40%.</p> <p>Assessing present level of woman protection related to night work, very difficult physical labour, underground or underwater works, some further approximation will be needed to meet requests of Directive 2002/73/EC dated September 23, 2002 which is changing and amending Directive 76/207/EEC about implementation of gender equality principle related to employment possibilities, professional training and promotion, and work conditions, reducing overdone range of protection, as well as it will be needed to solve some disadvantages in the field of too long maternity leave and bring order to the field of parental leave based on principle of non-transferable rights, in compliance with Directive 96/34/EC dated June 3, 1996, about framework agreement concluded by UNICE, CEEP and ETUC:</p> <p>Modifying labour legislation during III Quarter of 2008, Directive 2002/73/EC will be implemented, and by enacting the Act on Maternity and Parental Benefits approximation with the EU acquis will be realized.</p>
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## Cyprus

<p>Dismissal before/after giving birth</p>	<p>According to the Protection of Maternity Laws 1997-2007:</p> <p>It is unlawful for the employer to terminate the employment of a female employee during the period starting on the production of an appropriate medical certificate, stating the presumed date of the childbirth, or a certificate from the Social Welfare Services stating the adoption of a child and ending three months after the end of the maternity leave period. The employer is exempt from the above provision only on the following occasions:</p> <ul style="list-style-type: none"> <li>(a) The employee has committed a serious offence.</li> <li>(b) The business has stopped operations.</li> <li>(c) The employee contract period has expired.</li> </ul> <p>In the case of termination of employment during the above period, the employer is responsible for providing a full written justification.</p> <p>Furthermore according to the Law for the Equal Treatment of Men and Women in Employment and Vocational Training, “the unfavourable treatment of women due to pregnancy or</p>
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	motherhood is prohibited
Reasons for prohibitions on employment	<p>In accordance with legislation, women of child bearing age, pregnant women and women who are breast feeding or have recently given birth are prohibited from carrying out hazardous work activities defined in the legislation, which are likely to endanger their safety and health or that of their children.</p> <p>Where there is such a risk, the employer is obliged to adjust working conditions and/or the working hours of the woman concerned in order to avoid the risk. If this is not feasible, the employer must move the worker to another job or grant leave to her while continuing to pay her.</p>
Exemption from night work	<p>In accordance with legislation, pregnant women and women who are breast feeding or have recently given birth may be exempted from night work if they produce a medical certificate stating that this is necessary for their safety or health.</p> <p>In such a case, the employer must move the worker to day work or, if this is not feasible, grant leave while continuing to pay the worker concerned.</p>
Exemption from extra hours	Not mentioned
Are there any new plans for the protection of mothers in the workplace?	<p>The Protection of Maternity Law was recently amended in the following fields:</p> <ul style="list-style-type: none"> <li>• The total period of maternity leave to which a woman is entitled was increased from sixteen to eighteen weeks</li> <li>• The time period a woman is entitled, either to take one hour break from work, or to start work one hour later, or to stop work one hour earlier, for the purpose of breastfeeding or childcare, was increased from six to nine months.</li> <li>• The fine the employers shall be liable to in the case where they are found guilty of a violation of the provisions regarding maternity rights, was increased from €1.709 to €6.834.</li> </ul>

## Czech Republic

Dismissal before/after giving birth	<p>An employer may terminate an employment relationship by notice with a pregnant female employee or with a male/female employee permanently caring of a child below the three years of age in absolutely exceptional instances only, as set out below:</p> <ul style="list-style-type: none"> <li>- discharge by notice if an employer or a part of its business is winding up</li> <li>- discharge by notice if an employer or a part of its business is relocating</li> <li>- discharge by notice if either the above male employee/female employee or a male/female employee who has demonstrated that s/he has been mostly alone and caring consistently for a long time of a natural person that is prevaillingly or entirely helpless, is conclusively sentenced for a deliberate criminal offence for imprisonment in excess of one year, or, if s/he has been conclusively sentenced for a deliberate criminal offence committed at performance of work tasks or in a direct connection with it for imprisonment for at least a six month period; or,</li> <li>- if a male/female employee has committed a most gross breach of the work discipline (i.e. for reasons that establish grounds for the summary dismissal of a male/female employee and for instant termination of an employment relationship in general, in the meaning of the provisions of § 56 para, Act No.262/2006 Coll., Labour Code).</li> </ul>
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	<p>However, an employer may not terminate an employment relationship with a female employee on maternity leave or a male employee during his parental leave during the period for which such female/male is entitled to use maternity leave.</p> <p>In case the mother returns to work after completing the maternal leave or an employee after completing the parental leave within the periods for which the mother are entitled to take maternal leave the Labour Code gives them the right to be placed into their original position and workplace.</p> <p>Employees (of either gender) who return to work after taking a parental leave to which they are entitled are also protected by the Labour Code, although their protection is somewhat weaker than the protection granted after the return from maternal or parental leave which is granted in the extent of maternal leave. Employees (of either gender) have in this case, in compliance with § 35 para 1 letter a) of the Labour Code the right to be given work in compliance with their employment contract but they do not have the right to be placed into their original position or workplace.</p>
Reasons for prohibitions on employment	<p>Women cannot be employed by work which endanger their motherhood; the Ministry of Health set forth by a Decree the work and workplaces, where women who breast-feed, pregnant women and women before the end of the ninth month after giving birth are prohibited.</p> <p>Pregnant woman can not be employed by work which under the doctor's opinion could endanger her pregnancy for health reasons which are related to her person. Same applies to women who breast-feed and mothers before the end of the ninth month after giving birth are prohibited.</p> <p>Employers are not allowed to send women who care for children under 8 years of age (single mothers who care for children under 15 years of age) to business trips without the mothers' consent.</p>
Exemption from night work	<p>Should a mother or pregnant woman, or mother before the end of the ninth month after giving birth or breast-feeding mother working night shifts request put into a day positions the employer shall be obliged to comply with such request.</p>
Exemption from extra hours	<p>Pregnant woman or woman taking care of a child younger than 1 year shall not be employed overtime.</p>
Are there any new plans for the protection of mothers in the workplace?	<p>There are no plans. The protection of the mother and her workplace is extensive.</p>

## Denmark

Dismissal before/after giving birth	No information
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Reasons for prohibitions on employment	No information
Exemption from night work	No information
Exemption from extra hours	No information
Are there any new plans for the protection of mothers in the workplace?	No information

Estonia	
Dismissal before/after giving birth	<p>According to Republic of Estonia Employment Contracts Act it is prohibited for an employer to terminate an employment contract with a pregnant woman or a person raising a child under three years of age, except in cases of:</p> <ul style="list-style-type: none"> <li>- liquidation of the enterprise, agency or other organisation;</li> <li>- the declaration of bankruptcy of the employer;</li> <li>- unsatisfactory results of a probationary period;</li> <li>- breach of duties an employee;</li> <li>- loss of trust in an employee;</li> <li>- an indecent act by an employee;</li> <li>- hiring an employee for whom the position is a principal job</li> </ul>
Reasons for prohibitions on employment	The purpose of the restriction to terminate the employment contract with pregnant women or a person raising a child under three years of age is to promote the abovementioned persons' inclusion in the labour market.
Exemption from night work	According to Working and Rest Time Act pregnant women are not allowed to be required to work during night time. Persons raising a child under twelve years of age or a disabled child may be required to work during night time only with their consent.
Exemption from extra hours	According to Working and Rest Time Act pregnant women are not allowed to be required to work overtime. Persons raising a child under twelve years of age or a disabled child may only be required to work overtime with their consent, except in the case of force majeure when the work is temporary and has to be performed promptly.

	<p>Also, pregnant women are not allowed to be required to work on days off. Persons raising a child under twelve years of age or a disabled child may, with their consent, only be required to work on a day off to perform temporary and urgent work in the case of need arising from force majeure.</p> <p>According to Republic of Estonia Employment Contracts Act it is prohibited to send pregnant women on business trips. A woman raising a child under three years of age or disabled child may be sent on a business trip with her consent.</p>
Are there any new plans for the protection of mothers in the workplace?	No plans

Finland	
Dismissal before/after giving birth	<p>The employer is not entitled to terminate an employment contract on the basis of the employee's pregnancy or because the employee exercises his/her right to take family leave. If the employer terminates the employment contract of a pregnant employee or an employee who is on family leave, the termination is deemed to have taken place on the basis of the employee's pregnancy or family leave, unless the employer proves that the termination was due to some other reason.</p> <p>The employer may terminate the employment contract of a pregnant employee or an employee on family leave on grounds due to the employee only if the reason for termination is not related to the employee's pregnancy or family leave. For example, if a dishonest action of the employee is discovered only after the employee has taken family leave, the employer may – if the grounds are proper and weighty as required – give notice to the employee who is on family leave. The employment contract of an employee on family leave can be terminated for production-related or financial reasons only if the employer's operations end completely.</p> <p>The employer has a special obligation to ensure the safety and health of pregnant employees in the workplace. If the duties or working conditions of the employee endanger the development of the foetus or the health of the employee, the employer must try to eliminate this hazard from the work environment. If this is not possible, consideration must be given to transferring the employee to other duties. If the employer can offer the employee other duties suitable for her in terms of her working capacity and skills, the employee must be transferred to these duties for the remaining period of the pregnancy. If, taking due account of the health of the employee, the employer cannot offer her a transfer to other duties, the employee is entitled to special maternity leave until her right to maternity allowance begins, as provided by the Sickness Insurance Act. During the special maternity leave, the employee is entitled to the daily allowance referred to in the Sickness Insurance Act.</p> <p>Compulsory maternity leave comprises the two weeks before the expected time of birth and the two weeks after giving birth. During this time, the employee is not allowed to work.</p>
Reasons for prohibitions on employment	<p>The employer has a special obligation to ensure the safety and health of pregnant employees in the workplace. If the duties or working conditions of the employee endanger the development of the foetus or the health of the employee, the employer must try to eliminate this hazard from the work environment. If this is not possible, consideration must be given to transferring the employee to other duties. If the employer can offer the employee other duties suitable for her in terms of her working capacity and skills, the employee must be transferred to these duties for the</p>

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	<p>remaining period of the pregnancy. If, taking due account of the health of the employee, the employer cannot offer her a transfer to other duties, the employee is entitled to special maternity leave until her right to maternity allowance begins, as provided by the Sickness Insurance Act. During the special maternity leave, the employee is entitled to the daily allowance referred to in the Sickness Insurance Act.</p> <p>Compulsory maternity leave comprises the two weeks before the expected time of birth and the two weeks after giving birth. During this time, the employee is not allowed to work.</p>
Exemption from night work	There is no general exemption from night work. If there is a risk in the work or working conditions to a pregnant employee or the unborn child, the employer shall aim to transfer the employee to suitable work and different types of shift work or day shift. (see previous answers)
Exemption from extra hours	<p>The specific consent of the employee is required each time overtime is required. This rule applies every employee.</p> <p>Employees can be required to work additional hours only with their consent unless additional work has been agreed upon in their employment contract. In such cases, however, employees are entitled to refuse additional work on days which are entered as free time on the work shift schedule, provided they have a justifiable personal reason. Pregnancy is naturally that kind of reason.</p> <p>(see previous answers)</p>
Are there any new plans for the protection of mothers in the workplace?	There are no plans for the protection of mothers in the workplaces.

## France

Dismissal before/after giving birth	Labour law has given every pregnant woman protected employee status. In particular, this protection means that an employee whose pregnancy is medically certified, for the entire duration of her maternity leave and for four weeks thereafter, may only be dismissed subject to very stringent conditions (Article L.1225-4 of the Labour Code). During the actual maternity leave, the ban on dismissal is absolute.
Reasons for prohibitions on employment	<p>For the sake of mother and child welfare, the law enforces a compulsory rest period before and after childbirth (totalling 8 weeks, and at all events for the 6 weeks following confinement: Article L. 1225-29 of the Labour Code).</p> <p>In addition, where there is exposure to certain hazards, the employer is required to offer another job to an employee who is pregnant or has recently delivered. Failing that, the pregnant employee is mandatorily exempted from work without any pay reduction resulting. (Article L. 1225-12, 1225-13, 1225-14, 1225-15 of the Labour Code).</p> <p>Lastly, again on grounds of health protection, pregnant women are forbidden to perform certain types of work (Article R. 4152-6 et R. 4152-10 du Labour Code).</p>

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<p>Exemption from night work</p>	<p>Articles L.1225-9 to 11 of the Labour Code prescribe the possibility for all women who are pregnant or on maternity leave to be exempted from night work (night work is understood as any work performed between 9 pm and 6 am). At the employee's request or on certification by an occupational physician that night work is incompatible with her condition, the employer should offer a transfer to a day job. If it is impossible to propose another job, the employment contract is suspended but maintenance of remuneration is guaranteed.</p>
<p>Exemption from extra hours</p>	<p>No specific provision in the matter.</p> <ul style="list-style-type: none"> <li>- An employee who is pregnant or who has delivered receives stricter medical surveillance by the occupational physician (Article R. 4624-19 and R. 4624-20 of the Labour Code) and permission to absent herself for compulsory medical examinations. Wages are paid for such absence.</li> <li>- If nursing, the mother is given one hour off per day for this purpose during working hours, for a full year (Article L. 1225-30 of the Labour Code).</li> </ul>
<p>Are there any new plans for the protection of mothers in the workplace?</p>	<p>No current plan for reform</p>

## Germany

<p>Dismissal before/after giving birth</p>	<p>Female employees are protected against dismissal during their pregnancy and four months after delivery if the employer was aware of the pregnancy or delivery at the time when notice of dismissal was given or if he is notified of the pregnancy or delivery within two weeks of the reception of the notice of dismissal. If a woman takes parental leave after birth, the protection against unfair dismissal is extended until the expiry of such parental leave.</p>
<p>Reasons for prohibitions on employment</p>	<p>There are special maternity protection regulations applicable at the workplace during pregnancy and breastfeeding, which may include prohibitions of work. During the protection periods (six weeks prior to and usually eight weeks after delivery), women must not be allowed to work at all. Prior to birth, however, the woman may choose to work, a choice revocable at any time. Expectant mothers must not be employed if confirmed by a medical certificate that the life or health of the mother or child would be jeopardised if employment were to continue. Expectant mothers must not be employed</p> <ul style="list-style-type: none"> <li>- in jobs involving heavy physical work or in jobs in which they are exposed to the harmful effects of substances or radiation presenting a health hazard, of dust, gases or fumes, of heat, cold or moisture, of vibrations or of noise.</li> <li>- in jobs in which loads of more than 5 kg are regularly lifted by hand, moved or transported or loads of more than 10 kg are occasionally lifted by hand, moved or transported. Where heavier loads are to be lifted by hand, moved or transported with mechanical aids the physical effort required of the expectant mother must not be greater than in the jobs mentioned in the first sentence;</li> <li>- once the fifth month of pregnancy has elapsed, in jobs in which they have to remain standing constantly, inasmuch as this occupation exceeds four hours per day;</li> <li>- in jobs in which they frequently have to stretch considerably or bend down or in which they</li> </ul>

	<p>constantly have to crouch down or remain stooped,</p> <ul style="list-style-type: none"> <li>- in the operation of appliances and machines of any kind involving use of the feet, particularly those operated with a foot drive;</li> <li>- in the stripping of timber;</li> <li>- in jobs in which, because of their pregnancy, they are particularly exposed to the danger of contracting an occupational disease or in which, due to the risk of the occurrence of an occupational disease, there is an increased hazard for expectant mothers or a danger for the unborn child;</li> <li>- on means of transport, once the third month of pregnancy has elapsed;</li> <li>- in jobs in which they are exposed to a greater risk of accident, in particular to the danger of slipping, falling or falling from a height.</li> </ul> <p>The employment of expectant mothers is prohibited on</p> <ul style="list-style-type: none"> <li>- piecework and other jobs in which higher wages can be obtained by increasing the work rhythm;</li> <li>- work on an assembly line with a prescribed work rhythm. The supervisory authority may allow exceptions if the type of work and the work rhythm do not give rise to the fear that the mother or child's health will be impaired.</li> <li>- The supervisory authority can determine in individual cases whether a job comes under the employment bans laid down in the Federal Act on Maternity Protection or a regulation issued by the Federal Government.</li> <li>- Employment may be prohibited in certain other jobs in individual cases.</li> </ul>
<p>Exemption from night work</p>	<p>Expectant and nursing mothers must not be required to be employed at night between 8.00 p.m. and 6.00 a.m. or on Sundays and public holidays. Expectant mothers may be employed in the first four months of pregnancy and nursing mothers may be employed</p> <ol style="list-style-type: none"> <li>1. until 10.00 p.m. in restaurants and public houses and in the remainder of the hotel and catering trade</li> <li>2. from 5.00 a.m. onwards in the milking of dairy cattle in agriculture</li> <li>3. until 11.00 p.m. as artists in musical, theatrical and similar performances.</li> </ol> <p>Expectant or nursing mothers may also be employed on Sundays and public holidays in the transport industry, in restaurants and public houses and in the remainder of the hotel and catering trade, in the family household, in nursing homes and bathing establishments, in musical, theatrical and other entertainment performances or festivities if they are granted a continuous rest period of at least 24 hours following a night rest period once a week.</p> <p>In substantiated individual cases the supervisory authority may allow exceptions.</p>
<p>Exemption from extra hours</p>	<p>Expectant and nursing mothers must not be required to work overtime. Overtime is any work which is performed by women under 18 years of age in excess of 8 hours per day or 80 hours per fortnight and which is performed by other women in excess of 8.5 hours per day or 90 hours per fortnight. Sundays shall be counted in the fortnight.</p> <p>Home-work may only be given out to persons employed in home-work who are expectant or nursing mothers in such quantities and with such production deadlines as an expectant mother can be expected to perform in an 8-hour working day and as a nursing mother can be expected to perform in a working day of 7.25 hours on weekdays.</p> <p>In substantiated individual cases the supervisory authority may allow exceptions.</p>
<p>Are there any new plans for the protection of mothers in the</p>	<p>Not mentioned</p>

workplace?	
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Greece	
Dismissal before/after giving birth	Dismissal during pregnancy and for one year after giving birth (this period may be extended in case of illness due to pregnancy or the confinement), is prohibited, except if there is a special reason not related to the efficiency of the employee.
Reasons for prohibitions on employment	There is no prohibition or restriction for women concerning their access to the employment. Therefore, pregnant employee, woman in childbed and in breast feeding period is protected from factors which may put in danger her health or the health of her child, through the change of the conditions of work or her removal or even her exception from work, without deduction of earnings.
Exemption from night work	Night work is prohibited to pregnant woman in childbed or in breast feeding period, in case of medical problem confirmed with medical certificate.
Exemption from extra hours	Employed women and men after the confinement, entitled to reduced working hours for the care of the child (child care leave) are exempted from working extra hours.
Are there any new plans for the protection of mothers in the workplace?	Not mentioned

Hungary	
Dismissal before/after giving birth	(1) 1. Employers shall not terminate an employment relationship by ordinary dismissal during the periods specified below: a) incapacity to work due to illness, not to exceed one year following expiration of the sick leave period, furthermore, for the entire duration of eligibility for sick pay on the grounds of incapacity as a result of an accident at work or occupational disease, b) for the period of sick leave for the purpose of caring for a sick child, c) leave of absence without pay for nursing or caring for a close relative, d) during a treatment related to a human reproduction procedure as specified in specific other legislation, during pregnancy, for three months after giving birth, or during maternity leave, , e) leave of absence without pay for the purpose of nursing or caring for children , until the child reaches the age of three, during the period of eligibility for child-care allowance, irrespective of any leave of absence without pay, f) during regular or reserve army service, from the date of receiving the enlistment orders or the notice for the performance of civil service.



	<p>2. The notice period of dismissal, if the duration of termination restriction described in Subsection 1</p> <p>a) is more than fifteen days, may commence after another fifteen days,</p> <p>b) is more than thirty days, may commence after another thirty days.</p>
Reasons for prohibitions on employment	<p>(1) Section 75. Women and young persons shall not be employed in work which may result in detrimental effects with a view to their physical condition or development. The particular jobs for which women or young persons may not be employed, or may only perform if specific working conditions are provided or on the basis of a preliminary medical examination, shall be determined by legal regulation.</p> <p>Section 85. 1. A woman, from the time her pregnancy is diagnosed until her child reaches one year of age, shall be temporarily reassigned to a position suitable for her condition from a medical standpoint, or the working conditions in her existing position shall be modified as appropriate, on the basis of a medical report pertaining to employment. The new position shall be designated upon the employee's approval.</p> <p>2. The wages of a woman temporarily reassigned to a different position or employed under modified work conditions without being transferred on the basis of Subsection 1 above shall not be less than her previous average earnings. If the employer is unable to provide a position as appropriate for her medical condition, the woman shall be relieved from work and shall receive the wages payable for idle time for such period of time.</p> <p>Section 105. A woman shall not be obliged to carry out work at another location without her consent as of the time of her pregnancy up to the time when her child reaches three years of age. This provision shall apply mutatis mutandis to men if the man is a single parent.</p> <p>Section 127. Special work duty shall not be required from</p> <p>a) any woman between the time when her pregnancy is diagnosed up to the time when her child reaches one year of age,</p> <p>b) any man caring for his child as a single parent up to the time when his child reaches one year of age,</p> <p>c) any employee who works under conditions harmful to health as defined by legal regulation.</p> <p>No deviation from this provision shall be considered valid.</p> <p>An employee caring for his/her child as a single parent may be required to work in special work duty only with his/her consent as from the time his/her child reaches one year of age up to the time when the child reaches four years of age.</p>
Exemption from night work	
Exemption from extra hours	
Are there any new plans for the protection of mothers in the workplace?	No

## Iceland

Dismissal before/after giving birth	<p>(1) A mother shall take maternity leave for at least the first two weeks after the birth of her child (see also parental leave below). It is not permitted to dismiss an employee due to the fact that she/he has given notice of intended maternity/paternity leave or parental leave. The same rule shall apply to pregnant women, and women who have recently given birth.</p>
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Reasons for prohibitions on employment	(2) No person's employment may be terminated solely because of his or her family responsibilities
Exemption from night work	(3) According to the Act on Maternity/Paternity Leave and Parental Leave, the safety and health of a pregnant woman, a woman who has recently given birth to a child, or a woman who is breastfeeding a child, shall be protected if she is considered to be in danger according to a special assessment. The employer is obliged to ensure the woman's safety by temporarily changing her working conditions and/or working hours.
Exemption from extra hours	Same exemption from night work
Are there any new plans for the protection of mothers in the workplace?	No

Ireland	
Dismissal before/after giving birth	<p>The Maternity Protection Act 1994 (as amended) collectively defines Maternity Leave, Additional Maternity Leave, time off for antenatal and post-natal visits, Father's Leave and Health &amp; Safety Leave as protective leave.</p> <p>Employees on leave – other than Additional Maternity Leave or Further Father's Leave – must be regarded as if they are in work. Such leave is reckonable service. Any benefits employees might be entitled to by virtue of being in work remain. Annual Leave, seniority and credits towards increments all still apply.</p> <p>An employee is entitled to return to work after protective leave with the same employer or, if the workplace has changed ownership, the new owner. She is entitled to return to her same job on the same contract of employment. If she was not doing her usual work before leave, she is entitled to return to her usual work on her return from protective leave or, if this is not possible, 'suitable alternative work' which cannot be less favourable in respect of terms and conditions, responsibility or remuneration. An employee on protective leave cannot be dismissed, made redundant or suspended while on such leave. Notice of any kind of dismissal or redundancy cannot be given to an employee on protective leave.</p> <p>Notice of dismissal, redundancy or suspension given prior to Maternity Leave, Additional Maternity Leave, Father's Leave or time off for natal care visits that is due to take effect during such leave is extended to the end of the leave period.</p> <p>An employee cannot be dismissed on grounds of pregnancy, having recently given birth or breastfeeding. If she is dismissed for such reasons, she can seek redress through this Act or the Unfair Dismissals Acts, 1977-2001.</p> <p>There is no minimum length of service required. Every pregnant employee is entitled to Maternity Leave. They must give 4 weeks notice to the employer.</p>

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Reasons for prohibitions on employment	Not mentioned
Exemption from night work	Health and Safety leave may be provided to women who are pregnant and are on night work. This leave must be certified. An employee granted Health & Safety Leave must be paid her usual wage by her employer for the first twenty-one (21) days of her leave. A woman whose Health & Safety Leave extends beyond twenty-one (21) days may be entitled to a Social Welfare benefit subject to her PRSI contributions.
Exemption from extra hours	In the event of any doubt or dispute as to what constitutes an unacceptable risk to a pregnant woman, her unborn or breastfed child, the Health & Safety Authority (HSA) can be contacted for their opinion or, indeed, for them to inspect the premises and advise accordingly. The Safety, Health & Welfare At Work (Pregnant Employees, Etc) Regulations, 1994, SI 1, details a list of 'agents, processes and working conditions' that are considered to carry high risk.
Are there any new plans for the protection of mothers in the workplace?	No

Italy	
Dismissal before/after giving birth	Heading II (articles 6-15) of the Legislative Decree no. 151/2001 ("Consolidation Act of regulations on the protection of and support to maternity and paternity, in accordance with art. 15 of the Law no. 53 of 8 March 2000") lays down provisions for the protection of the safety and health of mothers – having informed their employees of their conditions – during pregnancy and until the child turns 7.
Reasons for prohibitions on employment	In particular, art. 7 of the aforementioned Decree prohibits pregnant women from carrying out dangerous, tiring and unhealthy work activities which are listed in the enclosures of the Decree itself. Art. 53 prohibits women from doing night work – i.e. from midnight to 6 am – since pregnancy has been certified until the child turns 1.
Exemption from night work	As regards overtime, Italian regulations do not explicitly prohibit pregnant women from working extra hours, given that this can only be agreed upon by the two parties and that it cannot be compulsory. The issue of the resignation of working mothers is of primary importance in the efforts towards the reconciliation of work and family life. Therefore, in order to prevent employers from putting pressure on mothers, art. 55 of the Legislative Decree no. 151/2001 establishes that, during pregnancy and until the child turns 1, the letter of resignation must be validated by the local inspectors of the Ministry of Labour. The end of the employment relationship is thus subject to such validation.
Exemption from extra hours	

Latvia	
<p>Dismissal before/after giving birth</p>	<p>Section 109 of the Labour Code prescribes that an employer is prohibited from giving a notice of termination of an employment contract to a pregnant woman, as well as to a woman following the period after birth up to one year, but if a woman is breastfeeding – during the whole period of breastfeeding, except in such cases:</p> <p>(1) an employer has the right to give a written notice of termination of an employment contract only on the basis of circumstances related to the conduct of the employee, his or her abilities, or of economic, organisational, technological measures or measures of a similar nature in the undertaking in the following cases:</p> <ul style="list-style-type: none"> <li>the employee has without justified cause significantly violated the employment contract or the specified working procedures;</li> <li>the employee, when performing work, has acted illegally and therefore has lost the trust of the employer;</li> <li>the employee, when performing work, has acted contrary to moral principles and such action is incompatible with the continuation of employment legal relationships;</li> <li>the employee, when performing work, is under the influence of alcohol, narcotic or toxic substances;</li> <li>the employee has grossly violated labour protection regulations and has jeopardised the safety and health of other persons;</li> </ul> <p>(2) the employer – legal person or partnership – is being liquidated.)</p> <p>Section 44, Part 6 of The Labour Law provides that the same provisions, which apply to an employee with whom an employment contract has been entered into for an unspecified period, shall apply to an employee with whom an employment contract has been entered into for a specified period.</p> <p>But Section 109, Part one of The Labour law prescribes that an employer is prohibited from giving a notice of termination of an employment contract to a pregnant woman, as well as to a woman following the period after birth up to one year, but if a woman is breastfeeding – during the whole period of breastfeeding except in cases set out in this Law.</p> <p>Wherewith The Labour Law provides protection from dismissal of women employed with fixed term work contracts. Additionally the previous job of an employee who makes use of parental leave shall be retained (a period not exceeding one and a half years up to the day the child reaches the age of eight years), Section 156, Paragraph four of the Labour Law.</p> <p>A child's father, adopter or another person who in fact cares for the child also is entitled to the protection from dismissal if he or she uses the right to the respective leave (leave to the father - 10 calendar days immediately after the birth of the child, but not later than within a two-month period from the birth of the child; leave for the period up to the 70th day of the child's life for the father or another person who actually takes care of the child in case the mother has died or cannot take care of the child; for a family which has adopted a child up to three years of age – 10 calendar days of leave)</p>
<p>Reasons for prohibitions on employment</p>	<p>Cabinet Regulation No. 660 Adopted 2 October 2007 "Procedures for the Performance of Internal Supervision of the Working Environment" prescribe the procedures, by which the internal supervision of the working environment is to be performed including the evaluation of risk in work performed by pregnant women and women who have recently given birth. The employer shall ensure the evaluation of the working environment risk for the work performed by pregnant women and women in the period following childbirth up to one year but, if a woman is breastfeeding, during the whole period of breastfeeding. Cabinet regulations prescribe working environment factors and jobs which may cause risk to safety and health of pregnant women and breastfeeding women and working environment factors and jobs the exposure to which of pregnant women and breastfeeding women is prohibited.</p>



<p>Exemption from night work</p>	<p>Section 138 of the Labour Code states that it is prohibited to employ at night persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding if there is a doctor's opinion that the performance of the relevant work causes a threat to the safety and health of the woman or her child. An employee who has a child less than three years of age may be employed at night only with his or her consent.</p>
<p>Exemption from extra hours</p>	<p>Section 136 of Labour Code prescribes that a pregnant woman, a woman for a period up to one year after giving birth, and a woman who is breastfeeding for the whole period of breastfeeding may be employed in overtime work if she has given her written consent.</p>
<p>Are there any new plans for the protection of mothers in the workplace?</p>	<p>Persons who are granted the status of an unemployed by the State Employment Agency (hereinafter – SEA) as well as job seekers, inter alia persons after child care leave, have the right to participate in active labour market measures – professional training, paid temporary public works and other active labour market measures. Special measures are in place for persons after child care leave in order to involve them in the labour market. At the end of 2006 SEA started to implement new measure for persons after child care leave. In order to reconcile professional training and family life, unemployed persons after child care leave can be involved in extramural courses by distance trainings and e-courses. Also from July of 2007 SEA offers child care facilities for training participants – unemployed persons after child care leave. As a result of all these measures, there has been a significant decrease of persons after child care leave in the total registered unemployment – from 11.6% or 7 968 persons in 2006 to 7.0% or 3 662 persons in 2007. Additionally, it should be noted that a part of these persons has not been employed and, hence, socially insured before the maternity and childcare leaves. This means that while these persons' legal status changes, it is not related to previous employment and employment-related social security provisions.</p>

## Lithuania

<p>Dismissal before/after giving birth</p>	<p>Article 2, part 4 of The Law on Equal Opportunities for Women and Men stipulates that special protection of women during pregnancy, childbirth and nursing is not considered as direct discrimination.</p> <p>Paragraph 1 of Article 132 of the Labour Code provides for the following guarantees to pregnant women: an employment contract may not be terminated with a pregnant woman from the day on which her employer receives a medical certificate confirming pregnancy, and for another month after maternity leave, except for the cases specified Paragraph 1 and 2 of Article 136 of the Labour Code as well as in case of temporary labour contract upon its expiry.</p> <p>Article 136 provides:</p> <p>"1. An employment contract must be terminated without notice in the following cases:</p> <ol style="list-style-type: none"> <li>1) upon an effective court decision, or when a court judgement whereby an employee is imposed a sentence, which prevents him from continuing his work, becomes effective;</li> <li>2) when an employee is deprived of special rights to perform certain work in accordance with the procedure prescribed by laws;</li> <li>3) upon the demand of bodies or officials authorised by laws;</li> <li>4) when an employee is unable to perform these duties or work in accordance with the medical conclusion or conclusion of the Disability and Capacity for Work Establishment Office under the Ministry of Social Security and Labour;</li> <li>5) when an employee under 14 to 16 years of age, one of his parents, or the child's statutory representative, or his attending paediatrician, or the child's school demand that the employment contract be terminated;</li> </ol>
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	<p>6) upon the liquidation of an employer, if under laws his labour obligations were not placed on another person.</p> <p>2. An employment contract shall expiry upon the death of an employer if the contract was concluded for the supply of services to him personally, as well as when the employer has no legal successor."</p>
Reasons for prohibitions on employment	Not mentioned
Exemption from night work	Paragraph 4 of Article 154 of the Labour Code provides: "Pregnant women, women who have recently given birth, women who breastfeed, employees who are raising a child under three years of age, employees who are alone raising a child under fourteen years of age or a disabled child under eighteen years of age, persons nursing a disabled person, the disabled, if not prohibited under the conclusion of the Disability and Capacity for Work Establishment Office under the Ministry of Social Security and Labour, may be assigned to on-call duty at the enterprise or at home only with their consent."
Exemption from extra hours	Paragraph 4 of Article 150 of the Labour Code provides: "Pregnant women, women who have recently given birth, women who breastfeed, employees who are raising a child under three years of age, employees who are alone raising a child under fourteen years of age or a disabled child under eighteen years of age, as well as disabled persons may be assigned to do overtime work only with their consent."
Are there any new plans for the protection of mothers in the workplace?	Not mentioned

Luxembourg	
Dismissal before/after giving birth	<p>(1) Art. L. 337-1. du code de travail</p> <p>(1) Il est interdit à l'employeur de notifier la rupture de la relation de travail ou, le cas échéant, la convocation à l'entretien préalable d'une femme salariée lorsqu'elle est en état de grossesse médicalement constaté et pendant une période de douze semaines suivant l'accouchement.</p>
Reasons for prohibitions on employment	<p>(1) Le titre premier du livre III du code de travail définit d'une façon générale la sécurité au travail. Concernant la maternité différentes dispositions protègent au surplus la femme au travail Art. L. 334-1.</p> <p>L'employeur a l'obligation de communiquer à toute femme occupée dans son entreprise, au comité mixte d'entreprise et, à défaut, à la délégation du personnel et au/à la délégué(e) à l'égalité, s'il en existe, la liste des travaux auxquels les femmes enceintes ou allaitantes ne peuvent être tenues, conformément aux dispositions qui suivent, ainsi que la détermination des mesures prises pour l'élimination de tout risque pour la sécurité et la santé de ces femmes et pour l'élimination de toute répercussion possible sur la grossesse ou l'allaitement.</p>

	<p>Art. L. 334-2. Pour toute activité susceptible de présenter un risque spécifique d'exposition des femmes enceintes ou allaitantes aux agents, procédés ou conditions de travail dont une liste figure à l'annexe 1 du présent code, l'employeur est tenu d'évaluer la nature, le degré et la durée d'exposition afin de pouvoir :</p> <ul style="list-style-type: none"><li>- apprécier tout risque pour la sécurité ou la santé des femmes enceintes ou allaitantes ainsi que toute répercussion sur la grossesse ou l'allaitement;</li><li>- déterminer les mesures à prendre.</li></ul> <p>Pour effectuer l'évaluation susvisée, l'employeur s'assure la collaboration du médecin du travail compétent.</p> <p>Art. L. 334-3. (1) Si les résultats de l'évaluation visée à l'article précédent révèlent un risque pour la sécurité ou la santé ainsi qu'une répercussion sur la grossesse ou l'allaitement d'une femme enceinte ou allaitante, l'employeur, sur avis conforme du médecin du travail, est tenu de prendre les mesures nécessaires pour que, par un aménagement provisoire des conditions de travail ou du temps de travail de la femme concernée, l'exposition de cette femme à ce risque soit évitée pendant toute la période nécessaire pour la protection de sa sécurité ou de sa santé telle que cette période est fixée par le médecin du travail.</p> <p>(2) Si un tel aménagement n'est pas techniquement ou objectivement possible ou ne peut être raisonnablement exigé pour des motifs dûment justifiés, l'employeur, sur avis conforme du médecin du travail, est tenu de donner à la femme concernée, pendant toute la période nécessaire pour la protection de sa sécurité ou de sa santé telle que cette période est fixée par le médecin du travail, une autre affectation avec maintien du salaire antérieur.</p> <p>(3) Si le changement d'affectation n'est pas techniquement ou objectivement possible ou ne peut être raisonnablement exigé pour des motifs dûment justifiés, l'employeur, sur avis conforme du médecin du travail, est obligé de dispenser la femme salariée de travailler pendant toute la période nécessaire pour la protection de sa sécurité ou de sa santé telle que cette période est fixée par le médecin du travail.</p> <p>Art. L. 334-4. (1) L'employeur est obligé de déterminer les activités dans son entreprise qui comportent un risque d'exposition aux agents ou conditions de travail visés à l'annexe 2 du présent code, qui mettent en péril la sécurité ou la santé des femmes enceintes ou allaitantes. A cet effet, l'employeur s'assure la collaboration du médecin du travail compétent.</p> <p>(2) La femme enceinte ne peut en aucun cas être tenue d'accomplir des activités qui comportent un risque d'exposition aux agents ou conditions de travail visés à la section A de l'annexe 2.</p> <p>(3) La femme allaitante ne peut en aucun cas être tenue d'accomplir des activités qui comportent un risque d'exposition aux agents ou conditions de travail visés à la section B de l'annexe 2.</p> <p>(4) S'il s'avère que les activités accomplies par une femme enceinte, respectivement allaitante, comportent un risque d'exposition aux agents ou conditions de travail visés respectivement à la section A et à la section B, de l'annexe 2, l'employeur, sur avis conforme du médecin du travail, est tenu de donner à la femme concernée une autre affectation avec maintien du salaire antérieur pendant toute la période nécessaire pour la protection de sa sécurité ou de sa santé telle que cette période est fixée par le médecin du travail.</p> <p>(5) Si le changement d'affectation n'est pas techniquement ou objectivement possible ou ne peut être raisonnablement exigé pour des motifs dûment justifiés, l'employeur, sur avis conforme du médecin du travail, est obligé de dispenser la femme salariée de travailler pendant toute la période nécessaire pour la protection de sa sécurité ou de sa santé telle que cette période est fixée par le médecin du travail.</p> <p>Annexe 2 - Activités comportant un risque d'exposition aux agents ou conditions de travail pour les femmes enceintes ou allaitantes (article L. 334-4)</p> <p>A. Femmes enceintes</p> <ol style="list-style-type: none"><li>1. Agents physiques: travail dans une atmosphère de surpression élevée, p. ex. dans les enceintes sous pression, plongée sous-marine.</li><li>2. Agents biologiques: toxoplasme; virus de la rubéole; sauf si la preuve existe que la femme enceinte est suffisamment protégée contre ces agents par son état d'immunité.</li><li>3. Agents chimiques:</li></ol>
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	<p>plomb et ses dérivés, dans la mesure où ces agents sont susceptibles d'être absorbés par l'organisme humain.</p> <p>4. Conditions de travail: travaux souterrains miniers.</p> <p>B. Femmes allaitantes</p> <p>1. Agents chimiques: plomb et ses dérivés, dans la mesure où ces agents sont susceptibles d'être absorbés par l'organisme humain.</p> <p>2. Conditions de travail: travaux souterrains miniers.</p>
<p>Exemption from night work</p>	<p>(1) Art. L. 333-1. La femme enceinte ne peut être tenue de travailler entre dix heures du soir et six heures du matin, lorsque, de l'avis du médecin du travail compétent, cela est nécessaire du point de vue de sa sécurité ou de sa santé. Il en est de même pour la femme allaitante jusqu'à la date du premier anniversaire de l'enfant.</p> <p>Art. L. 333-2. (1) Lorsqu'une femme enceinte ou allaitante désire bénéficier de l'application des dispositions figurant à l'article précédent, elle doit envoyer à son employeur, par lettre recommandée à la poste, une demande en ce sens. Toutefois, la signature apposée par l'employeur sur le double de la demande vaut accusé de réception. (2) Dans les huit jours à dater de la réception de la lettre, le cachet de la poste faisant foi, l'employeur doit saisir le médecin du travail compétent afin que celui-ci émette son avis. (3) Dans les quinze jours à dater de la saisine par l'employeur, le médecin du travail notifie son avis à la femme salariée concernée et à l'employeur.</p> <p>Art. L. 333-3. Lorsque les conditions énoncées à l'article L. 333-1 sont remplies, l'employeur, sur avis conforme du médecin du travail, est tenu de transférer la femme salariée à un poste de travail de jour, avec maintien de son salaire antérieur, pendant toute la période nécessaire pour la protection de sa sécurité ou de sa santé telle que cette période est fixée par le médecin du travail. L'employeur est tenu d'avancer, pour compte de l'assurance maladie-maternité, la différence de revenu résultant du transfert d'un poste de travail de nuit à un poste de travail de jour.</p> <p>Art. L. 333-4. Si un transfert à un poste de travail de jour n'est pas techniquement et/ou objectivement possible ou ne peut être raisonnablement exigé pour des motifs dûment justifiés, l'employeur, sur avis conforme du médecin du travail, est obligé de dispenser la femme salariée de travailler pendant toute la période nécessaire pour la protection de sa sécurité ou de sa santé telle que cette période est fixée par le médecin du travail.</p>
<p>Exemption from extra hours</p>	<p>(1) L'accomplissement d'heures supplémentaires est toujours facultatifs et ne peuvent être imposés.</p>
<p>Are there any new plans for the protection of mothers in the workplace?</p>	<p>Les dispositions communautaires de la protection au travail des femmes enceintes ou ayant accouchées est actuellement en train d'être modifiées ceci aura certainement des répercussions sur la législation nationale.</p>

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Malta	
Dismissal before/after giving birth	The employer can not dismiss a pregnant employee, an employee who has recently given birth or a breastfeeding employee, from the date in which such employee formally notifies the employer of her pregnancy to the end of her maternity leave, or during any period of special maternity leave, because of her condition or because she avails herself or seeks to avail herself of any rights in accordance.
Reasons for prohibitions on employment	Not mentioned
Exemption from night work	The employee's employment rights shall be ensured and her wages shall not be less favourable than those stipulated in her contract of employment when an employer, who has received notification by means of a medical certificate that an employee should not perform night work during her pregnancy and during breastfeeding for reasons relating to her health and safety, transfers her to daytime work to comply with his obligations as an employer in terms of the Occupational Health and Safety Authority Act, or of subsidiary legislation issued there under.
Exemption from extra hours	Not mentioned
Are there any new plans for the protection of mothers in the workplace?	Malta has the EMPLOYMENT AND INDUSTRIAL RELATIONS ACT, 2002- (ACT NO. XXII OF 2002) - Protection of Maternity (Employment) Regulations, 2003 covering mothers in the workplace

Moldova	
Dismissal before/after giving birth	Labour Code, Art 251 provides for that it is prohibited to dismiss pregnant women, women with small children under 6 years old and persons that use their maternity leave and their partial paid leave for caring the child, or the supplementary unpaid leave for caring a child between 3 and 6 years old, or the leave of the employed people that have adopted new born children and have them under their tutelage, with the exception of cases when the enterprise/institution has been dissolved.
Reasons for prohibitions on employment	Art.247 of the Labour Code provides for prohibitions on employment for cases: refusal to employ or the reduction in the salary quota for pregnancy reasons or caring children under 6 years old, or other reasons which should be motivated, on which the employer should inform in written 5 calendar days before the registration date in the enterprise of the application for employment. The refusal of employment can be attached in the legal instances. The unit is obliged to employ according to the quota established by the Government persons indicated in parag.1, employed by

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	Employment and Occupation Agencies.
Exemption from night work	* Not applicable Art.247 of the Labour Code
Exemption from extra hours	Not mentioned
Are there any new plans for the protection of mothers in the workplace?	Not mentioned

## Monaco

Dismissal before/after giving birth	La Loi n° 870 du 17 juillet 1969, modifiée par la Loi n°1.245 du 21 décembre 2001 relative au travail des femmes en état de grossesse ou de maternité dispose qu'aucune femme salariée ne peut être licenciée dès qu'elle est en état de grossesse médicalement constatée et pendant les périodes de suspension du contrat de travail auxquelles elle a droit au titre du congé de maternité.
Reasons for prohibitions on employment	L'Arrêté Ministériel n° 58-168 du 29 mai 1958 relatif aux mesures d'hygiène et de sécurité concernant le travail des femmes et des enfants leur interdit certains travaux dangereux en limitant le poids des charges qui peuvent être portées, trainées ou poussées par ceux-ci. Il prévoit également pour les commerces un nombre de sièges égal au nombre de personnel féminin.
Exemption from night work	Prévues par l'Ordonnance-loi n° 677 du 2 décembre 1959 sur la durée du travail, modifiée
Exemption from extra hours	Non prévu
Are there any new plans for the protection of mothers in the workplace?	Not mentioned

Netherlands	
Dismissal before/after giving birth	<p>Dutch equal treatment legislation forbids direct and indirect discrimination on the grounds of sex. It is unlawful to discriminate in or with regard to the commencement or termination of an employment relationship. Direct discrimination on the grounds of sex is unequal treatment based explicitly on the grounds of sex. Direct discrimination is defined to include discrimination on the grounds of pregnancy, childbirth and motherhood.</p> <p>Dutch labour law explicitly prohibits dismissal of employees during pregnancy, maternity leave and the first six weeks after the end of the maternity leave, or after the end of a pregnancy-related sickness period immediately following the end of maternity leave.</p> <p>In case of temporary labour contracts, it is not permitted under Dutch labour law to decide against hiring a worker, or not to extend an employment contract, on grounds of pregnancy or maternity leave.</p>
Reasons for prohibitions on employment	<p>Under the Working Hours Act (ATW), pregnant women are not allowed to work from four weeks before the expected delivery date until six weeks after having given birth.</p>
Exemption from night work	<p>Pregnant women are entitled to refuse night work under the Working Hours Act (ATW).</p>
Exemption from extra hours	<p>The Working Hours Act (ATW) sets limits to the maximum number of working hours for pregnant women (ten hours per day, on average 50 hours per week over a period of four weeks, and an average 45 hours per week over a period of 16 weeks).</p>
Are there any new plans for the protection of mothers in the workplace?	<p>In the related area of leave policies, the Netherlands have introduced publicly funded maternity benefit for self-employed women (from 4 June 2008). Apart from possible changes in leave arrangements, the Dutch government has no plans to introduce any new policies at present (Ministry of Social Affairs &amp; Employment, 2008).</p>

Norway	
Dismissal before/after giving birth	<p>Protection against dismissal during pregnancy and leave of absence (Provision is made for protection against dismissal in Section 15-9 of the Working Environment Act.) No employer may dismiss a woman because she is pregnant. This also applies during the probationary period. A pregnant employee is protected against dismissal even if she is unable to carry out her normal work due to pregnancy. Any employer who dismisses a pregnant woman on grounds other than pregnancy must be able to prove that there are reasonable grounds for dismissal.</p> <p>An employee who takes leave in connection with a birth or adoption cannot be dismissed during this leave when the employer is aware of the reason for the absence. If an employee is rightfully</p>



	<p>dismissed during leave of absence, the leave period is not included in the period of notice. If half of the period of notice has expired when the leave period commences, the other half of the period of notice must be served at the end of the leave period. This absolute protection against dismissal during parental leave applies for up to one year. An employee who takes part-time leave or unpaid leave over and above the initial year cannot be dismissed on these grounds. In other words, the employee is protected against dismissal on the grounds of leave of absence. Any employer wishing to dismiss an employee who takes more than one year's leave must be able to prove that there are reasonable grounds for dismissal.</p> <p>An employee may give notice, as specified in his/her contract of employment, at any time during the leave of absence.</p> <p>Employees have the right to return to the jobs they had before taking leave of absence. This also applies when periods of part-time leave are over, and any leave in addition to statutory leave in connection with pregnancy, birth, adoption and taking over the care of foster children. This right follows from agreements between employer and employee.</p>
Reasons for prohibitions on employment	Strenuous work and hazardous substances Some women are employed in jobs that may be too strenuous for them in the final stages of pregnancy, for instance women who work as cleaners, nurses/carers or shop assistants.
Exemption from extra hours	Not mentioned
Are there any new plans for the protection of mothers in the workplace?	The Ministry is at the moment working on a proposal about adopting a prohibition against asking about pregnancy and family planning during job interviews. A discussion document has been on a hearing round, and the bodies entitled to comment have all given their statements. Necessary legal amendments may be suggested in 2009.

## Poland

Dismissal before/after giving birth	<p>As provided in Article 177 of the Labour Code:</p> <p>§ 1. The employer shall not give notice of termination or terminate an employment contract with a female employee during her pregnancy or maternity leave, unless there are reasons justifying the termination of the contract without notice due to her fault, and the establishment's trade union body representing the employee has consented to the termination.</p> <p>§ 2. The provision of § 1 shall not apply to employees during a trial period of no more than one month.</p> <p>§ 3. A fixed-term contract of employment or a contract for the time for completion of a specified task or for a trial period of more than one month that would terminate upon the third month of pregnancy shall be extended until the date of confinement.</p> <p>§ 31. The provision of § 3 shall not apply to a fixed-term contract of employment to replace the employee during her justified absence from work.</p> <p>§ 4. The termination of a contract of employment by notice by the employer within the period of pregnancy or maternity leave may only take place in case of declaration of the bankruptcy or liquidation of the employer. The employer shall agree the date of termination on the contract of employment with the establishment's trade union body. If no other employment can be provided during that period, the employee shall be entitled to benefits provided for in separate</p>
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	<p>regulations. The period of receiving those benefits shall be added to the period of employment determining employee's rights.                  § 5. The provisions of § 1, 2 and 4 shall also apply accordingly to the employee being a father caring for a child on a maternity leave.</p>
<p>Reasons for prohibitions on employment</p>	<p>As provided in the Labour Code:                  Article 176. Women must not be employed to perform works that are particularly arduous or hazardous to health. The Council of Ministers shall specify, by ordinance, the list of such works.                  Article 179. § 1. The employer employing a pregnant or nursing employee to perform work listed in the provisions issued pursuant to Article 176, which work is forbidden for such an employee regardless of the degree of exposure to agents that are hazardous to health or dangerous, shall transfer the employee to other work and, if it is not possible, to grant her a leave of absence for as long as necessary.                  § 2. The employer employing a pregnant or nursing employee to perform other works listed in the provisions issued pursuant to Article 176 shall adapt the conditions of work to the requirements specified in those provisions, or reduce the working time so that the hazard to health or safety of the employee is eliminated. If the adaptation of conditions of work on the current work post or the reduction of working time is not possible or advisable, the employer shall transfer the employee to other work and, if it is not possible, to grant her the leave of absence for as long as necessary.                  § 3. The provision of § 2 shall accordingly apply to the employer in the event where counter-indications to perform the current work by a pregnant or nursing employee stem from a medical certificate.                  § 4. Where the change of conditions of work on the current post, reduction of working time or transfer of the employee to other work results in reduction of remuneration, the employee shall be entitled to a compensatory allowance.                  § 5. A female employee shall preserve her right to the current remuneration during the period of the leave of absence.                  § 6. After the reasons justifying the transfer of the employee to other work, reduction of her working time or granting her the leave of absence cease to exist, the employer shall employ the employee to perform work and for the working time specified in a contract of employment.                  § 7. The responsible minister shall specify, by ordinance, the method and procedure of issuing medical certificates of counter-indications to perform the current work by a pregnant or nursing employee, in consideration of hazards to their health and safety present in the working environment.</p>
<p>Exemption from night work</p>	<p>A pregnant employee shall not be required to work at night (Article 178 § 1 of the Labour Code),                  - The employee who takes care of a child up to four years of age cannot, without his or her consent, be employed to work at night (Article 178 § 2 of the Labour Code),                  The employer employing a female employee working at night shall be required to change her schedule of working time for the duration of her pregnancy at the same post in a manner allowing her to perform work outside of the night shift, and where this is not possible or advisable, to transfer that employee to another work, the performance of which does not require night work; if such options are not available, the employer shall be required to grant her the leave of absence for the necessary time. The provision of Article 179 §4 to §6 [mentioned earlier] shall apply accordingly. (Article 1781 of the Labour Code).</p>
<p>Exemption from extra hours</p>	<p>A pregnant employee shall not be required to work overtime (Article 178 § 1 of the Labour Code),                  - The employee who takes care of a child up to four years of age cannot, without his or her consent, be employed to work overtime (Article 178 § 2 of the Labour Code),                  - Under the systems and schedules of working time referred to in Articles 135 to 138 [a balanced time schedule, a continuous working system], 143 [a shortened weekly system] and 144 [a holiday working system], the working time:</p>

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	<p>1) of employees working at the posts where the maximum admissible concentrations or intensities for agents harmful to health are exceeded;</p> <p>2) of pregnant employees;</p> <p>3) of employees caring for a child below four years of age, without their consent, - cannot exceed eight hours. The employee shall retain the right to remuneration for the time not worked due to the reduction of his or her working time for the above reasons. (Article 148 of the Labour Code).</p>
<p>Are there any new plans for the protection of mothers in the workplace?</p>	<p>Act of 6th December 2008 amending Labour code and some other Acts (O.J. n° 237, item 1154) has introduced many solutions dedicated to working parents. This modification of the labour law is a crucial element of the polish pro-family policy, because the new provisions are addressed to the families with children. Some of the provisions entered into force on the 1st of January 2009 (e.g. provisions concerning longer maternity leave and adoption leave). Other provisions will come into force later; in particular, the additional (optional) maternity leave will extend since 2010 and for the single delivery the optional maternity leave will amount to 6 weeks and in the case of multiple delivery - 8 weeks. The whole Act will be achieved by 2014 it means that we plan to extend the maternity leave especially the optional part systemically since 2010.</p>

## Portugal

<p>Dismissal before/after giving birth</p>	<p>Protection against dismissal during pregnancy, 120 days after birth (maternity leave) or during breastfeeding. Fathers who take/or share maternity leave are also protected from dismissal.</p>
<p>Reasons for prohibitions on employment</p>	<p>Not mentioned</p>
<p>Exemption from night work</p>	<p>(Between 8pm and 7am) for 112 days before/after birth (at least half before birth), during the remaining days of pregnancy if medically recommended (medical certificate) and during the breastfeeding period if medically recommended (medical certificate)</p>
<p>Exemption from extra hours</p>	<p>Exemption from working "extra hours" during pregnancy, mothers actually breastfeeding their child and also during the first 12 months of the child's life</p> <p>Exemption from the regime of "adaptable work" according to which normal working hours – eight hours per day, 40 per week – may be increased by two hours per day (4 hours if "adaptable work through collective agreements") up to a maximum of fifty hours a week (sixty hours a week if "adaptable work through collective agreements"): during pregnancy, 120 days after birth (initial parental leave) and during breastfeeding (either mothers actually breastfeeding their child or working parents taking breastfeeding leave up to child's 1st birthday)</p> <p>Exemption from the regime of "bank of hours" according to which normal working hours – eight hours per day, 40 per week – may be increased by four hours per day up to a maximum of sixty hours a week (up to a limit of 200 hours a year). This increase in working time shall be compensated through an equally proportional reduction in working time or through cash</p>



	<p>payment or even through the combination of both modalities: during pregnancy, 120 days after birth (initial parental leave) and during breastfeeding (either mothers actually breastfeeding their child or parents taking breastfeeding leave up to child's 1st birthday)</p> <p>Exemption from the regime of "concentrated timetables" according to which normal working hours – eight hours per day, 40 per week – may be increased by four hours per day. Either by an agreement between the employee and the employer or by collective agreements the weekly working period can be concentrated in four working days; or in three consecutive working days followed by a minimum of two resting days, in the latter situation normal weekly working hours must be respected on average, taking as reference a period of 45 days.</p>
<p>Are there any new plans for the protection of mothers in the workplace?</p>	<p>No plans.</p>

## Romania

<p>Dismissal before/after giving birth</p>	<p>In according with the Labour Code, one of the circumstances from which an individual labour contract shall not be rightfully suspended is maternity leave. In the same time, the individual labour contract may be suspended on the employee's initiative, under the following instances:</p> <ul style="list-style-type: none"> <li>a) leave for raising a child up to the age of 2, or, in case of a disabled child, up to the age of 3;</li> <li>b) leave for looking after a sick child up to the age of 7 or, in case of a disabled child, for inter-current illnesses, up to the age of 18;</li> <li>c) paternal leave;</li> </ul> <p>The prohibited of the employees dismissal based on criteria such as gender, sexual orientation, genetic characteristics, age, national origin, race, colour of the skin, ethnic origin, religion, political option, social origin, disability, family status or responsibility, trade union membership or activity;</p> <p>Labour Code mention also that employee dismissal may not be ordered:</p> <ul style="list-style-type: none"> <li>- for the duration of one's temporary labour disability, as established in a medical certificate according to the law;</li> <li>- for the duration an employed woman is pregnant, if the employer became acquainted with this fact before the issuance of such dismissal decision;</li> <li>- for the duration of one's maternity leave;</li> <li>- for the duration of one's leave for raising a child up to the age of 2, or, in case of a disabled child, up to the age of 3;</li> <li>- for the duration of one's leave for looking after a sick child up aged up 7 or, in case of a disabled child, for inter-current diseases, until he/she turns 18 years of age;</li> </ul> <p>Employers have to grant leave for pre-childbirth medical examinations (a maximum of 16 hours per month) without loss of pay, and establish special working time schedules (breaks etc);</p> <p>Employers must assess every year workplace hazards in relation to female employees' safety and health and inform them of the results; and prevent women being exposed to risks that might damage their health and safety, including by transferring them to another job, without any loss of pay.</p>
<p>Reasons for prohibitions</p>	<p>N/A</p>



on employment	
Exemption from night work	Pregnant, lately confined, or nursing women may not be obliged to perform night work
Exemption from extra hours	N/A
Are there any new plans for the protection of mothers in the workplace?	Not mentioned

## Russian Federation

Dismissal before/after giving birth	<p>Article 261 of the Labour Code guarantees the non-cancellation of the labour contracts of pregnant women and women with children. If a fixed-term labour contract expires during a woman's pregnancy the employer is required upon her request to extend the contract term to the time she becomes eligible for maternity leave.</p> <p>The employer has no right to cancel the contracts with female having children under three years old, excluding dismissal through the fault of the employee (theft, and so on).</p> <p>The cancellation of labour contracts of pregnant women is possible only in the case of temporary labour contract signed for the period of substitution of a temporarily missing employee, if it is not possible to transfer her to another vacant position.</p>
Reasons for prohibitions on employment	<p>According to the Article 253 of the Labour Code it is restricted to employ females on hard, dangerous and/or unhealthy trades as well as underground working excluding non-physical work or sanitary and domestic services.</p> <p>Labour of females on the work related to manual lifting of weights exceeding maximum permissible standards.</p> <p>The lists of industries, professions, and jobs with unhealthy and/or dangerous work conditions with restricted female labour as well as maximum permissible weights for manual lifting and handling by females are approved in the procedure fixed by the Government of Russian Federation taking into account opinion of the Russian Trilateral Committee on Social and Labour Relations.</p>
Exemption from night work	<p>Article 96 of the Labour Code does not permit to allow pregnant women, females having children under three years to work at night (from 10 pm to 6 am).</p> <p>Due to the Articles 96 and 259 of the Labour Code the females who have children under three years old, may be allowed to work at night-time only with their confirmation in written form and if this kind of work is not forbidden to them because of state of health according to medical examination. These employees must be informed in written form about their right to refuse</p>

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	working at night.
Exemption from extra hours	According to the Articles 99 and 259 of The Labour Code, it is not allowed to request overtime work from pregnant women. Requesting overtime work from women who have children under the age of three is allowed only with their consent in written form and if these works are not forbidden to them because of state of health according to the results of medical examination. Women who have children below the age of three must be informed in written form about their right to refuse working overtime.
Are there any new plans for the protection of mothers in the workplace?	<p>In accordance with the Conception of the Demographic Policy of the Russian Federation to the Year 2025 (approved by the Decree of the President of the Russian Federation No.1351 of October 9, 2007) the list of main objectives contains the special objective to fulfil a package of measures aiming assistance of employment for women with underaged children in order to provide reconciliation of family life, motherhood and professional activity. The following measures are included:</p> <ul style="list-style-type: none"> <li>- Measures to stimulate women to return to their professional activity after child care leave, measures to establish a system of professional training and retraining to become specialists in spheres with high demand for labour.</li> <li>- Measures to make flexible working models more common (including home working, part-time working), because the flexible working allows to reconcile professional activity and family life.</li> <li>- Elaborating special polices allowing woman to be re-qualified for new jobs after leaving positions with unhealthy and dangerous work conditions</li> </ul> <p>For realization of the Conception of the Demographic Development, the Government of the Russian Federation adopted The Plan of Action in 2008 – 2010 (the first stage of the Conception). According to the plan several projects are planned for the period 2008-2009, among them an investigation to estimate the need for professional training and re-training for women with children. Recommendations are to be developed to improve the legislation base for regulating the women's employment. Proposals are to be formulated concerning the measures of state support for regions, which establish programs of professional education for women with small children.</p>

Serbia	
Dismissal before/after giving birth	<p>In accordance with the Labour Law of Republic of Serbia, there is a difference between work for limited and unlimited time. As the name says - work for a limited time has its term (beginning and end) and it can't be affected by the fact whether a woman is pregnant or she has started a maternity leave. During labour law for a limited time, pregnant woman or a woman on maternity leave or a leave for childcare can't get fired.</p> <p>When it comes to work for unlimited time, a pregnant woman or a woman on maternity leave or a leave for childcare cannot get fired and she cannot either be moved to another place unless she gives her acceptance, in accordance with the Labour Law and general employer's act.</p>
Reasons for prohibitions on employment	Forbidding women to work on particular jobs during pregnancy and during child care have a goal to protect women and children. The opinion of accountable health body is necessary in cases when woman works on jobs that are harmful according to her judgement (lifting weight, radiation, exposition to high/low temperatures).

<p>Exemption from night work</p>	<p>In accordance with the article 90 of the Labour Law, employed woman during first 32 weeks of pregnancy can't work overtime or overnight if that work would be harmful for her and child's health, based on the findings of accountable health organ. Employed woman, during last eight weeks of pregnancy cannot work overtime or overnight. Therefore, there is a relative restriction which can become absolute based on the doctor's opinion and following that, about absolute restriction in accordance with the Law. Also, in accordance with the article 91 of the Labour Law, one of the parents with a child of up to three years can work overtime/overnight only with his/her written acceptance. Single parent who has a child of up to seven years or a child with difficult disability can work overtime/overnight only with his/her written acceptance.</p>
<p>Exemption from extra hours</p>	<p>In accordance with the article 90 of the Labour Law, employed woman during first 32 weeks of pregnancy can't work overtime or overnight if that work would be harmful for her and child's health, based on the findings of accountable health organ. Employed woman, during last eight weeks of pregnancy cannot work overtime or overnight. Therefore, there is a relative restriction which can become absolute based on the doctor's opinion and following that, about absolute restriction in accordance with the Law. Also, in accordance with the article 91 of the Labour Law, one of the parents with a child of up to three years can work overtime/overnight only with his/her written acceptance. Single parent who has a child of up to seven years or a child with difficult disability can work overtime/overnight only with his/her written acceptance.</p>
<p>Are there any new plans for the protection of mothers in the workplace?</p>	<p>Not mentioned</p>

## Slovakia

<p>Dismissal before/after giving birth</p>	<p>Prohibition of notice § 64 (1) An employer may not give a notice an employee within a protected period, that means c) within the period of an employee's pregnancy, or when an employee is on maternity leave or a female or a male employee is on parental leave or when a solitary female or male employee caring for a child younger than three years.</p>
<p>Reasons for prohibitions on employment</p>	<p>Transfer to different work § 55 (2) An employer shall be obliged to transfer an employee to a different work, if b) a pregnant woman or mother of a child younger than nine months of age performs work, which such women may not be employed to do, or which according to a medical opinion jeopardises her pregnancy or maternal function. (1) Women must not be employed by works that are physically inappropriate for them or which harms their organism, in particular such works which threaten their maternal role. Lists of work and workplaces that are prohibited for all women, pregnant women, mothers until the end of the ninth month following childbirth and nursing women shall be established by the Regulation of the Government of the Slovak Republic (hereinafter referred to as "government regulation").</p>

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	(2) A pregnant woman must not be employed even in such works that according to medical opinion jeopardise her pregnancy due to health causes pertinent to her person. Such shall apply commensurately to a mother up to the end of the ninth month following childbirth and a nursing woman. § 161
Exemption from night work	See previous question
Exemption from extra hours	(3) A pregnant woman, a woman or man continuously caring for a child younger than three years old, a solitary man or woman continuously caring for a child younger than fifteen years old may be employed for overtime work only with their agreement. Work stand-by may only be agreed upon with. § 164
Are there any new plans for the protection of mothers in the workplace?	No

## Slovenia

Dismissal before/after giving birth	The Employment Relationship Act, which entered into force on 1 January 2003, prohibits dismissal before/after giving birth. Labour inspectors established violations of the prohibition of discrimination on grounds of maternity, in the case of which the employers terminated the employment contract with pregnant women who returned from the child care leave and with other women, who enjoy special protection owing to maternity. Workers who have recently given birth and are breastfeeding. In the compliance with the said Rules, a female worker has the right to paid time off for preventive medical examinations with respect to pregnancy, childbirth and breastfeeding, if such examinations cannot take place outside of working hours.
Reasons for prohibitions on employment	The Rules on protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding, binding the employer to perform risk assessment with respect to the nature, degree and duration of exposure as well as the nature and degree of risk to injury and health damage, and to set and implement appropriate safety measures for all works posing the risk to exposure to agents which may affect health of pregnant workers or workers who have recently given birth and are breastfeeding.
Exemption from night work	Protection during Pregnancy and Parenthood with regard to Night Work and Overtime Work is regulated in Article 190 of The Employment Relationship Act  (1) A worker, who takes care of a child under the age of three, may be ordered to work overtime or at night only upon his written consent.  (2) A female worker may not carry out overtime work or night work during pregnancy and

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	<p>another year after she has given birth and/or throughout the breast-feeding period if the risk assessment of such work indicates risk to her and her child's health.</p> <p>(3) One of the employed parents of a child under seven or a child who is severely ill or of a severely physically or mentally disabled child living alone with a child and caring for the child may be asked to work overtime or at night only upon his prior written consent.</p>
Exemption from extra hours	See data "exemptions from night work"
Are there any new plans for the protection of mothers in the workplace?	Not mentioned

## Spain

Dismissal before/after giving birth	<p>The Law 3/2007 of March 22 for Effective Equality of women and men modifies and extends the previous Law of 1995 on Prevention of Risks in the Workplace. The 3/2007 law makes dismissal of pregnant women null and void.</p> <p>Dismissal will be null and void in case of pregnancy as from the beginning of pregnancy until the end of maternity leave (the suspension period from work).</p>
Reasons for prohibitions on employment	<p>In Spanish Legislation pregnant women and the foetus/baby are protected during the period of pregnancy and breast feeding. There are two alternatives: A) a change of working post if a suitable alternative post is available in the company. B) Maternity Contract paid suspension for the duration of the situation of risk. In this case the worker needs to present a medical report explaining the risk situation for the mother- to-be and/or the baby.</p>
Exemption from night work	Pregnant workers may be exempted from night work on written medical recommendation.
Exemption from extra hours	The same as above in relation to extra hours.
Are there any new plans for the protection of mothers in the	At present the policy is to favour working hours reduction for mothers and fathers with children recently born (under 9 months) and it is so legally established, however it also implies the proportional reduction in salary.

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Sweden	
Dismissal before/after giving birth	There are prohibitions on employers treating a job applicant or employee unfairly for reasons connected with parental leave. If an employee is given notice or dismissed for a reason that is solely connected with parental leave, this dismissal or notice must be annulled if the employee so requests. There is no specific legislation on the protection of temporarily employed women. It should be noted though, that normally a temporary employment can not be terminated in advance if such a possibility has not been agreed upon in the employment contract. Without such an agreement the employment can only be terminated in advance if there are grounds for dismissal. This means that there is a strong protection of temporary employment contracts.
Reasons for prohibitions on employment	Yes, for work in connection with lead, diving, exposure to rubella or toxoplasma, mining, ionised radiation.
Exemption from night work	When the mother worker returns to work she may negotiate with the employer exemption from night work but the employer is not obliged to accept it.
Exemption from extra hours	Not regulated by law
Are there any new plans for the protection of mothers in the workplace?	No

Switzerland	
Dismissal before/after giving birth	<p>Si le licenciement est donné pour un motif qui a un rapport avec la maternité, il est considéré comme abusif et la travailleuse peut réclamer une indemnité.</p> <p>L'employeur ne peut résilier le contrat de travail de durée indéterminée d'une travailleuse ni durant la grossesse ni pendant les 16 semaines qui suivent l'accouchement. Toutefois, si la résiliation est reçue pendant le temps d'essai, durant la grossesse, même pour une date tombant après la fin de ce temps d'essai, la période d'interdiction de licencier ne s'applique pas</p>
Reasons for prohibitions on employment	<p>Les raisons des interdictions liées au travail visent la protection de la santé de la travailleuse et de son enfant. Les femmes enceintes ne peuvent exécuter des travaux dangereux ou pénibles, sauf si une analyse des risques a jugé qu'il n'existe pas de menace pour la santé de la mère ou de l'enfant. Ces travaux sont décrits précisément dans une ordonnance sur les activités dangereuses ou pénibles en cas de grossesse et de maternité.</p>
Exemption from night work	<p>L'employeur est tenu d'étudier la possibilité de transférer toute femme enceinte exerçant une partie de son activité le soir ou de nuit vers un poste de jour équivalent au sein de son entreprise. Il est tenu de procéder au transfert de l'intéressée si elle le souhaite. Cette obligation vaut à partir du moment où la travailleuse prend connaissance de sa grossesse jusqu'à la 8e semaine avant l'accouchement, ainsi qu'à partir de la fin de la 8e semaine jusqu'à la fin de la 16e semaine après l'accouchement. Pour être équivalente, une activité doit être comparable aux conditions du contrat sur le plan des exigences intellectuelles et des compétences et ne pas excéder les capacités physiques de l'intéressée eu égard à son état. Si l'employeur n'est pas en mesure de proposer à l'intéressée un travail équivalent, il est tenu de lui verser 80% de son salaire.</p> <p>Durant les 8 semaines avant l'accouchement, la loi interdit d'occuper une travailleuse enceinte entre 20h et 6h du matin. Durant les 8 semaines qui suivent l'accouchement la loi prévoit une interdiction absolue d'occupation.</p>
Exemption from extra hours	<p>Le principe est qu'aucune femme enceinte ou mère qui allaite ne peut être appelée à travailler au-delà de la durée maximale du travail quotidien convenue antérieurement à sa grossesse (durée contractuelle). De plus, cette durée ne peut en aucun cas excéder la limite maximale de 9 heures de travail quotidien et ceci même si l'employeur et la travailleuse avaient convenu d'une durée plus longue et même s'il s'agit de circonstances exceptionnelles exigeant un travail supplémentaire.</p>
Are there any new plans for the protection of mothers in the workplace?	<p>Non</p>

Turkey	
<p>Dismissal before/after giving birth</p>	<p>In Article 125 of Law on Civil Servants No. 657, types of "Dismissal from public service" have been regulated. Within this context, it is unlikely to dismiss a civil servant from public service before and after giving birth to a child only considering the childbirth. In the (d) and (e) paragraphs of the Article 18 of the Labour Law No.4857, it is regulated that the reasons of pregnancy, confinement; not coming to the job within the periods that the women workers shall not be permitted to work before and after confinement could not be a valid reason for termination.</p> <p>Also in Article No. 5 titled "To Behave Equally" of Labour Law No.4857, it's regulated that "In work relations there couldn't be discrimination of language, race, sex, political thought, Philosophical belief, religion and sect and etc."</p> <p>In the mentioned Law, in the first paragraph sentence (b) of the Article 25, it is regulated that the employer shall not use the right of termination without notice, during the cases of pregnancy or confinement, which are not the fault of the worker and during the permission period for confinement.</p>
<p>Reasons for prohibitions on employment</p>	<p>In the first paragraph of the Article 18 with the title of "To Base Termination on a Valid Ground" of the Labour Law No.4857 it's mentioned that "The employer who terminates the indefinite period labour contract of a labourer who has minimum 6 months length of service in the workplace employed 30 or more labourers should base it on a valid ground caused by requirements of workplace and work"</p> <p>In accordance with Article 18 in sentence (d) race, colour, sex, marital status, family liabilities, pregnancy, birth, religion, political view, and in sentence (e) not coming to the job within the periods that the women workers shall not be permitted to work before and after confinement could not be a valid reason for termination. According to the provisions of the Labour Law, women irrespective of their age must not be employed on underground or underwater work like in mines, cable-laying and the construction of sewers and tunnels.</p>
<p>Exemption from night work</p>	<p>In the regulation on working conditions for the night works of women workers, it is regulated that for women workers from the time of documenting with the report of doctor being pregnant; for the women workers who are breastfeeding, they shall not be worked for night duties from the time of confinement up to 6 months; also, for these breastfeeding women workers this period shall be prolonged up to one year on condition that it is documented by the doctor of the workplace, department of workplace common health, worker's health dispensaries; if these are not available by the nearest Social Security Organization, village clinic, doctor of the government or municipality, in turn that it is necessary for the health of mother and child.</p>
<p>Exemption from extra hours</p>	<p>In the Article 72 with the title of "Prohibition of Employing Under Ground and Water" Labour Law No.4857, it's regulated that it's prohibited for man under the 18 years old and woman for at every ages working at the works under the ground and water such as mine and setting cables, instruction of drainage system and tunnel.</p> <p>In Labour Act 4857, maximum working hours per employee is determined as 45 hours. Same act permits different regulations regarding distribution of these working hours in a week in collective bargaining agreements. However, Labour Act 4857 allows employees to work overtime and with some extra regulations like salaries to be paid raised fifty percentage and maximum limit of yearly overtime hours as two hundred and seventy working hours.</p> <p>Regulations regarding Labour Act 4857 prohibit overtime work for pregnant women, mothers of newly born children and breastfeeding mothers. In addition, breastfeeding mother's night work</p>

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	after birth is prohibited for 6 months. These periods could be extended with medical reports.
Are there any new plans for the protection of mothers in the workplace?	In the mentioned Law, according to Article 88 titled "Regulation For Pregnant and Breast-Feeding Women"; Ministry of Labour and Social Security will determined content of regulation by taking view of Ministry of Health about how pregnant and breast-feeding women will be employed at which period and what kind of works, what are the prohibitions about that, constitution of breast-feeding rooms and crèches and on which conditions that kind of services can be taken from outside.

Ukraine	
Dismissal before/after giving birth	Ukrainian legislation save the working place before/after giving birth
Reasons for prohibitions on employment	Ukrainian legislation hasn't reasons for prohibitions on employment. Reasons for prohibitions on employment – only medical indications
Exemption from night work	Ukrainian legislation exemption from night work (article 55): - expectant mothers and women which have children under 3 years; - youth under 18 years.
Exemption from extra hours	Ukrainian legislation exemption from extra hours (article 62): - expectant mothers and women which have children under 3 years; - youth under 18 years; - the workers, who study in the schools and the colleges in the evening.
Are there any new plans for the protection of mothers in the workplace?	Not mentioned

United Kingdom	
Dismissal before/after giving birth	Protection from dismissal during maternity leave in the UK is as follows: The dismissal of an employee will be automatically unfair if she is dismissed selected for redundancy in preference to other comparable employees solely or mainly because she is pregnant or has taken maternity leave. Dismissal, selection for redundancy or other detrimental treatment in these circumstances may also amount to sex discrimination, for which employment tribunal compensation is uncapped.

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	<p>However the dismissal may be fair if it is for unrelated reasons (e.g. misconduct) or if a redundancy situation arises where it is genuinely not possible for the employer to offer alternative employment.</p> <p>Under the Sex Discrimination Act 1975, dismissal (or any other detrimental treatment) of a woman who is unable to work because of her pregnancy is unlawful sex discrimination *see eligibility under maternity leave</p>
Reasons for prohibitions on employment	<p>Women must not work for the two weeks following childbirth (or four weeks if they work in a factory). No specific exemption. Once informed by the employee that she is pregnant, recently given birth or is breastfeeding, the employer must carry out a specific risk assessment paying particular attention to risks that could affect the health and safety of the new or expectant mother or her child.</p>
Exemption from night work	<p>There is no automatic exemption from night work unless a doctor or midwife has provided a medical certificate stating that she must not work nights. If this is the case then her employer must offer her suitable alternative day work on the same terms and conditions and if that is not possible, then suspend her from work on paid leave for as long as necessary to protect her health and safety and/or that of her child.</p>
Exemption from extra hours	<p>Not mentioned</p>
Are there any new plans for the protection of mothers in the workplace?	<p>No new plans</p>