'View from the Chair' article published in the Business Newsletter, 5 August 2014 by Dr Michael Wardlow, Chief Commissioner, Equality Commission NI

Maternity rights key for sex equality at work

Every year the Commission handles a large number of calls from women of all ages, who feel that they have been discriminated against due to their sex. The most common ground of complaint is that the woman concerned has suffered discrimination because of pregnancy or maternity.

Of course this reflects a stubborn fact which has persisted through all the changes we have seen in legislation and society over the past decades - the responsibilities which attach to having and caring for children have a greater impact on the lives and employment prospects of women than on men.

Each year we support a selected number of these cases. Just last week, we publicised a case in which a young woman was dismissed from her job because she was pregnant. The Tribunal ruled in her favour and awarded her compensation. We publicise it to highlight the fact that pregnant women are protected by law against this kind of treatment.

As a society, we need to do all we can to ensure that women can continue in work while having, and bringing up, a family. Despite all the advances which have been made, women will not have full equality in the workplace if they remain liable to lose their job because they become pregnant; or can be treated unfairly on their return from maternity leave.

But it is not enough simply to put strong equality legislation in place and leave it at that. Laws can only change behaviours where they are seen to be effective and justified.

I know that some employers, particularly smaller employers, can feel that this legislation puts a considerable burden on them, that they can't afford to have employees off work for months. But people have the right not to suffer unlawful discrimination regardless of the size or kind of firm in which they work.

While small employers may feel that someone being absent because of pregnancy leaves a significant gap in the workplace, in reality maternity is usually a brief period in a woman's whole career. Employers can usually recover 92% of Statutory Maternity pay and a business which qualifies for small employers' relief can receive up to 103%. Employers can also find that, through offering flexibility in their working arrangements, they are able to tap into a wider pool of talent and keep people of experience and expertise in their workforce. That is of value to any business.

So, the legislation is a foundation on which we can build a more fair and just society. It is also an instrument to help ensure that the present generation of young women can give practical implementation to the principle of sex equality.

The Commission does a lot of work advising and helping employers about all equal opportunities issues, and that includes pregnancy. We have sections on our website specifically for small employers; setting out all the legal requirements and giving practical advice on how to make sure that any employee who is pregnant, or returning to work after pregnancy, is treated properly, within the law.