

## Appendix 17: Work and maternity (See Article 11)

Motherhood has a direct and dramatic influence on women's pay and employment prospects.<sup>1</sup> Many women are already qualified and skilled, but are severely limited in jobs that combine their caring role with work. One study found that 83% of jobs advertised in London papers had no flexibility and just 11% were advertised as part-time.<sup>2</sup> Employees in the UK work some of the longest hours in Europe<sup>3</sup> which has greater career penalties on women who have other responsibilities. Part-time working remains undervalued, for example posts at the highest NHS grades are generally only advertised as full-time posts.<sup>4</sup>

For women, overall research shows that 51% aged between 25-54 years old, working part-time and below their potential were doing so because it was the only work that they could get where they could combine work with caring for children.<sup>5</sup> Research among female managing directors of London's top investment banks has found that nearly half were childless and of those that did have children, a quarter had a partner who assumed the role of primary carer.<sup>6</sup> Female employment to self-employment migration far outstrips the rate at which women are moving into senior management roles.<sup>7</sup> This could indicate that women are leaving the employment market as it does not meet their needs and there are barriers to their progression.

The Equality and Human Rights Commission (EHRC) inquiry found that women in some of the UK's leading finance companies receive around 80% less in performance related pay than male colleagues. In its follow up report published in September 2011 the Commission made it clear that the industry's objections to greater transparency are no longer sustainable and if they refuse to adopt the recommendations made in the Commission's report it will "*not hesitate to use its enforcement powers*".<sup>8</sup>

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<sup>1</sup> The Fawcett Society (2009) *Not having it all How motherhood reduces women's pay and employment prospects*. Fawcett: London

<sup>2</sup> Gingerbread (2010) *Changing the workplace: the missing piece of the jigsaw*  
<http://www.gingerbread.org.uk/uploads/media/17/6948.pdf>

<sup>3</sup> Stewart, H. (2011) 'Who works the longest hours in Europe?', *The Guardian*, 8<sup>th</sup> December 2011  
<http://www.guardian.co.uk/news/datablog/2011/dec/08/europe-working-hours>

<sup>4</sup> Equality and Human Rights Commission (2011) *Sex and Power 2011*. EHRC: London  
<http://www.equalityhumanrights.com/key-projects/sexandpower/>

<sup>5</sup> Holmes, K., Ivins, C., Hansom, J., Smeaton, D. and Yaxley, D. (2007) 'The future of work: individuals and workplace transformation', *Equal Opportunities Commission Working Paper Series*, Manchester, as cited in Department for Work and Pensions (2010) *Flexible Working: working for families, working for business*, Family Friendly Working Hours Taskforce, p. 19  
<http://www.dwp.gov.uk/docs/family-friendly-task-force-report.pdf>

<sup>6</sup> Sealy, R. (2008) *Role models and career aspirations for senior females in investment banks*, unpublished paper, Cranfield: UK

<sup>7</sup> Equality and Human Rights Commission (2011) *Sex and Power 2011*. EHRC: London  
<http://www.equalityhumanrights.com/key-projects/sexandpower/>

<sup>8</sup> Equality and Human Rights Commission, Inquiry into Sex Discrimination in the Finance Sector  
<http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-sex-discrimination-in-the-finance-sector/> Accessed: 07/05/2013

## Maternity, paternity and shared parental leave

Maternity, paternity and shared parental leave has a high political profile with extensive political, policy and media debates about well-paid maternity leave at European level<sup>9</sup> as well as commitments from the Government<sup>10</sup> to introduce shared parental leave from the earliest stages of pregnancy. The Government have committed to introduce a new system of shared parental leave by 2015<sup>11</sup> and the legislation is currently before the UK Parliament.<sup>12</sup>

The health impacts on mothers, fathers and their families should be a central consideration in development of policy on leave, pay and other family-friendly employment policies. Well thought out policies in this area support the public health goals of increased breastfeeding rates and duration, reduced inequalities in infant health outcomes and overall improvements in maternal mental health. There are direct financial benefits from improved health outcomes in the form of reduced NHS spending on children over their lifetime and reduced spending on maternal health. The improved child development outcomes from well thought out policies also reduce demands for early years services. Achieving joined-up thinking on leave policies and related employment rights will provide direct and immediate benefits for new mothers and their families, and long-term improvements in health and wellbeing. Policy development must acknowledge that there may be implications for maternal and infant health if women return to work too soon.<sup>13</sup> (See Article 12)

Pregnant women already face discrimination at work and their health is put at risk where there is inadequate health and safety or well-paid parental leave. Health inequalities between social classes are also reinforced by low-paid maternity, paternity and parental leave policies.<sup>14</sup> Only 30% of mothers earning less than £20,000 per annum took more than six months leave, compared with over half of mothers earning in excess of £20,000 per annum. Younger mothers aged under 30, also tended to take less time as maternity leave.<sup>15</sup>

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<sup>9</sup> European Council Directive 92/85/EEC, 'Measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding'. [http://europa.eu/legislation\\_summaries/employment\\_and\\_social\\_policy/health\\_hygiene\\_safety\\_at\\_work/c10914\\_en.htm](http://europa.eu/legislation_summaries/employment_and_social_policy/health_hygiene_safety_at_work/c10914_en.htm)

<sup>10</sup> Department for Business Innovation and Skills (2011) *Consultation on Modern Workplaces, Flexible parental leave, Flexible working, Working time regulations, Equal pay*. <http://www.bis.gov.uk/Consultations/modern-workplaces>

<sup>11</sup> Nick Clegg speech on 17<sup>th</sup> January 2011 at the Demos event and Vince Cable speech on 16<sup>th</sup> May 2011 at the BIS Modern Workplaces consultation launch.

<sup>12</sup> Department for Education, Children and Families Bill 2013, <http://www.education.gov.uk/a00221161/children-families-bill> Accessed: 07/05/2013

<sup>13</sup> Ward, R. (2011) *Health and equality impacts of well paid parental leave*. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave2011.pdf>

<sup>14</sup> Ward, R. (2011) *Health and equality impacts of well paid parental leave*. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave2011.pdf>

<sup>15</sup> Yaxley, Vinter and Young (2005) *Dad's and their babies: the mothers perspective*. Equal Opportunities Commission Working Paper Series, 41 <http://www.scie-socialcareonline.org.uk/profile.asp?guid=a0609dcd-26eb-4e59-a6ae-545ee9f7b7ca>

The *Marmot Review*<sup>16</sup> found that “paid parental leave is associated with better maternal and child health with studies finding an association with lower rates of maternal depression, lower rates of infant mortality, fewer low birth-weight babies, more breastfeeding and more use of preventive healthcare. This highlights the importance of parents across the social gradient having access to paid parental leave during the whole of the first year as well as the availability of good quality childcare and flexible employment thereafter, including for those young children with parents not in work who are assessed as likely to benefit”. However, there remain considerable challenges to the implementation and roll out of the *Marmot Review* recommendations.

The legislation currently before the UK Parliament would enable mothers to share leave with fathers or partners from two weeks after the birth. The anticipated rate of take-up of this leave by fathers and partners is quite low, at between two and 8%.<sup>17</sup> International evidence shows that fathers and partners are more likely to take up leave which is reserved for fathers/partner, available on a ‘use it or lose it’ basis, which is in addition to the mothers’ leave and which is paid at 60-80% of income replacement.<sup>18</sup> The Government has stated that it will review the introduction of reserved leave for fathers/partners in 2018.<sup>19</sup> The absence of a statutory right to breastfeed prevents women from sharing leave with the father or partner while they are breastfeeding.<sup>20</sup>

#### **Recommendations:**

- **The Government should acknowledge the role of maternity and paternity leave and pay policies in improving the health and wellbeing of mothers, fathers and babies, and work towards statutory maternity, paternity and shared parental pay which is paid at wage replacement levels**
- **The Government should introduce reserved leave for fathers and partners on a ‘use it or lose it’ basis which is well paid**
- **Increase flexibility for parents of premature babies to accommodate the often extended time that babies spend in hospital after the birth**

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<sup>16</sup> UCL Institute of Health Equity (2010) *Fair Society, Healthy Lives: Strategic Review of Health Inequalities in England Post-2010 (The Marmot Review)*. UCL: London

<http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review>

<sup>17</sup> Department of Business, Innovation and Skills (2012) *Modern Workplaces: Government response on flexible parental leave: Impact assessment*

<http://www.bis.gov.uk/assets/biscore/employment-matters/docs/m/12-1268-modern-workplaces-response-flexible-parental-leave-impact.pdf>

<sup>18</sup> Equality and Human Rights Commission (2009) *Working Better Meeting the changing needs of families, workers and employers in the 21st century*. EHRC: London

[http://www.equalityhumanrights.com/uploaded\\_files/working\\_better\\_final\\_pdf\\_250309.pdf](http://www.equalityhumanrights.com/uploaded_files/working_better_final_pdf_250309.pdf)

<sup>19</sup> Department of Business, Innovation and Skills (2012) *Modern Workplaces: Government response on flexible parental leave: Impact assessment*

<http://www.bis.gov.uk/assets/biscore/employment-matters/docs/m/12-1268-modern-workplaces-response-flexible-parental-leave-impact.pdf>

<sup>20</sup> Maternity Action (2013) *Children and Family Bill: Statutory right to breastfeed on return to work*. <http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/breastfeedingbriefingchildrenandfamilybill2013.pdf>

## Pregnancy and work

It is clear from the evidence that there are consequences for pregnant women or women in the labour market for their health, wellbeing and for pay. Current maternity and pregnancy workplace provision along with low levels of maternity pay for a long period of time can have long-term consequences.<sup>21</sup> Women forced to stop work because of unsatisfactory health and safety protections may take sick leave, commence maternity leave early or resign from their job. This reduces the length of maternity leave after the birth, reduces rates of maternity pay, and leaves some women without any entitlement to maternity leave or pay.<sup>22</sup>

High rates of pregnancy discrimination leave 30,000 women each year out of a job and up to half of all pregnant women at work experience some form of detriment. However, only 3% of women who lose their jobs as a result of pregnancy discrimination take a case to the employment tribunal; 71% do nothing, not even raising a grievance; and 45% of women who experience pregnancy discrimination don't take action because they don't know their rights.<sup>23</sup>

There is growing concern that pregnancy discrimination is on the rise following the economic downturn. In 2009 and 2010, UK national helplines, law firms and NGOs reported increased numbers of complaints relating to pregnancy discrimination and redundancy.<sup>24</sup> For example, Maternity Action<sup>25</sup> found that demand for its web-based information about maternity rights grew 110% in 2011 and the number of women calling for advice more than doubled. The Government has cut funding to projects raising awareness about maternity rights, and to legal aid, (See [Appendix: 28](#)) just as demand is growing.<sup>26</sup> In 2013, the Government plans to introduce fees of £1,200 to take a pregnancy discrimination claim to the employment tribunal.

### Recommendations:

- **The Health and Safety Executive should establish more effective protection of the health and safety of pregnant women and new mothers at work and introduce better enforcement of health and safety risk assessments during pregnancy and for women who have recently given birth**

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<sup>21</sup> Alliance Against Pregnancy Discrimination in the Workplace (2009) *Pregnant women and new mums at risk of redundancy*

<http://www.maternityaction.org.uk/sitebuildercontent/sitebuilderfiles/allianceagainstpregnancydiscrimination.pdf>

<sup>22</sup> Ward, R. (2011) *Health and equality impacts of well paid parental leave*. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave2011.pdf>

<sup>23</sup> Valuing maternity <http://valuingmaternity.org/> Accessed: 07/05/2013

<sup>24</sup> Working Families (2009) *Report of Working Families Helpline 2009* <http://www.workingfamilies.org.uk/shop> and Working Families (2010) *Report of Working Families help line 2010* <http://www.workingfamilies.org.uk/shop>

<sup>25</sup> Maternity Action <http://www.maternityaction.org.uk> Accessed: 13/04/13

<sup>26</sup> Valuing maternity <http://valuingmaternity.org/> Accessed: 07/05/2013

- **The particular effects of poor workplace health and safety on pregnant women and those on maternity leave generally and on vulnerable groups of women specifically need to be addressed<sup>27</sup>**

## **Breastfeeding**

Weak breastfeeding rights at work create barriers to continuation of breastfeeding on return from leave.<sup>28</sup> Going back to work within the first six months has been found to be an important factor in breastfeeding cessation,<sup>29</sup> alongside the lack of breastfeeding at work facilities.<sup>30</sup> The World Health Organisation and Department of Health recommend exclusive breastfeeding for the first six months and breastfeeding in conjunction with solid food thereafter.<sup>31</sup>

The UK has no statutory right to breastfeed on return to work and this has not been included in the legislation, currently before the UK Parliament, which introduces shared parental leave and makes other changes to maternity, paternity and parental rights at work.<sup>32</sup> This is in stark contrast to the clear protections in the Equality Act 2010<sup>33</sup> for women who breastfeed in public places.

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<sup>27</sup> Ward, R. (2011) *Health and equality impacts of well paid parental leave*. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave2011.pdf>

<sup>28</sup> Ward, R. (2011) *Health and equality impacts of well paid parental leave*. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave2011.pdf>

<sup>29</sup> Guendelman, Lang Kosa, Pearl, Graham, Goodman and Kharrazi (2009) 'Juggling Work and Breastfeeding: Effects of Maternity Leave and Occupational Characteristics', *Pediatrics*, Official journal of the American Academy of Pediatrics, January 2009

<sup>30</sup> Ward, R. (2011) *Health and equality impacts of well paid parental leave*. Women's Health and Equality Consortium and Maternity Action: London <http://www.whec.org.uk/wordpress/wp-content/uploads/downloads/2011/10/HealthandEqualityImpactsofWellPaidParentalLeave2011.pdf>

<sup>31</sup> Department of Health (2003) *Infant feeding recommendations* <http://tinyurl.com/clyqhuk>

<sup>32</sup> Department for Education, Children and Families Bill 2013 <http://www.education.gov.uk/a00221161/children-families-bill> Accessed: 07/05/2013

<sup>33</sup> Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>