

Greater expectations

Summary final report

EOC's investigation into pregnancy discrimination

June 2005



EUROPEAN UNION
European Social Fund



Women. Men. Different. Equal.
Equal Opportunities Commission

“In terms of my career, I’m 33, but I’m back where I started aged 20 in terms of my salary, holiday pay and likely promotion prospects.”

Civil Servant and new mother

“... it was just completely different from the minute I found out I was pregnant, the attitudes of people, I don’t know, I just felt like an outsider, I’d worked there all them years with all the people I knew and I just felt pushed out, to be honest.”

Woman in focus group

“It is appalling that someone I had worked with for so long – had a good relationship with and had no complaints from – should treat me like this. It was extremely traumatic; I had stress related hospital treatment.”

Sarah Holland, software developer

“The problem is the archaic perspective of what pregnant women can do in the workplace. They see it as an illness. It wouldn’t have affected the way I do my job but I wasn’t given the chance.”

Michelle Smith, Internal sales consultant

“We went out and employed someone else and, I hate to say this because I’m the only female within the management, but they wanted the new person to be a man so that this wouldn’t happen again.”

Small employer, Acas focus group research

“It’s great that the investigation has exposed the scale of the problem. I would urge everybody to get behind the ‘Pregnant & Productive’ campaign.”

Denise Lewis, Olympic runner and mother

“Experience has taught us that women are more likely to return to the workplace if they feel they have been valued and looked after during their working pregnancy and maternity leave – and so the benefits can outweigh the costs.”

West Yorkshire Housing Association, 56 employees

“By effectively dealing with pregnancy the organisation has been able to retain the skills and knowledge of pregnant employees that would otherwise have been lost at great cost. At the same time, handled positively, pregnancy can be used as an opportunity to expand other employee’s skills.”

Diabetes UK, registered Charity with 170 employees

“The continued occurrence of pregnancy discrimination is hugely disappointing, particularly given that it is entirely avoidable. Pregnant women and new mothers make an essential contribution to society and our economy and I look forward to the day when this is recognised by all.”

Elaine Smith MSP

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Chair: Fiona Cannon, EOC Commissioner, Head of Equality and Diversity at Lloyds TSB Members:

- Caroline Waters, Director of People Networks, BT
- Janet Gaymer, Senior Partner, Simmons & Simmons, Chair of Employment Tribunal System Taskforce
- Liz Kendal, Director (previous), and Ruba Sivagnanam, Head of Policy Information & Campaigns, Maternity Alliance
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Executive summary

The EOC has undertaken a two-year investigation into pregnancy related discrimination at work. What we found was far worse than even we expected.

The extent and impact of pregnancy discrimination

- A million pregnant women are likely to experience discrimination at work over the next 5 years, if current trends continue.
- Each year almost half of the 440,000 pregnant women in Great Britain experience some form of disadvantage at work, simply for being pregnant or taking maternity leave. 30,000 are forced out of their jobs.
- Women who lose their jobs miss out on £12m in Statutory Maternity Pay each year and, on average, return to hourly earnings 5% lower than they could have expected, 14% less for those on lower incomes.
- Yet the majority of women take little or no action to assert their rights. Seven in ten pregnant women treated unfairly by their employers do not speak out. Around 3% of those who lose their job will attempt to seek financial compensation for their dismissal at an Employment Tribunal. Less than one in 20 will seek advice.
- This discrimination has serious, far-reaching implications for Government and employers, too. Women are nearly half the workforce and increasingly highly qualified. Unfair treatment at work during pregnancy makes it much less likely that they will return to their old jobs after maternity leave. And six times more likely that they will consider never going back to work at all. Employers not only lose out on their skills and experience, they also face extra recruitment and training costs.
- All women of childbearing age are potentially affected. Employer concerns about managing pregnancy may be having a wider impact on women's access to work. More research is needed but anecdotal evidence is shocking: 80% of HR professionals replying to one on-line survey said that they think twice before employing women of childbearing age. This needs to be tackled if the UK economy is to continue to grow.

The causes of pregnancy discrimination

Our investigation has established that the principal reasons for non-compliance with the law on pregnancy and maternity are:

- **A lack of knowledge and understanding of maternity rights.**
Many businesses do not understand their obligations towards pregnant women as well as they think they do. More than a quarter of businesses cannot name a single maternity entitlement. Awareness of health and safety responsibilities appears to be particularly low. Line managers, generally the first port of call for the pregnant employee, are also often the least well informed. Small employers often have problems keeping abreast of employment law.
- **Lack of dialogue and planning**
There are some serious challenges to managing pregnancy effectively – the most difficult being the disruption caused by the absence of the member of staff and uncertainty surrounding her return. But a lack of dialogue and inadequate planning are exacerbating, and in some cases causing, the disruption.

■ Costs

The costs associated with pregnancy, although not easily quantifiable, are a particular issue for small employers. We were informed that pregnancy in a micro business (less than 10 employees) can spell at best cash flow problems and at worst the threat of closure.

■ Negative attitudes towards pregnancy and maternity

A small minority hold views that may allow discrimination to take root, such as viewing pregnant women as less committed and less suitable for career progression or training.



Managing pregnancy well makes business sense

The majority of employers do have positive attitudes to pregnancy in the workplace. Employers who have learned to successfully manage pregnancy describe it as an integral part of a long-term business strategy, a key investment that is returned through:

- Improved talent, skills and knowledge retention (some achieve return-to-work rates of more than 90% after maternity leave).
- Lower absenteeism and better morale.
- A constantly developing and more productive workforce.

The way forward

All businesses can achieve these benefits, and many more will do so if the Government and employers respond positively to this report.

Our campaign has mobilised an unprecedented level of desire for change from all quarters – men as well as women, HR professionals, employers large and small, unions, the legal community and voluntary organisations. Everyone now has greater expectations.

Our recommendations are listed in Annex I.

Three of our key recommendations to achieve that change are:

- **A written statement of maternity rights and responsibilities for individuals and their employers to improve knowledge and understanding.**
- **A ‘green light’ for employers to ask women to indicate their return dates much earlier in the maternity leave, where this is possible, to improve dialogue and planning.**
- **Support for small businesses, a vital part of the UK economy, to support their specific needs. The Government should provide more financial support for micro employers who have a pregnant employee, and access to HR support for small employers.**

Introduction

Around 440,000 working women are pregnant in Great Britain each year. Almost half are likely to experience some form of disadvantage. More than 30,000 will be forced out of their jobs and left without work, an income, perhaps even access to benefits – just for getting pregnant. Only a tiny proportion seeks any advice or redress. If current trends continue, a million pregnant women are likely to experience discrimination at work over the next 5 years.

These are sobering statistics in 2005, the 30th anniversary of the Sex Discrimination Act. Before the advent of equality laws, women were expected to resign once they were ‘in the family way’. Most people would think that idea laughable today; pregnant women expect to be able to carry on working as long as they can, and most expect to return to work after maternity leave.

But the reality is that, despite the legal protection introduced over many years to help them do that, expectant and new mothers remain disturbingly vulnerable in the workplace. Women who have felt valued and respected throughout their careers say they find this counts for little once they announce their pregnancies. Instead they experience a loss of dignity, prospects, and even their livelihood, that can shake their confidence and trust to the core.



The costs of pregnancy related discrimination are untenable. Women who have been dismissed lose £12 million in Statutory Maternity Pay (SMP) annually and return to other employment on hourly earnings, on average, 5% lower than they could have expected, 14% less for those on lower incomes. The loss of women from the workforce also costs their employer – the recruitment, training and other costs of replacing them have been estimated at up to £126 m per year – and it costs UK plc too, in lost taxes and extra benefit payments.

In addition, there are unquantifiable costs. For pregnant women, excessive stress, anxiety, unsuitable workloads or other detriment in the workplace can put their health and that of their unborn babies at risk. Stress increases the danger of miscarriage and can lead to premature birth – a known factor in some long-term illnesses and disabilities.

Pregnancy discrimination costs those who want to have children and to give them the best possible start, by maintaining a decent income and quality of life. Pregnancy discrimination can undermine the financial and emotional security of the whole family.

“I was the main earner in our family and my salary was imperative to our day to day living. I am trying to get a job but my experience is within such a small industry that it is proving very difficult. The fact that I am pregnant is also going against me. My relationship with my partner is so strained and I have suffered frequent panic attacks.”

Woman who was dismissed

Fathers increasingly want to share in the care of their children, and research shows that this is best for children too. But the effect of mothers losing their income is often to force fathers to earn more, pushing them out of the home at the very time they are most needed.

There is even a knock-on effect on women who have no intention of having children; and employer concerns about managing pregnancy may be having a wider impact on women's access to work. We know that some employers deliberately steer clear of taking on women of childbearing age.

In fact, it costs all of us who depend on the success of the UK economy for our wellbeing and prosperity. Women now make up virtually half the workforce. They are increasingly highly qualified. Failing to ensure they are fairly treated at work during pregnancy makes it much less likely that they will return to their old jobs after maternity leave. And six times more likely that they will consider never going back to work at all.

“Deep down, you know these places are different, all employers are different, but at the time I just couldn't face going back to anybody like that, so to find another job was totally out of the question.”

Woman IES focus group, 2005

That translates into a leaching of talent and experience that employers, many of whom are already facing severe skills shortages, cannot afford. Our competitiveness in the global economy depends on a high-quality labour force. Employers are having to invest heavily in recruiting the best people for the job, and training and developing them to a high level. When women fail to return to work after maternity leave, or return to a lower level job, employers lose all or some of that investment.

“The stock market would not allow the waste of capital in the way we tolerate the waste of female talent and ability.”

Paul Myners, Chair of Marks & Spencer plc, Oct 2004

Employers who have learned to successfully manage pregnancy describe it as an integral part of a long-term business strategy, a key investment that is returned through:

- Improved talent, skills and knowledge retention (some achieve return-to-work rates of more than 90% after maternity leave).
- Lower absenteeism and better morale.
- A constantly developing and more productive workforce.

We believe that all businesses can achieve these benefits – even the smallest ones – if business support is provided.

There is an inevitable short-term disruption that causes problems for small and medium enterprises, but those SMEs that have found ways to minimise the disruption agree that it is outweighed by the long-term benefits of retaining the skills and talent of returners.

We have found that there is a great desire for change from all quarters. Women have given us the benefit of their experiences in the hope that future generations will not have the same problems; male supporters have told us they don't want their partners and families to be put in this invidious position either. Employers have told us about the difficulties of managing pregnancy and the need for more support. Employer associations have worked with us to find solutions to the problems.

Everyone now has greater expectations. This report contains a summary of the findings and recommendations contained in the full report of the investigation: *Greater expectations: Final report of the EOC's investigation into new and expectant mothers in the workplace.*

About this investigation

Despite the fact that the Employment Appeal Tribunal¹ first held 20 years ago that discrimination on grounds of pregnancy constituted sex discrimination, the EOC has continued to receive a high proportion of enquiries from women about bad experiences at work while pregnant, on maternity leave, or returning from leave – more, in fact, than for any other type of complaint.

Our concern about this led us to launch a formal investigation under our statutory powers, in September 2003, to determine the extent of pregnancy discrimination in Great Britain and the reasons for it.

We deliberately adopted a wide definition of pregnancy discrimination to encompass all the issues a woman in the workplace can face around childbirth. We took the term to mean any disadvantage at work caused wholly or partly by pregnancy, or by taking maternity leave.



In September 2004 we published an interim report based on our findings to date. It contained evidence from an analysis of hundreds of individual responses to our investigation, as well as from other key bodies such as the Maternity Alliance; a survey of over 750 employers in England, Scotland and Wales; research with small and medium-sized employers in Wales; and an analysis of tribunal decisions on pregnancy-related issues. It suggested some serious problems related to pregnancy and maternity rights, so we made some early, urgent recommendations for change. In Wales, interim recommendations were published in *Time to Deliver* – a report on the investigation in Wales.

Also in September 2004, we began a major consultation exercise with a wide range of stakeholders across Great Britain. We wanted to hear their views on our interim recommendations and on how managing pregnancy and maternity could be made easier.

We consulted employers of all sizes and across all sectors: over 1000 gave us feedback. We also spoke with their professional organisations: the Recruitment Employers Confederation, Confederation of British Industry, Small Business Council, Engineering Employers Federation, Forum of Private Business, Federation of Small Businesses, British Chambers of Commerce. And we consulted Acas, the Health and Safety Executive (HSE), the Commission for Racial Equality (CRE) and Citizens Advice.

In the second year of the investigation, we completed a further major survey, this time of 1000 women who had worked during a recent pregnancy, to find out how they were treated. And we examined details of women's experiences using in-depth interviews and focus groups.

¹ Hayes v Malleable Working Men's Club and Institute [1985] IRLR 367, EAT.

The full list of the evidence we have collected is found on in Annex 2 and can be accessed via our website at www.eoc.org.uk/pregnancy.

This work has culminated in the fullest picture ever of pregnancy discrimination in Great Britain – its extent, its nature, its impact. What the EOC found is that pregnancy discrimination is one of the most hidden and damaging forms of workplace injustice. It is even more widespread than we suspected when we embarked on this investigation. We were stunned at the number of women who said they had been dismissed, demoted, denied training or promotion, or bullied into quitting, just because of their pregnancy.

In revealing its shocking extent, our investigation has mobilised an unprecedented level of desire for change from all quarters – from men as well as women, HR professionals, employers large and small, unions, the legal community and voluntary organisations. We have had more than 1400 online pledges of support for our Pregnant & Productive campaign. And in a poll of 1000 adults in January 2005, 87% of people agreed that Britain needed to look after pregnant women at work because the economy needs them.

Armed with our knowledge of the scale of pregnancy discrimination and the reasons for it, and this momentum for change, we can move on to suggest what needs to be done in order for it to stop.



The scale of the problem

Nearly half (45%) of the 1,000 women we surveyed for this investigation said they experienced dismissal or disadvantageous treatment at work because of their pregnancy.² This treatment, if proven, would be unlawful under the Sex Discrimination Act 1975 and the Employment Rights Act 1996. 45% of pregnant women in the workplace would equate to more than 200,000 women per year across Great Britain.

The treatment they experienced was:

- **Loss of job.** 7% (around 30,000 women each year) who said they lost their jobs as a result of their pregnancy. Some were actually dismissed or made redundant but far more common was for women to be treated so badly they felt they had no option but to leave. Women who lost their jobs prior to going on maternity leave lost £1,500 in maternity pay on average, not to mention their lost earnings.³

“I was sick a lot [but]...I pulled my weight... towards the end they said we’re going to have to let you go. I didn’t even have to work my notice, they just said you don’t need to come in any more.”

- **Financial loss.** A further 14% of women, around 60,000 pregnant women per year, who suffered some form of financial loss due to their pregnancy or maternity leave. For example, they failed to get a promotion, had their salary or benefits reduced, or lost out on pay rises.
- **Other disadvantage.** An additional one quarter of the women, more than 100,000 women a year, suffered some other type of unfavourable treatment and often several types. They were, for example, given unsuitable or dangerous workloads, denied access to training or discouraged from attending antenatal classes in work time.



Protection of the health and safety of pregnant women at work is of paramount importance. Yet only half of the women we surveyed said their employers had assessed whether their duties presented any risk to their health, or that of their unborn child. The proportion was even lower for some groups, such as women working more than 40 hours a work and women in business services. This means that each year more than 200,000 women may be exposed to health risks in the workplace, and risks to their babies’ health. Even many of those who did receive a risk assessment said potential hazards were not identified or dealt with, leaving women to choose between continuing in dangerous working conditions or giving up their employment.

2 L Adams, F McAndrew and M Winterbotham (2005) *Pregnancy discrimination at work: a survey of women*. EOC.

3 T Hogarth and P Elias (2005) *Pregnancy discrimination at work: the costs of pregnancy related discrimination*. EOC.

Women experienced problems...

... during their pregnancies

35% of problems occurred prior to taking maternity leave. They included:

- Being dismissed, made redundant or treated so badly that they had to leave.
- Being encouraged/forced to start maternity leave early.
- Being discouraged or prohibited from attending antenatal classes in work time.
- Being given unsuitable workloads.
- Being denied promotion opportunities.
- Changes to pay and conditions or withholding of salary increases.
- Conflict over the amount of sick leave taken due to pregnancy-related illness.
- Verbal and physical abuse and harassment.

“[My sales manager] came up from behind and held my stomach and you know, I was in a meeting and he didn’t agree with what I said so his response was ‘Oh, ignore her, she’s soiled goods now’.”

... during maternity leave

- dismissal and redundancy
- failure to gain or be considered for promotion
- reduction in salary or denial of pay increases or bonuses
- inappropriate contact by the employer – either too much, making them feel unduly pressured, or too little, not informing them of opportunities for promotion or consulting them on restructuring.



“They had employed a marketing manager above me a week after I had left on maternity leave. They didn’t give me an opportunity to apply for the position, they didn’t tell me about it, they didn’t let me know at all.”

... on returning to work

Almost one quarter of women who went back to work after maternity experienced problems. These included:

- demotion or loss of seniority – including being offered a different job without notice, because the employer claimed it was not ‘reasonably practicable’ for them to return to the same job
- financial loss (reduction in salary or bonus, including returning to a lower level job).

Who is affected?

Pregnancy discrimination knows no boundaries: it is a problem for employees in all sectors, sizes of employer and occupations.⁴ Women in management positions, for example, are particularly likely to be discriminated against through losing jobs or income – around a third, compared with a fifth of pregnant women overall.

The research shows that the more vulnerable workers are most at risk of discrimination:

- Those with the least job security – 54% of women with **less than one year's service** experienced discrimination compared to 39% of those with five or more years of service. (In our employer survey, almost one in ten employers said that pregnancy within the first year of employment was 'frowned upon'.⁵)
- The **youngest** women – 12% of those aged 24 or under lost their jobs compared to 6% of those aged 25 or over.
- **Ethnic minority** women were more likely to experience discrimination than white women, 56% compared to 44%.
- Those on **low incomes** – women working in routine occupations, such as sales and customer services staff, suffer the greatest financial impact. Not only are they more likely than skilled or senior workers to be dismissed due to pregnancy or maternity discrimination and less likely to return to work, but the knock-on effect of discrimination on their future income is proportionately higher. When they return to employment, those who have lost their job or suffered other financial loss receive an income around 14% less than they could have expected had there been no discrimination.⁶ This means that a woman who could have returned on a salary of £10,250 returns to employment at £9,000 per year.
- Disabled women face additional disadvantage stemming from intrusive questions.

"The sort of questions people ask is a) 'how did you get pregnant?' And b) 'do you think you should have?' People ask questions they don't have the right to ask."

Disabled woman



Size of workplace is also a factor:

- Women working in workplaces **with fewer than 10 people** were more likely to say they lost their jobs as a result of their pregnancy than those in larger workplaces – 11% compared with 7%. This ties in with the general finding of this investigation, that the burden of managing pregnancy is particularly heavy for micro employers.
- However, there is more evidence overall of unfavourable treatment in **Scotland and England** (54 and 50% respectively) than in Wales (38%), where a much higher proportion of private sector employees work in micro enterprises (29% compared to 21% in Scotland and 19% in England).

⁴ Adams, McAndrew and Winterbotham (2005).

⁵ Young and Morrell (2005) *Pregnancy discrimination at work: a survey of employers*. EOC.

⁶ Hogarth and Elias (2005).

Why do these problems arise?

The majority of employers have positive attitudes to pregnancy in the workplace. More than half of women in our survey said they were allowed more flexibility in terms of their hours after announcing their pregnancy and 55% said their employer was more sympathetic about the tasks they were asked to perform.⁷

Nevertheless, 45% described treatment that, if proven, would be unlawful. Clearly a significant proportion of employers are failing to comply fully with the law. Why?

I. A lack of knowledge and understanding of maternity rights

Put simply, the evidence shows many businesses do not understand their obligations towards pregnant women as well as they think they do. While virtually all the employers we surveyed said they always supported women during and after their pregnancy, more than a quarter couldn't name a single maternity entitlement.⁸

Employers hold some common misconceptions. It is not lawful to treat a woman less favourably on account of her taking pregnancy-related sickness absence. Yet some employers believe they will not be discriminating if they treat a sick pregnant woman in the same way they would treat anyone else who was off sick or unable to fulfil their contract.

Line managers are generally the first port of call for the pregnant employee, but also often the least well informed. Only 56% of respondents in our employer survey thought their line managers were fully aware of their responsibilities towards pregnant women. Some employers, particularly in small workplaces, have unjustified confidence in the ability of their line managers to comply with the law.

Around three quarters of human resources professionals we surveyed said line managers' lack of knowledge about maternity rights had an 'adverse impact' on their organisation's ability to manage pregnancy. HR managers often found it difficult to ensure good practice was applied consistently across the organisation.⁹

Small employers often have problems keeping up with employment law, too, because they usually have no dedicated HR function. They have to comply with many regulations pertaining to their businesses and so tend to look for information about them on a 'need to know' basis – i.e., once they are forced into dealing with a pregnancy and not before.¹⁰

Awareness of health and safety responsibilities appears to be particularly low. Just 8% of employers who had employed a pregnant worker in the previous three years mentioned the right to a risk assessment, when asked to name a statutory right. Many overlook simple, everyday dangers such as standing for long

7 Adams, McAndrew and Winterbotham (2005).

8 Young and Morrell (2005).

9 Personnel Today online questionnaire (2004).

10 P Leighton and R Evans (2004) *Pregnant women at work: a survey of small business employers in Wales*. EOC.

periods, heavy manual handling or a stressful working environment, all of which can cause premature birth and have lasting health implications

Lack of clarity in the law also means there are some common areas of dispute that can lead to a serious and sometimes terminal deterioration in the employment relationship, for example:

- whether an employee's sickness is 'pregnancy-related'
- what is 'reasonable' paid time off for antenatal appointments
- what job a woman can be offered if there has been a re-structuring during maternity leave.¹¹

2. Lack of dialogue and planning

There are some very serious challenges to managing pregnancy effectively, and many employers don't think the law takes sufficient account of their operational needs. But a lack of dialogue and inadequate planning are exacerbating – in some cases causing – the uncertainty and disruption that make life so hard for many. Just a fifth of those we surveyed, for example, had developed pregnancy guidelines for managers.

Uncertainty

Almost 30% of employers we surveyed said the uncertainty over whether, and/or when, the employee would return to work after maternity leave caused 'severe' difficulties. It was often seen as a more significant problem than the maternity leave itself for SMEs.¹²

Employers are often not aware they have a right to discuss the return to work with an employee, both before she goes on leave and while she is away. And not all realise that employees not only have to set an expected date of return, but also have to give their employer notice of any change to this date.¹³

Consultation with large employers in Scotland revealed that this was a common problem. Research among Welsh SMEs found that, while some knew they had a right to make formal arrangements about the date of return to work, they felt uncomfortable enforcing this right, either because it went against the friendly ethos of their company or because they felt it would be seen as an unreasonable imposition or even harassment.¹⁴

However uncertainty need not be such a problem. Many women informed us that they wanted some contact during maternity leave. And research shows that those women who plan the return to work with their employer are much more likely to return. Although some women do change their mind about whether to return to work once they have a baby, research shows that in most cases there is little difference between a woman's intentions about returning and what she actually does. Eight out of 10 of all women who intend to return full time do so. Nine out of 10 of all women who intend to return part-time do so.¹⁵

Managing leave

The disruption to the business caused by losing an often vital employee for up to a year was considered the most significant problem for small businesses in our qualitative research. Managing maternity is regarded unequivocally as a 'problem' by small employers, and can engender near panic when an employee announces she is pregnant.¹⁶

¹¹ EOC Equality Exchange conferences with employers (2004).

¹² Leighton & Evans (2004).

¹³ Acas focus groups on pregnancy at work (2004).

¹⁴ Leighton & Evans (2004).

¹⁵ Houston & Marks (2003).

¹⁶ Acas (2004).

To fill the post temporarily can involve time spent recruiting and training a temporary replacement or paying a higher hourly rate for agency staff. However, in practice, only around 40% of small employers recruit temporary cover, either because they cannot find sufficiently skilled staff or because they do not believe it to be worth the time and effort.¹⁷

Conversely, where no temporary replacement is appointed, the extra workload falling on other employees can lead to resentment, and the absence of a member of staff to a potential loss of business and clients.

It is, however, possible to minimise the disruption caused by maternity leave by planning. Unlike most other forms of employee absence, the eventuality of a member of staff becoming pregnant one day can be catered for in advance. Similarly a pending maternity leave can be discussed and planned for. But many employers, especially smaller ones, lack the time, knowledge and resources needed to do so.¹⁸



3. Costs

This is a particular issue for small employers. The costs of complying with employment regulations in general is almost 35% higher, relatively speaking, for businesses with fewer than 20 employees than for those with more than 50.¹⁹ The Government already recognises that it should reimburse small employers for pregnancy which is why it pays 104.5% of statutory maternity costs for small employers. However, we have found that micro employers (with less than 10 employees) face particular difficulties. A pregnancy in a micro business can spell at best cashflow problems and at worst the threat of closure.

“The reality of operating in a competitive economy means that even minor changes in costs can be detrimental to a business. The challenge is balancing the desire to be fair with the reality of running a competitive business.”

Small business owner in Wales²⁰

The financial costs of managing maternity are not easily quantifiable, but can include recruiting and training a replacement, or paying a higher hourly rate for agency staff, together with the potential cost of suspending a pregnant employee on full pay on health and safety grounds (though this happens in only a tiny fraction of cases, around 1%²¹). Whilst every business faces these costs, they are proportionately much heavier for micro businesses. By reason of a woman going on maternity leave, the firm loses 10% or more of its workforce for a period of time that can be as long as 12 months, and will have either to bear this loss or bear the loss of a replacement.

Faced with this possibility, some employers simply decide not to comply with pregnancy and maternity legislation.²² Women working in establishments with less than 10 employees are more likely to feel forced to leave their job and have a lower return rate.²³

“Smaller employers perceive (rightly in some cases) that the costs of compliance are too high. I have dealt with actual dismissals in these circumstances.” Legal adviser responding to EOC survey

17 Leighton & Evans (2004).

18 Acas (2004).

19 Baldwin (2004).

20 Leighton & Evans (2004).

21 Adams, McAndrew and Winterbotham (2005).

22 Acas (2004); Leighton & Evans (2004).

23 Adams, McAndrew and Winterbotham (2005).



It may even lead them to avoid recruiting women of childbearing age altogether, so they don't end up with a pregnancy. We did not set out to investigate non-recruitment of women of childbearing age. But in the course of the investigation we have been struck by the number of employers who have openly admitted that they will not recruit women of childbearing age. The evidence, albeit anecdotal, is shocking: 80% of HR professionals replying to one on-line survey said that they think twice before employing women of childbearing age.²⁴ In Acas focus groups some small employers admitted that they had already unlawfully discriminated in this way.²⁵

The number of women who may lose out on employment opportunities due to such restrictive unlawful practices is huge, and this is an area which requires further research.

4. Negative attitudes towards pregnancy and maternity

Our survey of employers showed that a small minority hold views that may allow discrimination to take root.

- 16 % of employers thought pregnancy and/or having young children could affect decisions regarding career progression.
- 17 % of employers thought pregnant women 'generally tend to be less committed to work than other team members'.
- 12 % did not agree that 'women returning to work after maternity leave were just as committed to work as the rest of the team'.
- More than a quarter of employers (28%) disagreed that it was worth training someone who was pregnant, though it is unlawful to deny training for this reason.²⁶

Many of these attitudes are based on ignorance and fear – managers that had recently experienced pregnancy were less likely to harbour such views than those that hadn't. Small employers are often unaware that they too have rights.²⁷

These attitudes also reveal a lack of awareness of the business benefits that family-friendly practices can bring; and a view, mirroring that of the wider society, that combining work and caring responsibilities is a predominantly female juggling act, rather than one involving both parents.

It is worth noting, however, that our focus group research among women found a measure of sympathy with some of these views. Some felt, for example, that delaying training could be justified if there was a risk the employee would not return – as long as this was discussed with the employee first.²⁸

²⁴ Croner consulting online poll of 110 HR professionals (November 2004).

²⁵ Acas (2004).

²⁶ Young and Morrell (2005).

²⁷ Acas (2004).

²⁸ Adams, McAndrew and Winterbotham (2005).

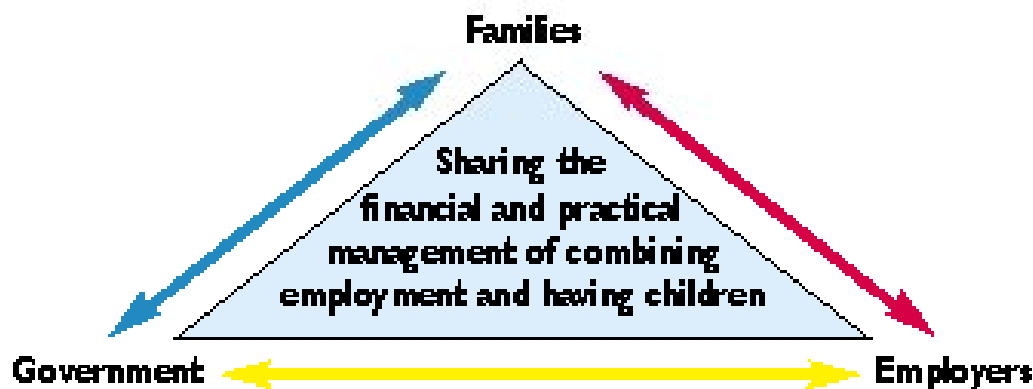
Things could be different

We believe that with some quite feasible changes, we can achieve our vision of a working environment where:

- Women feel able to tell their employers they are pregnant without fear of negative consequences.
- This announcement sets off a two-way dialogue between employee and relevant managers, in which the mutual rights and responsibilities are openly discussed, as well as any risks that might have to be addressed to ensure a healthy and safe pregnancy.
- That dialogue continues throughout the pregnancy and maternity leave, allowing employers to plan ahead and women to feel listened to and supported.
- Because they have planned, and are aware of the pregnant employee's plans, employers feel able to cope with the pregnancy without panicking about the impact on their business.
- Because they feel supported, women feel confident and happy about coming back to work after their pregnancy, whether full or part time.
- Employers retain the skills and knowledge of the employee for the long term, while allowing other employees to benefit from development opportunities while she is away.

But for this vision to become reality, we need to spread the costs and responsibilities of combining work and pregnancy more fairly and equitably. Imagine a finely balanced triangle with families at one corner, the Government at another and employers at the third. Just as all three 'corners' stand to gain from ensuring families can successfully combine paid work and having babies, so all three have an essential part to play in helping to achieve this. None can do it without the others.

The triangle of shared responsibility



Our recommendations

In the interim report of this investigation, we made some early recommendations, which were put out for consultation among interested parties.²⁹ Our main questions were:

- Will it provide a real solution by changing behaviour and attitudes, and have a lasting impact?
- Is it realistic, both in terms of making proportionate use of scarce resources and being largely acceptable to stakeholders?

Following this consultation and extensive further research, we have firmed up some of those early suggestions and devised further recommendations. We believe these solutions strike a balance between women's need to be able to combine work, pregnancy and motherhood without losing their jobs, income and prospects, and the real difficulties faced by employers in managing pregnancy in the workforce. We believe they are proportionate and realistic. In general they have the support of employers large and small, as well as trade unions.

The next three sections set out the most important recommendations. These are also listed at Annex I.



²⁹ *Tip of the iceberg*. The interim report of pregnancy discrimination GFI. EOC (2004).

What can the Government do to help?

1. Raise awareness among employers and families of their rights and responsibilities

We recommend:

A written statement, produced by Acas, to be given to a woman at her first antenatal visit, with instructions to hand her employer a tear-off duplicate copy when she gives notice of her pregnancy.

The statement will direct employers and individuals to a range of other resources, including sources of further advice, and help employee and employer to open a dialogue about the pregnancy. There will be separate information for partners.

This proposal has the support of other advisory bodies including the Health and Safety Executive (HSE), Citizens Advice and legal advisers, together with the Department of Health and health unions. The NHS Scotland has expressed support and in Wales the Welsh Assembly is looking to pilot the written statement later this year.

2. Help employers to communicate better with pregnant women and reduce the uncertainty over their return to work

We now have wide acceptance that enabling employers to maintain appropriate contact with women on maternity leave and to seek notice of return to work plans is crucial in helping them to manage pregnancy more effectively. The Government has recognised employers' need for greater certainty and is consulting on the appropriate time for employers to contact women to ask their return to work plans.³⁰ Some employers already operate successfully operate keep in touch schemes.



We recommend:

A 'green light' for employers to ask women to indicate their return dates, and any intention to request a change in hours, in good time before the return to work, wherever possible.

Guidance on the green light will be included in the proposed new Code of Practice and the toolkit for employers, including model letters giving ideas on how to ask for the information.

³⁰ DTI consultation paper, Flexibility and Choice (2005).

3. This must be allied to greater guidance in general for employers, small ones especially, on planning for and managing pregnancy and leave

Small businesses we spoke to said that a toolkit tailored to the requirements of small employers was necessary and important.³¹ In small workplaces only 19% of employers have developed their own guidelines for line managers, compared with more than three quarters of large ones.³²

We recommend:

A toolkit for employers written by the EOC, with a separate version specifically tailored to the needs of small employers.

This would provide employers and managers with a suggested framework for proper planning and dialogue and guidance on difficult issues.

Small employers have on average one pregnancy every 10 years. The majority do not have their own human resources (HR) function to enable them to plan for pregnancy and get to grips with the legislation they need to comply with.

We recommend:

The Government should provide access to one-on-one HR or equivalent support for small employers without HR functions to help them deal with pregnancy and maternity.

The Government has already set up a shared HR pilot scheme for small businesses, and this showed that professional face-to-face advice could boost small companies' confidence in complying with employment regulations and help them to minimise the disruption to their business. Ideally, this support would be open to both small employers and also to individuals who work for them, in order to provide help in resolving differences in the workplace without the need for litigation.

4. More financial support for micro employers



This would remove the disproportionate cost burden that falls upon the smallest businesses in managing pregnancy and maternity, and enable them to manage pregnancy positively, with a view to retaining the woman's skills for the long term. It would benefit some of the most vulnerable groups of women in the workforce, including those without union representation and those from ethnic minorities.

We recommend:

Financial support for micro employers, in the form of either a universal or means-tested grant or reimbursement of some of the costs, such as recruitment, training or health and safety.

Small businesses across England, Scotland and Wales support the view that financial assistance is a top priority, and over 90% of HR professionals also considered it would be helpful.³³

³¹ Leighton & Evans (2004).

³² Young and Morrell (2005).

³³ Feedback on EOC consultation document (issued in September 2004).

5. Better enforcement of health and safety duties

The HSE has already agreed to some steps to raise employers' awareness of the duty to carry out risk assessments. However, they have admitted that pregnancy is not an enforcement priority as they receive so few complaints about it.

The fact remains that the law is being broken on a massive scale. We want to ensure that women's health and safety during pregnancy is adequately protected.

We recommend:

Steps to ensure that every employed pregnant woman receives an appropriate risk assessment, whether this be achieved through the HSE, employers or other means.



6. Promote a national culture which supports parents who work, and sees childbirth as a parental rather than just a female issue

94% of fathers take some leave from work during the first 8 weeks of their child's life, and 70% of all fathers said they would like to be more involved in the care of their child than they are currently. In fact our research found that 83% of fathers support a policy enabling mothers to transfer leave to fathers.³⁴

We recommend:

A National Family Strategy in England, Scotland and Wales that improves lives for children and families by increasing parental choice, through an improved framework of paid leave for mothers, fathers and carers, better access to flexible working and quality childcare.

This strategy should help women return to work more easily and effectively after maternity leave. By emphasising the caring responsibilities of both male and female employees, it should enable the development of a business culture that supports and values **all** efforts to combine work and family effectively. It will provide a modern and reliable infrastructure of childcare support from which both parents, and their employers, will benefit.

³⁴ M Thompson, L Vinter and V Young (June 2005), *Dads and their babies: leave arrangements and the first year*. EOC.

What employers and their representatives can do

Without a positive working culture that recognises the value of all employees, pregnant or otherwise, the changes we are recommending will fail to make a real difference. That culture is achievable, as long as businesses feel they are adequately supported in managing pregnancy and understand the bottom-line benefits.

Make guidance on managing pregnancy relevant and specific

One of the main aims of the managing pregnancy toolkit recommended in the previous section will be to inform employers and line managers and show how better communication and dialogue can improve the experience of managing pregnancy bringing positive benefits for both the employee and the business.

But for employers to take it seriously, the guidance needs to be relevant to their businesses.

We recommend:

Employers and trade associations should adapt the toolkit that the EOC will prepare and distribute to their own members and/or their own sectors.

Some sectoral bodies and employer associations have already expressed a willingness to adapt guidelines drawn up by the EOC to fit their sector or membership, and to distribute them.

Guidance on health and safety duties also needs to be sector-driven and industry-driven, to help employers recognise and take action on all the hazards and issues that may affect pregnant employees.

We recommend:

Trade associations and sectoral bodies should work in partnership with trade unions to prepare model risk assessments.

Promote a family-friendly culture

Influencers and leaders in the business community can help to raise awareness and model best practice, thereby persuading other employers they have an important role to play in helping families combine work and parenting. As one employer put it:

“This area of the law needs to be re-presented from the ground up...a statement of a women’s role in the labour market... why it is economically sensible to treat a woman in this way... argue the case for pregnancy in the broader context of women’s contribution to the economy.”

There is a need to address the negative assumptions many employers hold surrounding pregnancy and maternity and bring about a change in the culture.

We recommend:

With Government support, major employers and their representative bodies, along with their trade unions, should communicate consistent and positive messages about the benefits to employers and wider society of supporting pregnancy and maternity.

The new duty on the public sector to promote gender equality, introduced by the Commission for Equality and Human Rights (CEHR) Bill, will provide an unprecedented opportunity to drive through culture change, by shifting the focus from what employers must **not** do, to a requirement to think and act proactively.

We recommend:

The new gender equality duty for public sector bodies or the accompanying guidelines should include measures requiring action to eliminate pregnancy and maternity related discrimination.

As well as addressing pregnancy discrimination in relation to their own employees, the public sector is also in a unique position to influence and drive a similar transformation in the private and voluntary sectors, for example, through requiring contractors to demonstrate a commitment to promoting gender equality in their own workplaces as part of the tendering process.

We recommend:

When contracting out, public authorities specify equality standards, including reinforcing the requirement to undertake pregnancy risk assessments, and assurances of an adequate maternity absence management system.

Consideration should be given to extending some positive obligations to the private sector.

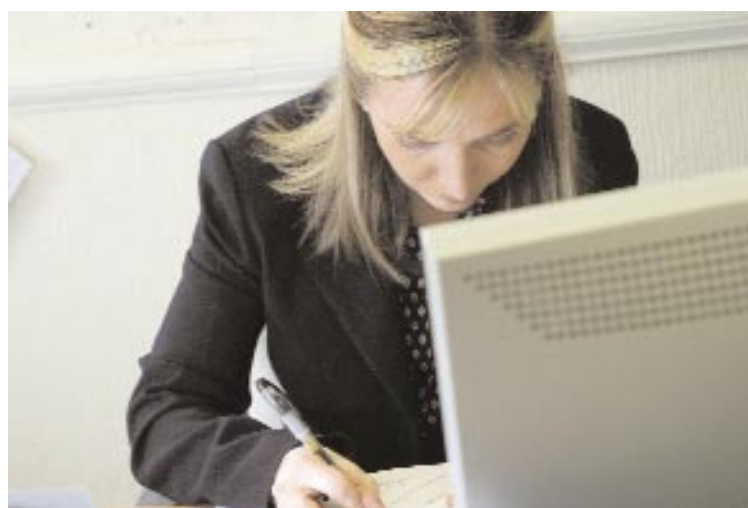
Give notice of changes to a woman's job after maternity leave

Employers are entitled not to give a woman returning from additional maternity leave her old job back, if it is not reasonably practicable. Due to a gap in the law, they don't have to give any notice of changes, and many women are informed only days before their return, often without being given the full reasons. Most have little choice but to take the new terms offered even if they do not regard the job as equivalent in terms and conditions.

We recommend:

Employers should be required to give notice under the contract of any proposed change to the women's job on return from additional maternity leave, and to consult with the individual about the alternative post offered, which must be equivalent to her original post.

This would reduce the scope for disputes and misunderstandings about the return to work through proper consultation, before making any changes to the returner's role.



Making the law work better for everyone

For women

We believe there are four prerequisites for women to be able to enforce their rights effectively, none of which is currently being fully met.

- They need to be aware of their rights, so they can recognise their treatment as discrimination rather than, say, a personal issue between them and their manager.



- There needs to be a culture of resolving disputes in the workplace, so that women feel able to take up their grievance with their employer, without fear of being labelled as a troublemaker or a burden.
- They need to be able to explain their rights clearly to their employer and point to a standard or benchmark, against which their treatment can be measured, and to which they can ask their employer to adhere.
- They need sufficient advice and support to be able to take their complaint to a tribunal if the matter remains unresolved, and be confident that they will not be victimised as a result.

None of these conditions is currently being met.

- 71% of those who suffer dismissal or disadvantage take no action at all, not even to raise it their line manager or employer.
- Many women are not aware of their legal position: 45% of those who experienced discrimination or unfavourable treatment said they did not take any formal action because they did not recognise it as an employment problem.³⁵ Women saw the treatment as ‘something that happened to them and was dependent upon individual managers within an organisation and not organisational culture’.³⁶
- But even when women appreciate that they have been unfairly treated, around half of women do not raise the issue internally in case it alienates their employers.³⁷ The experience of Citizens Advice is similar: ‘Many aggrieved workers, even when advised of their rights, are reluctant to approach their employer for fear of suffering victimisation and, ultimately losing their jobs – pregnant women and new mothers are particularly vulnerable in this regard’.³⁸
- Of the 30,000 who are dismissed annually, four-fifths write off their loss without taking any action or seeking advice, even though it may cost them their SMP, their income and future job prospects.

³⁵ Adams, McAndrew and Winterbotham (2005).

³⁶ Focus group research by the Institute of Employment Studies.

³⁷ Focus group research by the Institute of Employment Studies.

³⁸ Birthrights, National Association of Citizens Advice Bureaux (March 2000).

- For the remaining 170,000 who are not dismissed but suffer financial loss or other disadvantage at work due to their pregnancy or maternity, the proportions attempting to preserve their rights are even smaller. Less than one third even go as far as taking the initial step of raising it with their line manager on an informal basis.³⁹
- There is no single authoritative document on the law that can be used as a basis for resolving workplace disputes.
- Overall, less than one in 20 women with a pregnancy-related problem at work seek any advice and – even where advice is given – in most cases it does not enable a woman to take a claim. Less than 1 in 30 attempt to seek financial compensation for their dismissal or other discrimination at the Employment Tribunal.⁴⁰
- The reasons for not doing so include concern for their health and that of their unborn child, given the stress and anxiety involved, concern for their career prospects, and also the belief that they cannot prove their case.⁴¹ With the introduction of the new statutory grievance procedures in October 2004, women can only go to tribunal if they have made an internal grievance first – this is likely to limit their access to justice even further.

“No way would I go to a tribunal – your cards are marked – your employment future is in jeopardy and your time with your child is marred by this issue.”

- The three-month time limit for starting ET proceedings also presents an obvious and significant barrier for many pregnant women and new mothers.



The EOC wholeheartedly supports the Government’s focus on finding mechanisms for employment-related disputes to be resolved in the workplace wherever possible. But for those individuals who do need to take legal steps to assert their rights, there needs to be clearer protection and more support and help. There also needs to be a single authoritative document on the law that can be used as a basis for resolving workplace disputes.

We recommend:

- **making the existing protection against victimisation, for a woman making a complaint to her employer, more comprehensive** – so that she can be certain of protection from victimisation as a result of her having made any complaint – whether in the workplace or to the tribunal – that any of her maternity rights have been infringed, or having contacted an external body or raised an internal grievance
- **increased capacity for existing services** to offer advice and support to those individuals who wish to enforce their claim
- **greater investment in the transfer of expertise** from bodies such as the EOC to HR advisers, Citizens Advice Bureaux and legal advisers
- a **statutory Code of Practice, produced by the EOC** as a single point of reference on the law relating to pregnancy and maternity, which would be used as a benchmark both in internal disputes and tribunals
- an **extension of the three-month time limit** for registering a pregnancy or maternity-related unfair dismissal or sex discrimination claim. A parallel extension of time will be required for lodging a statutory grievance.

³⁹ Adams, McAndrew and Winterbotham (2005).

⁴⁰ Adams, McAndrew and Winterbotham (2005).

⁴¹ Adams, McAndrew and Winterbotham (2005).

For employers

The law on pregnancy and maternity is found in an array of different statutory schemes, European law and in case law. Employers complain that this jigsaw of rights and responsibilities is so complex that even the best-intentioned may fall foul of it.

The different pieces of legislation, such as the Employment Rights Act and Sex Discrimination Act overlap but are sometimes inconsistent and even conflict: even while working within the letter of the ERA, employers may still commit sex discrimination under the SDA. There are gaps in the law and uncertainties about its scope. Some rights are not clear in law, such as whether bonuses and annual leave accrue during additional maternity leave. These are causing unnecessary friction. And when a point at issue is clarified by the courts, this can generate the need for introduce new regulations and yet more guidance for businesses to take on as a matter of urgency.⁴²

We recommend:

- **The Government harmonises and simplifies equality and employment legislation** to address the aspects of employment law relating to pregnancy and maternity that cause misunderstanding, conflict and difficulty. We hope that the Discrimination Law Review announced in February 2005 will provide an opportunity to do this.

Conclusion

The data we have collected shows that the levels of pregnancy discrimination in our workplaces is appalling. It surprised even the EOC – and we already suspected that the picture was bad. And it sent shock waves through the population and the media.



But it doesn't have to be like this. There are some serious obstacles to managing pregnancy positively in the workplace, and our report does not make light of those. But we also think that many of the problems that are causing so much damage can be put right, if the will is there to make it happen.

And we believe it is. Women have signed up to our campaign in their thousands, because they no longer want to risk their jobs, their prospects or their financial security just because they decide to have children; male supporters have told us they don't want their partners and families to be put in this invidious position either. Employers have become more open about the difficulties of managing pregnancy and the need for more support.

This problem is not about to be swept back under the carpet. Everyone now has greater expectations.

⁴² New SMP Regulations from 6/4/05.

Annexes

Annex I

Recommendations from the investigation

We recommend:

- A written statement, produced by Acas, to be given to a woman at her first antenatal visit, with instructions to hand her employer a tear-off duplicate copy when she gives notice of her pregnancy.
- A 'green light' for employers to ask women to indicate their return dates, and any intention to request a change in hours, in good time before the return to work, wherever possible.
- A toolkit for employers written by the EOC, with a separate version specifically tailored to the needs of small employers.
- The Government should provide access to one -to-one HR or equivalent support for small employers without HR functions to help them deal with pregnancy and maternity.
- Financial support for micro employers, in the form of either a universal or means-tested grant or reimbursement of some of the costs, such as recruitment, training or health and safety.
- Steps to ensure that every employed pregnant woman receives an appropriate risk assessment, whether this be achieved through the HSE, employers or other means.
- A National Family Strategy in England, Scotland and Wales that improves lives for children and families by increasing parental choice, through an improved framework of paid leave for mothers, fathers and carers, better access to flexible working and quality childcare.
- Employers and trade associations should adapt the toolkit that the EOC will prepare and distribute to their own members and/or their own sectors.
- Trade associations and sectoral bodies should work in partnership with trade unions to prepare model risk assessments.
- With government support, major employers and their representative bodies, along with their trade unions, should communicate consistent and positive messages about the benefits to employers and wider society of supporting pregnancy and maternity.
- The new gender equality duty for public sector bodies or the accompanying guidelines should include measures requiring action to eliminate pregnancy and maternity related discrimination. Consideration should be given to extending some positive obligations to the private sector.
- When contracting out, public authorities specify equality standards, including reinforcing the requirement to undertake pregnancy risk assessments, and assurances of an adequate maternity absence management system.
- Employers should be required to give notice under the contract of any proposed change to the women's job on return from additional maternity leave, and to consult with the individual about the alternative post offered, which must be equivalent to her original post.

Making the law work better

We recommend:

- Making the existing protection against victimisation, for a woman making a complaint to her employer, more comprehensive – so that she can be certain of protection from victimisation as a result of her having made any complaint – whether in the workplace or to the tribunal – that any of her maternity rights have been infringed, or having contacted an external body or raised an internal grievance.
- Increased capacity for existing services to offer advice and support to those individuals who wish to enforce their claim.
- Greater investment in the transfer of expertise from bodies such as the EOC to HR advisers, Citizens Advice Bureaux and legal advisers.
- A statutory Code of Practice, produced by the EOC as a single point of reference on the law relating to pregnancy and maternity, which would be used as a benchmark both in internal disputes and tribunals.
- An extension of the three-month time limit for registering a pregnancy or maternity-related unfair dismissal or sex discrimination claim. A parallel extension of time will be required for lodging a statutory grievance.
- The Government harmonises and simplifies equality and employment legislation to address the aspects of employment law relating to pregnancy and maternity that cause misunderstanding, conflict and difficulty.

Annex 2

How we got our evidence

Research commissioned by the EOC

G James (2004) *Pregnancy discrimination at work: a Review*. EOC Working Paper Series 14.

A Heron (2004) *Pregnancy discrimination: some international comparisons*. EOC.

V Young and J Morrell (2005) *Pregnancy discrimination at work: a survey of employers*. EOC Working Paper Series 20.

V Young and J Morrell (2005) *Pregnancy discrimination at work: a survey of employers in Scotland*. EOC Working Paper Series 21.

V Young and J Morrell (2005) *Pregnancy discrimination at work: a survey of employers in Wales*. EOC Working Paper Series 22.

L Adams, F McAndrew and M Winterbotham (2005) *Pregnancy discrimination at work: a survey of women*. EOC Working Paper Series 24.

P Leighton and R Evans (2004) *Pregnant women at work: a survey of small business employers in Wales*. EOC Wales.

J Gregory (2004) *Pregnancy Discrimination at Work: a Review of Employment Tribunal Decisions from May 2002 to December 2003*. EOC.

Maternity Alliance (2004) *Pregnancy discrimination survey*. EOC.

Maternity Alliance (2004) *Pregnancy discrimination at work: a review of experiences of disadvantaged groups*. EOC.

S Lux (2004) *Women's experience of pregnancy discrimination in Wales: a survey of EOC helpline callers in 2003*. EOC Wales.

S Davis, F Neathey, J Regan and R Willison (2005) *Pregnancy discrimination at work: a qualitative study (IES)*.

T Hogarth and P Elias (2005) *Pregnancy discrimination at work: the costs of pregnancy related discrimination*. EOC.

E Cronin, F South and M Thewlis (2005) *Pregnancy discrimination at work: a secondary analysis of the 2002 Maternity Rights Survey*. EOC.

Research carried out by the EOC

How can the legal system be improved? Survey of legal experts, 2004, EOC.

How well is the Employment Tribunal system working in cases of pregnancy discrimination? Survey of employment tribunal chairmen, 2004, EOC.

Research into lesbians' experiences of pregnancy and work, 2004, EOC Wales.

Other research carried out for the investigation

Personnel Today published an online questionnaire seeking feedback on the investigation's interim recommendations. Over 1,000 HR professionals completed the questionnaire.

Acas focus group research. *Pregnancy at work: research to explore experiences of employers in small firms*. Cragg, Ross, Dawson, 2004. Available at www.acas.org.uk/publications/pdf/research_PregnancyAtWork.pdf

The EOC received over 500 responses to a questionnaire asking for individual women's experiences of working while pregnant.

Consultation with employers and employer associations

Written responses to the consultation documents issued in September 2004 were received from:

England and Wales	Scotland
Recruitment Employers Confederation	FSB Scotland
Forum of Private Business	Scottish Trade Union Congress (STUC)
Institute of Directors	Association of Scottish Businesswomen
Small Business Council	Stow College
Federation of Small Businesses	Scottish Environmental Protection Agency
British Chambers of Commerce	City of Edinburgh Council
EEF	South Lanarkshire Council
Confederation of British Industry	Scottish Prison Service
Highlands and Islands Enterprise	Pitman Training Centre Edinburgh
Harbourne Products Ltd	Hall Marketing
USDAW	Dundee College
Disability Rights Commission	Scottish Leadership Foundation
Hall Marketing	Dumfries & Galloway Fire Brigade
Barclays Bank plc	Juno Consultants
	HBOS (Halifax Bank of Scotland)

Meetings of the EOC's Equality Exchange were held in England, Scotland and Wales and attended by over 150 employers. Also a 'business breakfast' for employers was hosted by Lloyds TSB.

Representatives of employment law firms and other legal and advice organisations attended discussions on the effectiveness of the legal system, February and March 2004.

Consultation with black and ethnic minority groups

A discussion was held in Cardiff in May 2004 attended by representatives from Welsh Refugee Council, Women's Workshop, Displaced People in Action, Sisters in Action, MEWN Cymru, ABCD, Sanatan Dharma Mandal Hindu Community Centre and Iranian Community.

Representatives from CRE, Acas, USDAW, Maternity Alliance were consulted as part of a racial equality impact assessment on the proposed recommendations.

Consultation with disabled women

A discussion on particular problems faced by disabled women was held in Cardiff in June 2004, facilitated by Disability Wales.

Exploring and testing the recommendations

The EOC explored the investigation's recommendations with many interested organisations, including: the Department of Trade and Industry, Department of Health, Women and Equality Unit, Acas, Health and Safety Commission/Executive, LACORS, Citizens Advice, Royal College of Midwives and TUC Equality Officers Group.

Managing pregnancy positively – case studies

Macpherson Mystery Shopping and Research Ltd

As a small employer, Mrs Macpherson realised the importance of planning for pregnancies in advance after she and one of her administration staff both became pregnant. In order to ensure that the business could be covered at all times, she decided that every member of staff should be trained to do another person's job, instead of one person being indispensable to a job. She found that, although it was expensive to start with, in the long run it was cheaper than taking on agency staff, and much less disruptive.

West Yorkshire Housing Association

Periodically, West Yorkshire Housing Association looks at the jobs throughout the organisation and identifies which would definitely require a replacement to be externally recruited should the jobholder become pregnant or be absent on long-term sick leave. This means that if an employee who holds one of these posts becomes pregnant, the recruitment process can swiftly begin.

Ashstead Plant Hire

This company provides a CD toolkit for managers, consisting of cue cards that include maternity and paternity, training and development and equal opportunities. The toolkit been placed on the intranet and offers on-line standard letters.

Scottish Environmental Protection Agency

Line managers are guided through pregnancy risk assessments by staff with Health and Safety responsibilities. Most field staff are restricted to office-based duties during their pregnancy in order to prevent risks such as Leptospirosis exposure. All laboratory workers are assessed and any pregnancy-related risks immediately dropped from their workload.

Cooperative Insurance Services (CIS)

CIS staff on maternity leave receive copies of an internal newsletter (CIS Newsview) and staff bulletins. They also receive the latest vacancy notifications and, when they are ready, will be invited to attend staff briefings, training sessions or any other events that may be of interest.

Diabetes UK

Diabetes UK views a maternity leave absence as a developmental opportunity for other staff. And, in order to encourage women on maternity leave to return to work after leave, they discuss the woman's desired working hours on return prior to her going on leave, and investigate how these can be accommodated.

Equal Opportunities Commission Helpline 0845 601 5901

(Calls charged at local rates)

Interpreting service available for callers to the Helpline

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