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work and working lives*

## **Pregnancy and maternity discrimination: extending redundancy protection for women and new parents**

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Submission to the Department for Business, Energy and Industrial Strategy

**Chartered Institute of Personnel and Development (CIPD)**

**April 2019**

## **Background**

The CIPD is the professional body for HR and people development. The not-for-profit organisation champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years. It has 150,000 members across the world, provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.

Our membership base is wide, with 60% of our members working in private sector services and manufacturing, 33% working in the public sector and 7% in the not-for-profit sector. In addition, 76% of the FTSE 100 companies have CIPD members at director level.

Public policy at the CIPD draws on our extensive research and thought leadership, practical advice and guidance, along with the experience and expertise of our diverse membership, to inform and shape debate, government policy and legislation for the benefit of employees and employers, to improve best practice in the workplace, to promote high standards of work and to represent the interests of our members at the highest level.

## **Method**

We ran a short online survey from 3 March until 1 April which we promoted to our members through social media and our e-update newsletter with 315,000 subscribers. We received 82 responses in total. Because the sample is less than 100 – alongside % we have included the raw numbers.

We also included a poll question in our e-update newsletter on 20 March which achieved 287 responses. See appendix for results.

We will be happy to share the full breakdown of survey results upon request. Email [f.meagher@cipd.co.uk](mailto:f.meagher@cipd.co.uk).

## **Our response**

### **Awareness and use of pregnancy and maternity information and guidance**

Our survey results indicated that our members were most likely to be aware of the Acas guidance on pregnancy and maternity discrimination, with 88% (72 people) saying this. There was also a strong awareness of the Gov.UK website covering pregnancy and maternity discrimination (76%, 62 people) and the Health and Safety Executive guidance on protecting new and expectant mothers (61%, 50 people). There was very little awareness, however, of the EHRC's Working Forward Campaign, with just 12% (10 people) showing awareness of this. A tenth (8 people) of those surveyed also said that they were unaware of any of the above sources of pregnancy and maternity information and guidance listed.

When it comes to use of the information and guidance, it follows a similar pattern to the awareness. The Acas guidance on pregnancy and maternity discrimination is again the most likely to be used, with almost all those that are aware of it making use of it (88% that are aware of it and 87% (62) use it). The Gov.UK website on pregnancy and maternity discrimination is also well used (68%, 48) and the Health and Safety Executive guidance on protecting new and expectant mothers is used by just under half of our sample (48%, 34). Again, few were making use of the EHRC's Working Forward Campaign (10%, 7) and just 6% (4) said that they don't make use of any of the sources of pregnancy and maternity information and guidance listed.

Just over a third (35%, 25) of respondents had used pregnancy and maternity guidance not listed in the consultation document. The most popular sources included CIPD resources including the CIPD helpline and HRinform, legal advice, Xpert HR and Maternity Action.

### **Effectiveness of pregnancy and maternity information and guidance**

We also asked respondents how effective those resources have been in informing them or their organisation of their rights and obligations to pregnant women and new mothers. The responses were positive overall on this, with 32% (20) believing them to be very effective and a further 62% (39) believing them to be effective. Just 3% (2) of respondents felt that they were not very effective.

## **Gaps in the information and advice currently provided**

We asked respondents whether they thought there were any gaps in the advice and guidance currently provided to employers about the employment rights of pregnant women and new mothers and employers' obligations to them. More than three fifths (63%, 42) said yes.

Of those that felt there were gaps in the current provision, we asked them to highlight the gaps and what would be most useful in terms of filling them.

The responses were fairly wide ranging for this question. Several respondents wanted more information about the redundancy consultation and selection process including finding suitable/ reasonable alternative roles and the extent to which an organisation can consult with an individual whilst on maternity. Several respondents also wanted more information/guidance on the best way to communicate with mothers on maternity leave, best use of Keeping In Touch (KIT) days and the best way to support mothers returning to work. Other comments, included:

- Tightening loop holes;
- Clarity on the protection period;
- Extension of time limits for raising concerns for pregnant/ returning mothers;
- More practical and more visible employer friendly guidance;
- Absence guidance in early pregnancy and how to deal with pregnancy-related illness;
- Better awareness of father's rights within Shared Parental Leave;
- Simplifying maternity rights and benefits;
- Making clear the risks of not complying - hard (fines) soft (reputation); and
- Advice should be given at the point of notice of pregnancy.

Finally, we asked respondents who felt that there were gaps in the current provision, which organisation/bodies are best placed to fill the gaps and provide further support. Respondents were most likely to point to the Government and professional bodies like the CIPD, followed by Acas, with fewer mentioning trade unions and employment lawyers.

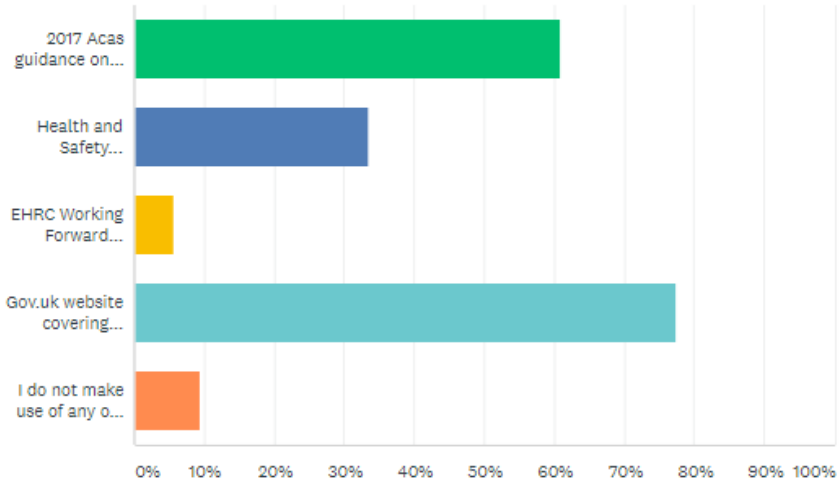
## **Our recommendations**

1. Overall, the awareness, use and assessment of effectiveness is relatively high for existing sources of information and guidance on pregnancy and maternity such as Acas, Gov.UK and the Health and Safety Executive guidance. **We would therefore recommend that the Government continues to communicate and share these resources with as many organisations as possible.**
  
2. However, three fifths (63%) believe there are gaps in the advice and guidance currently provided to employers and over a third (35%) of respondents use other sources of information. This suggests that **further practical guidance would be beneficial.**
  
3. We think it would be helpful to provide more practical information in 2 areas:
  - a. Information about the redundancy consultation and selection process including finding alternative roles
  - b. Guidance on the best way to communicate with mothers whilst on maternity leave (Including making the best use of Keeping In Touch (KIT) days) and the best way to support mothers returning to work
  
4. Respondents would most like to see this provided by the **Government or professional bodies (like the CIPD), with several suggesting a partnership between the two** would be beneficial.
  
5. Although we didn't look at the effectiveness of guidance available from the individual perspective of pregnant or new mothers, we do believe that it would be helpful to provide this group with **information about pregnancy and maternity discrimination when they collect their MAT B1 forms**, so they are aware of their rights and how they should be treated from an early stage in their pregnancy. On a different but related topic, we also think it would be beneficial to provide more information about Shared Parental Leave at this point, to help fully inform their choices regarding parental leave at an early stage.

**Appendix**

Do you make use of the following pregnancy and maternity guidance/information? Tick all that apply

Answered: 287 Skipped: 0



ANSWER CHOICES	RESPONSES	
▼ 2017 Acas guidance on pregnancy and maternity discrimination	60.98%	175
▼ Health and Safety Executive guidance on protecting new and expectant mothers	33.45%	96
▼ EHRC Working Forward Campaign	5.57%	16
▼ Gov.uk website covering pregnancy and maternity discrimination	77.35%	222
▼ I do not make use of any of the above	9.41%	27
<b>Total Respondents: 287</b>		

*CIPD e-update, 20 March 2019*