

The UK Government:

“Good Work Plan: Proposals to Support Families”

November 2019

Premise:

The UK Government is seeking views on proposals to better support parents to balance work and family-life. This Consultation sets out high-level options for reforming existing entitlements that could help parents to balance the gender division of parental leave.

The Scottish Women’s Convention:

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women’s Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues set out within this proposal relevant to women including employment and maternity rights. As an organisation that gathers women’s real contributions, the SWC stresses the need to underpin legislation with catalysts for societal and cultural change that taken together will ensure an approach to equality that eradicates discrimination against women in its many forms.

Section 1: Paternity leave and pay

What emphasis should be placed on enhancing Statutory Paternity Pay versus the length of Paternity Leave available?

Whilst both options should be looked at in terms of enhancing benefits amongst parents, the main reasons in particular that Paternity Leave is often not taken up includes:

- The inflexibility of the time limit under which leave can be taken.
- The cap at which Statutory Paternity Pay currently stands as either a fixed sum or 90% of earnings, whichever is lower.

Whilst mothers are eligible for up to 90% of their salary with no cap for the first six weeks for Statutory Maternity Pay, the opposite applies to the other partner. This means that many are wary of taking a cut in wages at a time when they need their full salary the most. As a result, partners tend to use annual leave following the birth of a child in order to ensure they are still paid at the same rate. This, coupled with how small a period an employer is legally required to provide to parents in terms of Paternity Leave more than often signals a cultural attitude that mothers are the main caregivers for children from the outset.

What impact would changing either leave or pay have on our policy objectives?

Uprating both leave and pay would have a positive impact on all the policy objectives as set out by the Government. Both would signal a turn towards more family friendly policies that highlight joint caregiving for children. In terms of workplaces, allowing increased paternal involvement would also highlight that both government and employers are keen to emphasise shared caring for children in the early years.

Reforms to Paternity Leave and Pay alone, however, cannot rectify women's inequality within the workplace. Many women returning to work after having children would prefer to do so on a much more flexible basis. It is vital that support is offered which suits the needs of women and their families. Any measures taken up must also take into account the myriad of factors that result in women's occupational segregation and the gender pay gap including:

- The lowering in rates of Statutory Maternity Pay for women after the first six weeks.
- The opportunity for discrimination that many women encounter when returning to work from Maternity Leave.
- A lack of flexible childcare, particularly for children under the age of three.
- Refusal on the part of many employers to adapt to ways of working out with the stereotypical 9 to 5 routine such as flexible working.

How should the costs of providing Paternity Leave and Pay be apportioned between Government, employers and parents?

Employers and Government should both take on the main expense for providing Paternity Leave and Pay, dependent on the size of company. Changes to the current scheme that would benefit parents in terms of a whole scale labour market approach that is illustrative of gender equality should be wholly considered. Workplaces should consider any extra costs as offset by benefits that enhanced packages have in terms of morale, productivity and reduced absenteeism.

Could enhancing Statutory Paternity Pay and extending Paternity Leave result in differential impacts across families with different characteristics (e.g. families from different socio-economic groups or cultural backgrounds)?

New parents who are agency workers or on zero or low hour contracts more often than not fail to meet the current thresholds for Statutory Paternity Leave and Pay. Given the low wages and lack of protections that these individuals have, they then lose out the most when it comes to statutory requirements workplaces must adhere to.

The most support should be extended to those on the lowest incomes who currently derive little benefits from taking up Paternity Leave and Pay. Any changes to legislation must be looked at in terms of extending rights to these workers and ensuring they are also protected and given the required time off. At present, many parents on precarious contracts may not take up Paternity Leave for a number of reasons including:

- Lack of trade union recognition within the workplace.
- Fear of being “pushed out” if a grievance is raised.
- The potential for discrimination when returning to work.

Should the level of reimbursement for employers vary according to their size (as now)?

There should be no disparities for any employee and their rights in terms of caring for their children. Failure to adapt policies to balance the need of co-parenting not only augments inequality but also signals that childcare is a specifically female obligation.

Many employers – particularly larger organisations with high staff levels – already offer exemplary Paternity Leave and Pay Packages to workers that go far beyond the legal minimum requirement. The Government should work with these employers to establish best practice and procedures when apportioning out costs.

Smaller employers may not always find it feasible and may struggle to cover extra wage and staffing costs. Cases should be looked upon by the Government in order to

understand how such businesses can be helped in this matter to ensure all workplaces offer a wide variety of family friendly policies that benefit both the worker and organisation.

How should the timing of when leave can be taken be balanced between giving families choice and flexibility, and incentivising particular parental behaviours? For example, should fathers/partners be able to take leave and pay at any point in the first year or be required to take leave when the mother has returned to work to incentivise solo parenting?

In consultation with women, views are varied on just how timing of leave can be taken in terms of incentivising particular parental behaviours. Extenuating circumstances will apply to different families and encourage different modes of parenting. For instance, the nature and salary of the mother's job may encourage a more rapid return to work and where solo parenting may be more applicable.

On the other hand, for many women, allowing their partner to take leave at any point in the first year was seen as a big incentive of the current Shared Parental Leave Scheme. This was thought to encourage cooperative parenting and can allow both parents suitable flexibility to prioritise their own work as they saw fit.

How should we balance giving fathers/partners flexibility and choice (e.g. to take paternity leave in blocks) with the needs of employers and co-workers for certainty around when the father/partner is likely to be off work?

As is currently the case under Shared Parental Leave, employers should recognise the need for flexibility for both parents within the workplace. Requirements should include communicating effectively between employer and employee around the ability to take paternity leave in blocks alongside a range of other options that may be beneficial to both parents. Flexible working, home working and job sharing are all ways in which both workers and employers may find novel approaches to ensuring business needs continue to be met.

The lack of flexibility that may be shown by employers can have a detrimental impact on women's future workplace opportunities. This can be damaging for prospective earnings, as well as having the knock on impact of diminishing skills and making career progression even more difficult. As a result, many choose not to return to their previous job, but instead seek part-time employment which fits around their family and other responsibilities.

Employers refusal to adapt to the needs of parents does not just affect individual families. It affects business, the economy and society overall. Emphasis should always be placed

upon the advantages of the needs of parents in increasing equality. Failure to take measures that allow women to return to work when they see fit to do so propagates the gender pay gap, leads to labour market gender segregation and is conducive of gender discrimination overall at a societal level.

Section 2: Shared parental leave and pay

What aspects of the current Shared Parental Leave and Pay scheme are most successful, and which are most in need of reform? Please give reasons for your answer.

There are a range of different reasons as to why confusion arises concerning Shared Parental Leave including:

- A lack of a joined up approach between different leave schemes and entitlements has led to many women commenting that attempting to understand the benefits of what they can take is often confusing and can act as a barrier to take up.
- At present, the Shared Parental Leave scheme can be looked upon as patchy in terms of how it shares caring responsibilities between both parents and how this works suitably for their employment. This can often act as a deterrent for mothers. Simplifying the scheme and communicating it in a way that is beneficial for both employers and employees is needed to raise awareness of all legislative information.
- The low rate at which Statutory Shared Parental Pay is given means that many families do not uptake this option due to the economic loss it may bring.
- Current societal perceptions feed into workplaces where a number of women have raised that attitudes still prevail that women are the primary carer for children.

On the other hand, one of the most beneficial aspects of the scheme that has been highlighted is the ability to take leave in “blocks” as opposed to one continuous period. When implemented effectively, this has the potential to allow both parents to provide optimum work/life balance.

Could enhancing Statutory Shared Parental Pay and/or giving fathers access to ‘use it or lose it’ leave through the Shared Parental Leave and Pay scheme result in differential impacts across families with different characteristics (e.g. families from different socio-economic groups or cultural backgrounds)?

Partners on higher salaries and benefits tend to be much more comfortable taking advantage of such entitlements due to security within the workplace; generous benefits from their individual employer and quality trade union representation. This is one of the major issues as to why take up remains so low. Those on lower incomes simply do not have this luxury. They may continue to be unable to take time off around the first year of a child’s birth due to this. Incorporating a legislative framework which covers parents on all incomes and workplace contracts through the birth of a child is a key requirement in terms of equality.

Should support vary according to family characteristics, including income levels?

As previously mentioned, resulting impacts from enhancement of any entitlements to Parental Schemes still do not cover workers on insecure and precarious contracts meaning it is these individuals that again stand to lose the most.

All individuals, regardless of employment status, should have day one rights to protection and standard rates of pay in order to benefit in the way that full time workers do. Failure to recognise the issues that these individuals face is a significant impediment to equality within the workplace in that it offers no benefits or flexibility to both parents but in particular to mothers wishing to return to work.

Given your views on priorities for reform of Paternity Leave or Shared Parental Leave, are there any implications for maternity arrangements including:

A. The length of Maternity Leave?

Many women do not at present take the full term of 52 weeks Maternity Leave– often due to Statutory Maternity Pay cutting off at the 39 week threshold. Enhancements to these may also encourage change in workplace perceptions and cultural attitudes meaning some women who would prefer to return to work earlier may feel more able to do so without being seen as the primary caregiver for the child.

B. The level and extent of Statutory Maternity Pay

Yes. One worry that has come through in consultation with women is that statutory enhancements to a partner's pay may result in some employers forfeiting more beneficial packages that are currently offered to women. This may be done by using the argument that the employer is unable to afford increases in Paternity Pay, for instance, without reducing costs elsewhere. As mentioned previously, Government should work to offset any new costs in smaller workplaces that may not be able to adapt to such changes and emphasise the advantages of benefits for offering both parents quality paternity and maternity packages. Adoptions of any new policies should ensure a clear approach that extolls the benefits for women and ensures discrimination does not take place.

C. The current inflexibility as to when Maternity Leave can be taken?

Reform of Shared Parental Leave would hopefully see some increase in uptake meaning that both parents can split caring responsibilities accordingly. Given that the present system can be taken in staggered "blocks" during the first year of a child's life, this may prove advantageous to parents who would prefer returning to work in a flexible pattern that can be shared jointly with co-parenting responsibilities.

Section 4: Parental leave for parents of older children

What aspects of the current arrangements for parental leave (which can be taken up to and including the child's 18th birthday) are most successful, and which are most in need of reform? Please give a reason for your answer.

Most Successful:

The flexibility allowed under parental leave wherein it can be taken up to and including the child's 18th birthday is seen as a benefit. Unlike other current entitlements, the extension of leave past the first year of the child's life means that many parents are allowed the option at different phases where they see fit. In addition, the fact that leave is allocated per child gives significant flexibility in employment where parents may need additional time off for different phases in their children's lives.

Most in need of reform:

The current arrangements for parental leave tends to be widely unknown, particularly for those working in lower paid jobs and those without trade union representation. The Government should ensure that all employers are communicating entitlements effectively to parents to make them aware of their rights.

At present, the majority of low paid and insecure work is undertaken by women. The unpaid nature of this particular parental leave places a massive detriment on those on lower incomes who simply cannot afford extra time off when it leaves them so out of pocket. Ensuring a statutory minimum rate of pay at the very least is needed in order to drive uptake for those on the lowest incomes.

Conclusion:

The SWC welcomes the opportunity to respond to the UK Government's proposals relating to proposed reforms for the variety of schemes presently available to ensure uptake of maximum benefits for women and new parents. Creating a fixed legislative strategy which ensures new and expectant mothers are put first is a clear step forward in terms of equality. Cultural change in attitudes within both the workplace and wider society towards working mothers must be done away with if equality is to progress. Whilst underpinning legislation does not change everything, it is a clear indicative step forward and should be viewed as being beneficial for mothers, business and society as a whole.

For further information, please contact

The Scottish Women's Convention

Email – info@scottishwomensconvention.org

Telephone – 0141 339 4797

www.scottishwomensconvention.org

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to women's equality.

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