

Governing Body

341st Session, Geneva, March 2021

Legal Issues and International Labour Standards Section

LILS

International Labour Standards and Human Rights Segment

Date: 26 April 2021

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Second item on the agenda

Proposed form for reports to be requested under articles 19(5)(e) and 19(6)(d) of the ILO Constitution in 2022 on the instruments concerning equality of opportunity and treatment

Purpose of the document

In the present document, the Governing Body is invited to request governments to submit in 2022, under article 19 of the ILO Constitution, reports on certain instruments relevant to the strategic objective of fundamental principles and rights at work: the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and Recommendation (No. 165), as well as the Maternity Protection Convention, 2000 (No. 183), and Recommendation (No. 191), with a view to the preparation of the General Survey by the Committee of Experts on the Application of Conventions and Recommendations in 2022 and its discussion by the Conference Committee on the Application of Standards in 2023, and to approve the corresponding report form (see the draft decision in paragraph 4).

Note: The consideration of this item was deferred from the 338th Session (March 2020) of the Governing Body.

Relevant strategic objective: All.

Main relevant outcome: Outcome 2: Ratification and application of international labour standards.

Policy implications: None.

Legal implications: None.

Financial implications: The usual implications related to the preparation of a General Survey.

Follow-up action required: Implementation of Governing Body decisions.

Author unit: International Labour Standards Department (NORMES).

Related documents: [GB.337/LILS/2](#); [GB.337/LILS/PV](#).

1. At its 337th Session (October–November 2019), the Governing Body had before it a document concerning the choice of Conventions and Recommendations on which reports should be requested under article 19 of the ILO Constitution in 2021, with a view to the preparation of the annual General Survey in 2021 by the Committee of Experts on the Application of Conventions and Recommendations, for discussion by the Conference Committee on the Application of Standards in 2022.¹ The document presented three options aimed at aligning the topic of the General Survey with the corresponding recurrent discussion initially scheduled for 2023 on fundamental principles and rights at work, in accordance with the 2016 resolution of the International Labour Conference on Advancing Social Justice through Decent Work.²
2. The Governing Body decided that the General Survey to be prepared by the Committee of Experts in 2021 and submitted to the International Labour Conference in 2022 should focus on the second option proposed. In May 2020, the Governing Body decided to defer by one year the article 19 report requested. Consequently, the General Survey will be prepared by the Committee of Experts in 2022 and examined by the Committee on the Application of Standards of the Conference in 2023. The General Survey would therefore address six instruments relevant to the selected topic, specifically the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and Recommendation (No. 165), as well as the Maternity Protection Convention, 2000 (No. 183), and Recommendation (No. 191). In the discussions, it was further suggested that the General Survey would contribute to the reflection on how to best achieve gender equality at work through a transformative agenda, in line with the ILO's commitment in this regard, expressed in the Centenary Declaration for the Future of Work.³
3. The proposed questionnaire prepared by the Office aims to take into account the different views and concerns expressed at the 337th Session of the Governing Body. Accordingly, the Office proposes the requested report form (see appendix) to the Governing Body for its consideration and approval.

▶ Draft decision

4. **The Governing Body, by correspondence:**
 - (a) **requested governments to submit reports for 2022, under article 19 of the ILO Constitution, on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and Recommendation (No. 165), as well as the Maternity Protection Convention, 2000 (No. 183), and Recommendation (No. 191); and**
 - (b) **approved the report form concerning these instruments set out in the appendix to document GB.341/LILS/2(Rev.1).**

¹ GB.337/LILS/2.

² Paragraphs 15.1 and 15.2(b) of the 2016 [resolution on Advancing Social Justice through Decent Work](#), adopted by the International Labour Conference at its 105th Session (2016).

³ [Centenary Declaration for the Future of Work](#).

► Appendix

Appl. 19

C.111, C.156, C.183, R.111, R.165 and R.191

INTERNATIONAL LABOUR OFFICE

REPORTS ON
UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

*(article 19 of the Constitution of the
International Labour Organisation)*

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Workers with Family Responsibilities Convention, 1981 (No. 156)

Maternity Protection Convention, 2000 (No. 183)

Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)

Workers with Family Responsibilities Recommendation, 1981 (No. 165)

Maternity Protection Recommendation, 2000 (No. 191)

Geneva

2021

Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:

5. In the case of a Convention:

...

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

...

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and

its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

REPORT

to be made no later than 28 February 2022, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Workers' and employers' organizations may send comments no later than 30 June 2022.

* * *

Context and scope of the questions

At its 337th Session in October–November 2019, the Governing Body requested the Office to prepare for its consideration at its 338th Session (March 2020) the article 19 report form on six instruments: the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), and Recommendation (No. 165), as well as the Maternity Protection Convention, 2000 (No. 183) and Recommendation (No. 191), for a General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2021 to be discussed by the Conference Committee on the Application of Standards in 2022. In May 2020, the Governing Body decided to defer by one year the article 19 report requested. Consequently, the General Survey will be prepared by the Committee of Experts in 2022 and examined by the Committee on the Application of Standards of the Conference in 2023.

During the discussion, the Governing Body stressed that the General Survey would contribute to the reflection on how to best achieve gender equality at work, in line with the ILO's commitment in this regard, expressed in the Centenary Declaration for the Future of Work.

The General Survey will provide a comprehensive overview of the legislation and national policies in place with regard to the six instruments in ILO Member States (Part I). Moreover, the General Survey will shed light on how the specific labour and employment rights provided under the six instruments under examination are enabling factors towards achieving gender equality (Part II). It will also highlight the importance of raising awareness on the principles enshrined in these six instruments and of establishing appropriate enforcement and monitoring mechanisms, to ensure their effective application (Part III). Further, the General Survey will be an opportunity to contribute to a better understanding of the provisions both in law and in practice of the above-mentioned instruments; the challenges and opportunities in their

application, and will encourage the sharing of experiences and good practices among ILO Member States.

The present questionnaire has also been prepared in the light of the ILO Declaration on Social Justice for a Fair Globalization and its follow-up. Account has been taken of the fact that “[t]his follow-up seeks to make the fullest possible use of all the means of action provided under the Constitution of the ILO to fulfil its mandate. Some of the measures to assist the Members may entail some adaptation of existing modalities of application of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States”. For instance, by grouping and focusing on instruments related to a specific strategic objective, General Surveys may provide an overview on the law and practice in ILO Member States concerning certain instruments and feed into the recurrent discussions with relevant information on the trends and practices in relation to a given strategic objective.

Lastly, the General Survey will enable the ILO Member States to assess the contribution of these standards to the achievement of the 2030 Agenda for Sustainable Development, through the realization of multiple Sustainable Development Goals (SDGs), notably SDGs: 1 (Poverty), 3 (Good health and well-being), 5 (Gender equality) and 8 (Decent work and economic growth). It will also inform the preparation of the recurrent discussion on fundamental principles and rights at work by the Conference in 2024 and depending on when the SRM TWG chooses to review the maternity protection instruments, could either feed into the SRM TWG discussion or follow up on it.

* * *

The following questions relate to issues covered by Conventions Nos 111, 156, 183, and Recommendations Nos 111, 165 and 191.

In order to keep the present questionnaire specific, brief and focused, as requested during the November 2019 Governing Body discussion, it is limited to 32 questions. Consequently, questions are not presented instrument by instrument (or article by article). Rather, they focus on the common topics raised by the different instruments, each time identifying the provisions of the instruments to which they refer. In addition, since gender equality and maternity protection are key components of the transformative policies called for in the 2030 Agenda for Sustainable Development and contribute to a number of SDGs, notably Goals 5 (Gender equality) and 8 (Decent work and economic growth), a question on the SDGs and Beijing+25¹ has also been included.

As appropriate, please give a specific reference (weblink) or include information relating to the provisions of the relevant legislation, regulations, collective agreements, work rules, arbitration awards, court decisions and policies, as well as electronic copies thereof.

¹ 2020 marked the twenty-fifth anniversary of the Fourth World Conference on Women and adoption of the Beijing Declaration and Platform for Action (1995), reaching a five-year milestone towards achieving the Sustainable Development Goals of the 2030 Agenda for Sustainable Development.

Article 19 report form concerning gender equality and non-discrimination, family responsibilities, and maternity protection

Notes

1. Governments of countries which have ratified one or several of the Conventions and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Conventions not ratified, if any, and the Recommendations. It will not be necessary to repeat information already provided in reports under article 22 in connection with the Conventions ratified. *The questions contained under the titles “Standard-setting action” and “Possible need for technical assistance” are addressed to all Member States.*
2. Unless defined differently in the instruments covered by this report form, when reference is made to “national laws and regulations” or “provisions”, this should be understood as including laws, regulations, policies, collective agreements, court decisions or arbitration awards.
3. When reference is made to “workers with family responsibilities”, this should not be understood as referring only to women.
4. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current and emerging practices.

► Part I. Legal and institutional framework on gender equality and non-discrimination

NATIONAL FRAMEWORK ON NON-DISCRIMINATION AND MATERNITY PROTECTION		
1.	<div style="background-color: #003366; color: white; padding: 2px; margin-bottom: 5px;">Convention No. 111 and Recommendation No. 111</div> <p>Please indicate any provisions in national law and practice, including policies, preventing and prohibiting discrimination ¹ in employment and occupation, specifying:</p> <ul style="list-style-type: none"> • whether these provisions and policies include a definition of discrimination, indicating the grounds covered [C.111: Art. 1(1)(a)-(b); R.111: Para. 1]; • whether these provisions and policies cover discrimination on any of the following grounds: race, colour, sex, religion, political opinion, national extraction, or social origin [C.111: Art. 1(1)(a); R.111: Para. 1]; • how, if covered, these provisions and policies address the prevention and prohibition of sex-based discrimination, including sexual harassment [C.111: Art. 1(1)(a), Art. 2, Art. 3; R.111: Paras 1 and 2(a)-(b)]; • whether these provisions and policies cover discrimination on additional grounds [C.111: Art. 1(1)(b)]; 	<p>C.111: Arts 1-3 and 5 R.111: Parts I and II C.156: Arts 1-4, 9 and 11 R.165: Paras 1-2, 6-8 and 15-17 and Part VI C.183: Arts 1, 2 and 9 R.191: Para. 5</p>

¹ For the purposes of this questionnaire, the term “discrimination” refers both to direct and indirect discrimination.

- whether legislation addresses discrimination based on more than one of the above-mentioned grounds (e.g. situations where workers are discriminated against based on their sex in addition to their national extraction or colour) [C.111: Art. 1(1)(a), Art. 2, Art. 3; R.111: Para. 1];
- whether these provisions and policies apply to both the public and private sectors and cover all workers [C.111: Art. 2]; and
- whether and, if so, how workers' and employers' organizations participate in the elaboration, evaluation and review of these policies, and the role of workers and employers and their respective organizations in the implementation of these policies [C.111: Art. 3(a)].

Convention No. 156 and Recommendation No. 165

Please indicate any provisions in national law and practice, including policies, preventing and prohibiting discrimination in employment and occupation, specifying:

- whether these provisions and policies cover discrimination on the following grounds: marital status, family situation and family responsibilities [C.156: Arts 2–3; R.165: Paras 1–2, 6–8 and 15–16];
- whether these provisions and policies apply to both the public and private sectors and cover all workers [C.156: Art. 2];
- the definition given in your country to the terms “dependent child” and “other member of the immediate family who clearly needs care or support” in the context of any measures adopted to ensure that terms and conditions of employment are such as to enable workers with family responsibilities to reconcile their employment and family responsibilities [C.156: Art.1(3)];
- include social security, tax relief or other appropriate measures that take into account the situation of workers with family responsibilities (e.g. family benefits, crediting of pension rights for periods of leave, consideration of family responsibilities in determining requirements of unemployment benefits) [C.156: Art. 4(b); R.165: Part VI]; and
- whether and, if so, how workers' and employers' organizations participate in the elaboration, evaluation and review of these policies, and the role of workers and employers and their respective organizations in the implementation of these policies [C.156: Art. 11; R. 165: Para. 5].

Convention No. 183 and Recommendation No. 191

Please indicate any provisions in national law and practice, including policies, providing for maternity protection, specifying:

- any definition given in your country to the terms “child” and “woman” in the context of the implementation of maternity protection measures [C.183: Art. 1];

	<ul style="list-style-type: none"> • which are the categories of women to whom maternity protection measures apply, whether any provisions or measures have been taken or envisaged for the protection of women in atypical forms of dependent work ² [C.183: Art. 2(1)]; • whether there are any categories of workers excluded from these measures as well as the reasons for their exclusion and whether the representative organizations of employers and workers concerned were consulted [C.183: Art. 2(2) and (3)]; and • whether these provisions and policies cover discrimination on the ground of maternity [C.183: Art. 9(1); R.191: Para. 5]. 	
2.	<p>Convention No. 111 and Recommendation No. 111</p> <p>Please indicate any laws or regulations that limit the type of work individuals can do or exclude them from certain occupations, or otherwise limit their access to or continuation in employment ³ [C.111: Arts 1 and 5].</p>	C.111: Arts 1 and 5
3.	<p>Convention No. 111 and Recommendation No. 111</p> <p>Please indicate whether any special measures to promote equality of opportunity and treatment have been adopted in favour of certain groups in disadvantaged positions (e.g. women and/or workers with family responsibilities) [C.111: Art. 5(2)].</p>	C.111: Art. 5(2)

► **Part II. Achieving gender equality through employment and labour rights**

EQUAL ACCESS TO EMPLOYMENT AND OCCUPATION		
4.	<p>Convention No. 111 and Recommendation No. 111</p> <p><i>Equal access to training</i></p> <p>Please indicate any legislative or other measures taken to promote girls’ and women’s access to education, training, and employment counselling, and information on the programmes and policies in place to improve women’s and men’s access to a wider range of jobs (e.g. training of women in non-traditionally “female” sectors) [C.111: Arts 1, 3(b) and 3(e); R.111: Paras 1, 2(b)(i)–(ii) and 3].</p> <p><i>Ensuring equal access to employment and occupation and termination of employment</i></p> <p>Please indicate any legislative and other measures taken to ensure that race, colour sex, religion, political opinion, social origin and national extraction do not constitute reasons for:</p>	C.111: Arts 1, 3(b), 3(e) and 5 R.111: Paras 1, 2 and 3

² See Article 2(1) of Convention No.183. “Women in atypical forms of dependent work” can comprise those who are working without a written employment contract, those in disguised employment, those in home work, casual work, temporary work, as well as those working in the informal economy.

³ Such as, for example, the prohibition of women’s work at night, the requirement of prior approval for work from their spouse, the prohibition of certain jobs.

	<ul style="list-style-type: none"> • refusal of employment [C.111: Art. 1; R.111: Paras 1 and 2(b)(i)–(ii)]; • refusal of advancement and benefits within employment [C.111: Art. 1; R.111: Para. 2(b)(iii)–(vi)]; and • termination of employment [C.111: Art. 1]. <p>(For example, any measures to prohibit personal questions during interview processes and during employment, any measures on the non-disclosure of previous salary information, etc.).</p>	
<p>5.</p>	<p>Convention No. 156 and Recommendation No. 165</p> <p><i>Ensuring access to training</i></p> <p>Please communicate any information on the services available to workers with family responsibilities with regard to their right to vocational training, and to provide them with counselling and information, placement services and paid educational leave arrangements (specifying whether the services are free of charge to the workers) [C.156: Arts 4 and 7; R.165: Paras 9(a) and 12–15].</p> <p><i>Ensuring equal access to employment and occupation and termination of employment</i></p> <p>Please indicate any legislative and any other measures taken to ensure that marital status, family situation and family responsibilities do not constitute reasons for:</p> <ul style="list-style-type: none"> • refusal of employment [C.156: Art. 3; R.165: Paras 6–8]; • refusal of advancement and benefits within employment [C.156: Art. 3; R.165: Paras 6–8 and 15]; and • termination of employment [C.156: Art. 8; R.165: Para. 16]. 	<p>C.156: Arts 3, 4, 7 and 8 R.165: Paras 6–8, 9(a) and 12–16</p>
<p>6.</p>	<p>Convention No. 183 and Recommendation No. 191</p> <p><i>Ensuring equal access to employment and occupation and termination of employment</i></p> <p>Please indicate any legislative and other measures taken to ensure that maternity does not constitute direct or indirect reasons for:</p> <ul style="list-style-type: none"> • refusal of employment [C.183: Art. 9]; • refusal of advancement and benefits within employment [C.183: Art. 9]; and • termination of employment [C.183: Art. 8(1)]. <p>(For example, any measures to prohibit mandatory pregnancy tests except where required by national legislation in respect of work that is prohibited or restricted for pregnant or nursing women or where there is a significant risk to the health of the women and child.)</p>	<p>C.183: Arts 8(1) and 9</p>

LEAVE

7.	<p>Convention No. 156 and Recommendation No. 165</p> <p><i>Leave to meet family responsibilities</i></p> <p>Please indicate whether workers are entitled to other leave to meet family responsibilities, such as:</p> <ul style="list-style-type: none"> • parental leave [C.156: Art. 4; R.165: Para. 22]; • paternity leave; and • leave in case of illness of family members [R.165: Para. 23]. <p>Please indicate for each type of leave: the duration of the leave periods, the conditions of eligibility to the leave, the basis upon which the leave is granted, and other modalities of the leave (such as the use and distribution of leave between parents) [R.165: Paras 22 and 23].</p>	<p>C.156: Art. 4 R.165: Paras 22–23</p>
8.	<p>Convention No. 183 and Recommendation No. 191</p> <p><i>Leave related to maternity</i></p> <p>Please indicate whether workers are entitled to the following leave:</p> <ul style="list-style-type: none"> • leave for medical examination related to pregnancy [R.191: Para. 6(6)]; and • leave in case of illness, complications or risk of complications arising out of pregnancy or childbirth [C.183: Art. 5]; and maternity leave [C.183: Art. 4; R.191: Para. 1]. <p>Please specify the duration of maternity leave before and after childbirth, and whether the period of leave after childbirth includes a compulsory six-week period (if such period is less than six weeks, please indicate whether it has been agreed at the national level by the government and the representative organizations of employers and workers) [C.183: Art. 4(4)].</p> <p>Please indicate whether the appropriateness of extending the period of maternity leave is examined periodically in consultation with the representative organizations of employers and workers [C.183: Art. 11].</p> <p><i>Related types of leave</i></p> <p>Please indicate whether workers are entitled to the following leave:</p> <ul style="list-style-type: none"> • in the case of death of the mother before the expiry of postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave? [R.191: Para. 10(1)]; • in the case of sickness or hospitalization of the mother after childbirth and before the expiry of postnatal leave, and where the mother cannot look after the child, is the employed father of the child entitled to a leave of a duration equal to the unexpired portion of the postnatal maternity leave to look after the child? [R.191: Para. 10(2)]; • leave for adoptive parents to look after their child [R.191: Para. 10(5)]; and • parental leave [R.191: Para. 10(3) and (4)]. 	<p>C.183: Arts 4–5 and 11 R.191: Paras 1, 6(6) and 10</p>

Please indicate for each type of leave: the duration of the leave periods, the conditions of eligibility to the leave, the basis upon which the leave is granted, and other modalities of the leave (such as the use and distribution of leave between parents) [R.191: Para. 10(4) and (5)].

Please also indicate any measures taken to safeguard the employment and social security rights of workers who take the leave and any measures taken to encourage men and women workers to take such leave.

BENEFITS

<p>9.</p>	<p>Convention No. 156 and Recommendation No. 165</p> <p><i>Cash benefits during leave to meet family responsibilities</i></p> <p>Please indicate whether any financial compensation, cash benefits or other type of income support is provided to workers during periods of leave of absence referred to in question 7. Please specify the categories of workers covered, the qualifying conditions, and the financing modalities of the respective benefits provided [C.156: Art. 4(b); R.165: Paras 27–28].</p>	<p>C.156: Art. 4(b) R.165: Paras 27–28</p>
<p>10.</p>	<p>Convention No. 183 and Recommendation No. 191</p> <p><i>Cash benefits during leave</i></p> <p>Please indicate whether any cash benefits or other type of income support is provided to women workers and workers with family responsibilities during periods of leave of absence referred to in question 8, by any of the following means or a combination thereof:</p> <ul style="list-style-type: none"> • compulsory social insurance; • public funds; • the employer; • social assistance funds; • tax relief and other fiscal measures; and • other means as determined by national law and practice. <p>Please indicate, for each of the means used, the conditions to qualify, the categories of workers, including those in atypical forms of dependent work, to which the conditions apply, the share of contribution, payroll tax or payment borne by those who finance the benefits (e.g. workers, employers, the State), as well as the methods used to determine the amount or level of cash benefits and the rates payable [C.183: Arts 6(1)–6(6), 6(8) and 7].</p> <p>Please indicate whether contributions due under compulsory social insurance or taxes on payroll raised to finance maternity benefits are paid by both the employer and the employee or by the employer; and in respect of the total number of men and women employed, without distinction of sex [R.191: Para. 4].</p>	<p>C.183: Arts 6 and 7 R.191: Paras 2–4</p>

	<p>Maternity medical care benefits</p> <p>Please indicate whether medical care is provided for women and their children during maternity, and specify:</p> <ul style="list-style-type: none"> • whether such care includes prenatal, childbirth and postnatal care and hospitalization care when necessary; • by which means such medical care is financed; and • whether women have to share in the costs thereof and, where applicable, the rules concerning such cost sharing [C.183: Art. 6(7); R.191: Paras 3 and 4]. 	
RETURN TO EMPLOYMENT		
11.	<p>Convention No. 156 and Recommendation No. 165</p> <p>Return to work after other types of leave to meet family responsibilities</p> <p>Please indicate whether any measures have been adopted to ensure that workers who take parental leave do so without relinquishing employment and with their rights resulting from employment being safeguarded. Please specify whether these measures also apply to the types of leave referred to in question 7 [C.156: Art. 4(b); R.165: Para. 22(1)].</p> <p>Please also indicate any measures taken to safeguard the social security rights of workers who take the leave (e.g. the crediting of pension rights for such periods) [C.156: Art. 4(b); R.165: Para. 28].</p>	<p>C.156: Art. 4(b) R.165: Paras 22(1) and 28</p>
12.	<p>Convention No. 183 and Recommendation No. 191</p> <p>Return to work after maternity or adoption leave</p> <p>Please indicate whether any measures of a legal and procedural nature have been adopted to ensure that women and adoptive parents, as the case may be, are guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of their maternity or adoption leave [C.183: Art. 8(2); R.191: Paras 5 and 10(5)].</p>	<p>C.183: Art. 8(2) R.191: Paras 5 and 10(5)</p>

OTHER MEASURES TO RECONCILE WORK AND FAMILY RESPONSIBILITIES		
<p>13.</p>	<p>Convention No. 156 and Recommendation No. 165</p> <p><i>Other work arrangements to reconcile work and family responsibilities</i></p> <p>Please indicate any measures taken to ensure that terms and conditions of employment are such as to enable workers to reconcile their work and family responsibilities [C.156: Art. 4; R.165: Para. 17].</p> <p>In this regard, please indicate:</p> <ul style="list-style-type: none"> • the extent to which measures have been taken to reduce daily working hours and overtime, provide more flexible arrangements in working schedules, rest periods and holidays, and to take family responsibilities into consideration in the assignment of shift and night work and when transferring workers from one locality to another [R.165: Paras 18–20]; • whether these measures cover all workers with family responsibilities (e.g. fathers, adoptive parents, etc.) [C.156: Art. 1]; • the extent to which measures have been taken to ensure that the terms and conditions of employment, including social security coverage, of part-time and temporary workers, are, to the extent possible, equivalent to those of full-time and permanent workers respectively (and, in appropriate cases, that their entitlement is calculated on a pro-rata basis) [R.165: Para. 21(1)–(2)]; • the extent to which measures have been taken to give the option to part-time workers to obtain or return to full-time employment when a vacancy exists and when the circumstances which determined assignment to part-time employment no longer exist [R.165: Para. 21(3)]; and • whether these measures are provided for under national legislation, collective agreements, work rules, or through any other means [C.156: Art. 9; R.165: Para. 3]. 	<p>C.156: Arts 1, 4 and 9 R.165: Paras 3 and 17–21</p>
<p>14.</p>	<p>Convention No. 156 and Recommendation No. 165</p> <p><i>Services (childcare and family services and facilities, home-help and home-care services)</i></p> <p>Please provide any detailed information on the measures taken to take account of the needs of workers with family responsibilities in community planning [C.156: Art. 5].</p> <p>In particular, please provide any information on the measures taken to:</p> <ul style="list-style-type: none"> • develop childcare and family services and facilities, as well as home-help and home-care services (e.g. information on: the number of childcare and family services and facilities available in the country (including long-term facilities such as facilities and services for persons with disabilities and their families), their geographical distribution, how they are organized and staffed, the cost and method of payment, etc.) [R.165: Paras 25–26 and 33]; and • promote the provision of services in the community, such as public transport, supply of water and energy in or near workers housing with labour-saving layout [R.165: Para. 34]. 	<p>C.156: Art. 5 R.165: Paras 25–26 and 33–34</p>

<p>15.</p>	<p>Convention No. 183 and Recommendation No. 191</p> <p>Health protection</p> <p>Please indicate any legislative and practical measures taken to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined to be prejudicial to the health of the mother or the child [C.183: Art. 3; R.191: Para. 6(1)], specifying:</p> <ul style="list-style-type: none"> • whether alternatives are available to pregnant and breastfeeding mothers where the work they perform entails a significant risk for their health or their child's without loss of pay [R.191: Para. 6(2)–(4)]; and • whether women retain a right to return to their jobs or an equivalent job as soon as it is safe for them to do so [R.191: Para. 6(5)]. 	<p>C.183: Art. 3 R.191: Para. 6</p>
<p>16.</p>	<p>Convention No. 183 and Recommendation No. 191</p> <p>Work arrangements</p> <p>Measures to facilitate nursing</p> <p>Please indicate:</p> <ul style="list-style-type: none"> • whether any national legislation provides for the right of women to one or more daily breaks or a daily reduction of hours of work to breastfeed their child [C.183: Art. 10(1)]; ⁴ • any daily arrangement of working time prescribed for such purposes (including the period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work), and whether the frequency and length of nursing breaks can be adapted to particular needs [C.183: Art. 10(2); R.191: Paras 7–8]; • whether these breaks or reduction of daily hours are counted as working time and remunerated accordingly [C.183: Art. 10(2)]; and • whether provision is made under national law or practice for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace [R.191: Para. 9]. 	<p>C.183: Art. 10 R.191: Paras 7–10</p>

⁴ For information, please note that in ensuring access to the system of protection offered by the Convention, in certain countries access for adoptive parents to nursing or feeding breaks may exist. Furthermore, and with a view to ensure and promote gender equality among parents, access for biological fathers to nursing or feeding breaks may also exist. Members may wish to provide any relevant information in this regard.

► Part III. Promoting gender equality in employment and occupation

RAISING AWARENESS ON GENDER EQUALITY		
17.	<p style="background-color: #003366; color: white; padding: 2px;">Convention No. 111 and Recommendation No. 111</p> <p><i>Promoting understanding and acceptance of gender equality and non-discrimination</i></p> <p>Please describe any measures taken to promote information and education, which generate a broad public understanding of the principle of gender equality and of the problems faced by women workers and workers with family responsibilities, including information on:</p> <ul style="list-style-type: none"> • the measures taken to secure acceptance and observance of the principle of equality of opportunity and treatment for men and women workers [C.111: Art. 3(b)]. <p>Please indicate the role of employers' and workers' organizations in promoting understanding, acceptance and the realization of the principle of gender equality [C.111: Art. 3(a)].</p> <p style="background-color: #003366; color: white; padding: 2px;">Convention No. 156 and Recommendation No. 165</p> <p><i>Promoting understanding and acceptance of gender equality and non-discrimination</i></p> <p>Please describe the measures taken to promote information and education, which generate a broad public understanding of the principle of gender equality and of the problems faced by women workers and workers with family responsibilities, including information on:</p> <ul style="list-style-type: none"> • the measures taken to address stereotypes which promote the exclusions of girls/women from certain educational programmes/opportunities [C.156: Art. 6; R.165: Para. 10]; • the research undertaken to provide objective information on which relevant policies and measures may be based [R.165: Paras 11(a) and 24(a)]; and • educational activities that encourage the sharing of family responsibilities between men and women [R.165: Para. 11(b)]. <p>Please indicate the role of employers' and workers' organizations in promoting understanding, acceptance and the realization of the principle of gender equality [C.156: Art. 11; R.165: Para. 5].</p>	<p>C.111: Art. 3(a) and (b) R.111: Paras 2–5 C.156: Arts 6 and 11 R.165: Paras 5, 10–11, and 24</p>

IMPLEMENTATION, MONITORING AND ENFORCEMENT

18.

Convention No. 111 and Recommendation No. 111

Please indicate how it is ensured that any laws and policies addressing discrimination based on race, colour, sex, religion, political opinion, national extraction, or social origin or other grounds as per Article 1(1)(b) of C.111, and promoting gender equality, are effectively monitored and implemented in practice [R.111: Para. 10].

In particular, please provide information on relevant activities of the following institutions:

- the labour inspectorate (e.g. trainings on gender equality, creation of special labour inspectorate task forces on gender equality, etc.);
- equality or other specialized bodies (including information on their mandate, their functioning and their accessibility to the workers);
- courts (including information on whether any special procedural arrangements may apply such as special constitutional procedures; the reversal of the burden of proof; and on whether specific references to the international labour standards covered by this questionnaire have been made in court decisions); and
- other bodies competent to address dispute prevention and resolution (e.g. ombudsperson, etc.).

Please provide information on the manner in which the participation of employers' and workers' organizations is ensured in practice in equality or other specialized bodies [R.111: Para. 9].

Convention No. 156 and Recommendation No. 165

Please indicate how it is ensured that any laws and policies addressing discrimination based on marital status, family situation, and family responsibilities, and promoting gender equality, are effectively monitored and enforced in practice [C.156: Arts 9 and 10].

In particular, please provide information on relevant activities of the following institutions:

- the labour inspectorate (e.g. trainings on gender equality, creation of special labour inspectorate task forces on gender equality, etc.);
- equality or other specialized bodies (including information on their mandate, their functioning and their accessibility to the workers);
- courts (including information on whether any special procedural arrangements may apply such as special constitutional procedures; the reversal of the burden of proof; and on whether specific references to the international labour standards covered by this questionnaire have been made in court decisions); and
- other bodies competent to address dispute prevention and resolution (e.g. ombudsperson, etc.).

Please provide information on the manner in which the participation of employers' and workers' organizations is ensured in practice in equality or other specialized bodies [C.156: Art. 11].

R.111: Paras 9 and 10
C.156: Arts 9–11
C.183: Arts 8, 9 and 12

Convention No. 183

Please indicate how it is ensured that the laws and policies addressing discrimination based on maternity are effectively monitored and enforced in practice [C.183: Arts 9 and 12].

Please indicate any relevant legal, including procedural, measures by virtue of which protection against unlawful termination of employment based on maternity is provided, specifying the remedies afforded in case of unjust dismissal.

Please indicate whether the burden of proving that the reasons for dismissal are unrelated to maternity shall rest on the employer [C.183: Arts 8 and 12].

INFORMATIONAL COLLECTION

19.

Convention No. 111 and Recommendation No. 111

Please indicate whether the following information, including statistics, is collected (and if so, please communicate such information):

- information disaggregated by sex on the number of cases of discrimination brought to court (in particular based on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin), the number of complaints filed and the follow up given to these complaints (outcome, sanctions imposed and reparations awarded) [C.111: Arts 1-3; R.111: Para. 1].

Convention No. 156 and Recommendation No. 165

Please indicate whether the following information is collected (and if so, please communicate such information):

- information disaggregated by sex on the number of cases of discrimination brought to court (in particular based on the grounds of marital status, family situation or family responsibilities), the number of complaints filed and the follow up given to these complaints (outcome, sanctions imposed and reparations awarded) [C.156: Art. 3; R.165: Paras 6-8];
- information on the number of women and men in employment by parental status, number and age of children, household composition, including information on related working conditions (e.g. occupation, industry, type of contract, public/private, number of hours of work, earnings) [R.165: Paras 17-18];
- information disaggregated by sex on the number of workers eligible for family or care leave, and the number of workers benefiting from such leave [R.165: Paras 22-23];
- information on the number of workers with family responsibilities, collected to ascertain their needs and preferences for childcare and family services and facilities, and home help and home care; [C.156: Art. 5; R.165: Paras 24-26];
- information on the number of workers in part-time employment, and on other flexible arrangements as regards working schedule rest periods, working hours and holidays, disaggregated by age and sex [R.165: Para. 21];
- any other research into the various aspects of the employment of workers with family responsibilities with a view to providing objective information on which sound policies and measures may be based [R.165: Para. 11(a)]; and
- any other research conducted on the sharing of family responsibilities between men and women [R.165: Para. 11(b)].

C.111: Arts 1-3
 R.111: Para. 1
 C.156: Arts 3 and 5
 R.165: Paras 6-8, 11, 17-18, 21-23 and 24-26
 C.183: Arts 2, 3-4, 6 and 8-9
 R.191: Paras 1, 5 and 10

Convention No. 183 and Recommendation No. 191

Please indicate whether the following information, including statistics, is collected (and if so, please communicate such information):

- information disaggregated by sex on the number of cases of discrimination brought to court (in particular based on the grounds of maternity), the number of complaints filed and the follow up given to these complaints (outcome, sanctions imposed and reparations awarded) [C.183: Arts 8–9; R.191: Para. 5];
- information on the number of women in employment, including information on the number of women in atypical forms of dependent work (e.g. home work, casual work, temporary work, etc.) [C.183: Art. 2(1)]; and
- information disaggregated by sex on the number of workers eligible for maternity-related leave, and the number of workers benefiting from such leave [C.183: Arts 3–4; R.191: Paras 1 and 10].

THE WAY FORWARD

20.	<p>Optional question</p> <p>Please provide information on your country’s strategy (e.g. national plan) for the attainment of the Sustainable Development Goals (SDGs), in particular SDG 5, target 5.1 – Achieve gender equality and empower all women and girls, and on the national reviews that may have been conducted on the implementation of the Beijing Declaration and Platform for Action for Beijing+25.</p>	
21.	<p>Prospects for and obstacles to ratification</p> <p>Please provide information on any prospects of ratification and identify the challenges or obstacles regarding the possible ratification of any of the Conventions covered by the questionnaire (Nos 111, 156 and 183), and indicate any measures taken or envisaged to overcome these obstacles.</p>	
22.	<p>Standard-setting action</p> <p>Are there any existing gaps or inconsistencies that should be addressed by future standard-setting discussions in regard to the instruments to which this questionnaire relates.</p>	
23.	<p>Possible need for technical assistance</p> <p>Please indicate whether your country has formulated any requests for technical assistance by the ILO to give effect to the provisions of the instruments covered by this questionnaire? If, so please provide information on the effect of this support. Please also indicate the manner in which the ILO could best provide appropriate assistance within its mandate to support countries’ efforts to promote gender equality at work.</p>	

24.	Please indicate the representative employers' or workers' organizations to which copies of the present questionnaire have been communicated in accordance with article 23(2) of the ILO Constitution and indicate whether you have received observations from such organizations concerning the effect given, or to be given, to any of the instruments to which this questionnaire relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.	
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