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Blog article by Anne McKernan, Director of Legal Services, ECNI

Pregnancy and Maternity Discrimination remains an issue for working mothers

Thirty-five years ago, the Industrial Tribunal found that Janette Jordan was discriminated against by her employer, Northern Ireland Electricity, when it failed to consider her properly for a promotion because of her pregnancy. Despite the considerable passage of time and our clear sex equality laws, the reality is that many working women are still experiencing unfair treatment and being penalised for being pregnant and taking maternity leave in workplaces across Northern Ireland.

Every year the Equality Commission continues to be contacted by women who believe they have been treated unfairly at work because they are pregnant or on maternity leave. On average more than a fifth of complaints of discrimination received by the Commission are about sex discrimination, of these 21.5% are to do with pregnancy or maternity. The issues raised are not confined to any particular sector and it is happening regardless of the level, type or grade of job held by women.

The Commission has recently supported the cases of four individual women in their claims of sex discrimination against their employers. Each of these were settled before the case went to an Industrial Tribunal for hearing, they include a shop worker, a scientific officer, an operations manager and a childcare assistant.

Each of the women believed that decisions made about them by their employers in relation to their jobs were affected by their pregnancy or maternity leave. All of the cases were settled without admission of liability and each of the companies agreed to meet with the Equality Commission to review their policies, practices and procedures on equality of opportunity. The total compensation awarded overall for the four separate cases amounted to £48,000.

Working women are an essential part of building and maintaining a successful economy. It is vitally important that we retain these skilled, knowledgeable and experienced women.

The onus is on employers to ensure that they operate within the law. The law offers protection to ensure that women who are pregnant and those with young families are able to remain in and continue to advance within the workforce. We must ensure that employment opportunities are open to everyone and that the barriers faced by women in work due to their pregnancy or maternity are dismantled.

Synopsis of Settlements

- 1. Pauline Kearney** worked as a shop assistant for Mary and William McVeigh Trading as Costcutters Dunavil in Killeel. She believed her employer became abrupt and made her feel uncomfortable after she informed them of her pregnancy. When she contacted her employer about returning to work after maternity leave, she alleged she was told she had only been taken on as temporary and that they didn't think she would get pregnant. She was not given her job back. As part of the settlement terms, Ms Kearney received £10,500 from her former employer, without admission of liability.
- 2. Mihiola Rea** was employed as a Childcare Assistant at Allstars Out of School Club. She was dismissed from her job shortly after telling her employer she was pregnant. At the time of her dismissal she was on pregnancy related sick leave. The dismissal letter informed her that her employment would cease at the end of her probation period. Ms Rea believed that she had already completed her probationary period as she had worked there for more than six months. Ms Rea received £7,500 from her former employer as part of the settlement terms of her case, which were agreed without admission of liability.
- 3. Kelly English** worked for Biffa Waste Services Ltd for a decade, she was employed as an Operations Manager. While on maternity leave she was made redundant. She believed that she was the only person made redundant at that time. She alleged that she was not informed of suitable alternative employment and other employees who were also at risk of redundancy were able to attend employment training events. As part of the settlement terms, Biffa Waste Services Ltd paid £20,000, without admission of liability, to Ms English.
- 4. Emma Carson** worked at scientific officer level in the Department of Agriculture, Environment and Rural Affairs (DAERA) from 2011; she was employed through an agency contract with Premiere People NI. The project she was working on prior to maternity leave was due to end shortly, and she was not assigned another project. Instead in May 2018 her contract was terminated. She believed that she had been unfairly treated and discriminated against as a result of taking maternity leave. Premiere Employment Group Ltd T/A Premiere People NI and the Department of Agriculture, Environment and Rural Affairs paid £10,000 jointly, without admission of liability to Ms Carson as part of the settlement terms of the case.

See our guidance for employees:

[Pregnancy and maternity at work - your employment rights](#)

Advice for employers by Paul Oakes, Manager, Advisory Services Team

Pregnant women and new mothers enjoy a wide but complex set of enforceable legal rights which regulate their relationship with their employers, and in some cases, their prospective employers.

It is important that employers and managers understand their responsibilities, are committed to fulfilling them, and go about making decisions in a reasoned, consistent and fair manner. To do this, we suggest you:

- Develop a set of policies: a maternity policy, an equal opportunities policy, a harassment policy, a grievance procedure, a fair recruitment policy and procedure, a fair redundancy procedure and a flexible working policy. The Commission has produced a set of template policies to help employers.
- Inform employees about these policies and procedures, include them in handbooks, on intranets and notice boards.
- Provide training to all managers to enable them to understand your legal responsibilities and their own responsibilities under the relevant policies and procedures.
- Deal promptly and seriously with all complaints of discrimination and harassment that you may receive and take disciplinary action against the perpetrators where it is warranted.
- Keep the policies and procedures under review: It is good practice to periodically monitor and review the effectiveness of employment policies and to assess their impact on the promotion of equality of opportunity.

Download our guidance: [Pregnancy and maternity at work – a guide for employers in Northern Ireland](#) (pdf, 2016) or read more at www.equalityni.org/PregnancyMaternity