



UK Parliament – Women and Equalities Committee

Pregnancy and Maternity Discrimination Inquiry

April 2016

Introduction

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 Scottish and UK Government consultation papers.

SWC Evidence Source

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 working conditions for pregnant women and new mothers in Scotland.

Purpose of the Consultation

Pregnant women and new mothers are more likely to face negative treatment at work than they were a decade ago, according to research published by the Equality and Human Rights Commission (EHRC) and Department for Business, Innovation and Skills (BIS). In response to the report, the Women and Equalities Committee is conducting an inquiry to look at the action being taken to address this growing problem. This inquiry will focus in particular on whether the Government proposals are enough, or whether tougher action is required to ensure that pregnant women and mothers are treated fairly.

The EHRC has recommended six areas for action:

- Leadership for change;
- Improving employer practice;
- Improving access to information and advice;
- Improving health and safety management in the workplace;
- Improving access to justice; and
- Monitoring progress.

The Women and Equalities Committee is keen to hear from employers, policy organisations, and individual women. This inquiry will focus on solutions, with a particular emphasis on the following areas:

- The likely effectiveness of the Government's proposals for action;
- How the Government can work with employers to drive behaviour change and improve outcomes for women;
- Whether particular groups or types of employers need more support to achieve this;
- How to help women and their employers find the information they need;
- What improvements could be brought about by better inter-departmental working in Government;
- Whether some areas of existing legislation could be implemented more effectively;
- Effectiveness of tribunals as a deterrent, and whether this has been affected by the introduction of fees in 2013;
- Health and Safety;
- Whether increased financial support for small business would help to reduce discrimination; and
- What can be learned from best practice in the UK and elsewhere.

What Women in Scotland have told the SWC

The Scottish Women's Convention (SWC) has consulted with women throughout Scotland on a number of employment issues. Many have spoken about negative experiences when returning to work following maternity leave. Despite the existence of legislation, women find they have less responsibility and their roles and hours are subject to change. This can make progression very difficult. Many choose not to return to their previous job, but instead seek part-time employment which fits around their caring responsibilities.

"I was a bank branch manager in a town approximately 30 miles away from where I live before I had my second baby. Travelling there every day plus the cost of childcare meant it was not worth my while to go back. I now work part-time at the weekends when my husband is at home so we don't have to pay for childcare. He increased his hours slightly and because he is a lower wage earner we qualify for tax credits. It's crazy how we are better off now than me working 6 days a week as a bank manager."

Women who work or have worked in senior roles find themselves extremely disadvantaged when they choose to have a family. Those returning from maternity leave can face barriers when trying to return to the job they held before they had a baby.

"I was made redundant whilst on maternity leave. I was told that due to business needs, when I returned to work I would have to travel to an office 40 miles from my home and be there for 6.30am. When I said I couldn't do this, I was offered reduced hours. This was also unsuitable, so I was made redundant."

There can be a feeling amongst some employers, often in the private sector, that women who have had children are not as committed or ambitious as others.

“I showed an interest in working part-time when I went back after having my baby. My male boss was surprised as prior to becoming a mother I was interested in a promotion – he didn’t see how this would work if I wasn’t working all the hours in the day.”

The lack of flexibility on the part of some employers is also a significant contributing factor.

“I was previously a senior manager. When I had my children I wanted to be able to keep my job but adapt my working hours so I could be at home more. This wasn’t an option. I now do part-time work in the evenings and at weekends because this fits better round my family responsibilities.”

There is a lack of knowledge around the right to request flexible working. Employees are often unaware that they can ask to work on a more flexible basis. Women feel they have to have a level of confidence and strength to be able to make such a request.

More needs to be done by the Government to tackle these issues. It is clear that women need more information about their rights during pregnancy and once they return to work. It is also vital that more work is done with employers to make them aware of their responsibilities. The attitude of many, as outlined in the EHRC/BIS report, that women should declare if they are pregnant, or intend to do so, is discriminatory. It goes against legislation which has been fought for over a number of years.

Employers who are seen to carry this type of attitude, who have caused women to feel forced to leave their jobs or who have caused a negative impact on women’s opportunity, status or job security should be held account for their actions. As long as these attitudes are allowed to prevail, discrimination during pregnancy and for new mothers will continue to happen.

The impact of precarious employment and pregnancy – case study

Many of the roles which are available to women are centred on low paid, low skilled, part-time jobs, often undertaken on temporary, zero hours contracts. Very few rights are afforded to workers employed under these conditions. Many women who become pregnant in this type of job suffer significant financial hardship as a result of the actions of their employers. They can be left without work, therefore without an income, which can lead to serious stress and anxiety.

“I was on a zero hours contract when I found out I was pregnant. I also had to declare myself homeless due to a family breakdown. I went in to tell my manager that I was pregnant and also that I was living in a homeless unit and the next day he phoned me to advise there was no work. This carried on for a week, and by the end of that week he let me know they were paying off agency workers, so I lost my job.

I had nothing so I went to the Jobcentre, who were extremely unhelpful. I was told that because I had a partner who was earning a wage, even though we did not live together, I wasn’t entitled to anything. I was living off donations from foodbanks. However you’re only allowed to go a certain amount of times in month.

As a result I had to move in with my partner's brother's girlfriend which put me under a lot of pressure. My partner was Polish so I had to adapt to a different culture. As well as that, he physically and emotionally hurt me. I never want to see another woman have to go through this. I don't want anyone to be discriminated against because of their situation."

The impact of employment tribunal fees

Under the Employment Tribunals and Employment Appeal Tribunals Fees Order 2013, introduced by the then UK Coalition Government, those wishing to make a claim at Tribunal now have to pay in order to do so. These changes are having a direct impact on women, who face sexual harassment, unequal pay and discrimination in the workplace on a daily basis. The introduction of fees of up to £1200 to lodge a claim at Tribunal creates a significant barrier to those trying to access legal remedies.

Level 2 claims, which attract the highest fees, are lodged, in the main, by women. This category will include cases relating to Equal Pay, discrimination around pregnancy and maternity, flexible working, age discrimination and sexual harassment. Many of those who take this type of claim for discrimination or poor working practices are in low paid, low skilled jobs which are often part-time. Unless they qualify for a fee remission, they are being forced to either pay the new charges or be denied access to justice.

The new system also presumes that those wishing to lodge a claim have access to the internet and the skills and ability to use it. There is also the assumption that women have a bank account or access to a credit or debit card or cheque book, as well as up to £1200 to pay their fees.

Further costs will be incurred for women who wish to call witnesses. The impact on women in rural areas has not been considered. For example, someone who lives in Thurso does not only have to pay to have a case heard in Inverness, but also to cover the costs of any witnesses she requires to support her claim.

The new rules and fee structures in relation to Employment Tribunals are having a significant and detrimental impact on women seeking access to justice in the workplace. There is a commitment on the part of the Scottish Government to scrap Employment Tribunal fees once powers are devolved to the Scottish Parliament. This is extremely important. It would be extremely beneficial if the Scottish Government used any relevant powers they have at the moment to assist women who are, because of Westminster's policies, being denied redress and justice.

For further information, please contact
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