

View from the Chair; Business Newsletter; 13 April 2021 Geraldine McGahey, Chief Commissioner, Equality Commission NI

Pregnancy and maternity in the workplace

Despite the fact that women make an important contribution in our workplaces and to our economy, pregnancy discrimination is alive and kicking in Northern Ireland. Decades after pregnancy discrimination was outlawed here, many pregnant women still experience less favourable treatment because of their pregnancy and may find the return to work after maternity challenging.

Women work in a diverse range of jobs covering every sector and bring valuable skill sets to the workplace that are essential to the overall success of the business or organisation where they are employed. It is in the best interests of every employer to consider how they can best accommodate and support the needs of their pregnant employees and mothers in the workplace.

Pregnant women and new mothers have legal employment rights which are designed to protect their health and safety and that of their expected or new-born children. These rights also protect their contractual terms and conditions of employment and are designed to prevent unlawful discrimination.

It is important therefore that employers have suitable policies and procedures in place to deal appropriately with any issues that may arise. It is equally important to ensure that managers are trained in how to implement these including how to use them in a reasoned, consistent and fair manner, and that employees know where to find them. The Commission has model policies available for employers to use.

We know that many pregnant women and those returning after maternity feel supported and valued by their employers in the workplace – but unfortunately there are also those who experience a difficult time. Complaints of sex discrimination on the grounds of pregnancy and maternity are continually year on year the single largest category of sex discrimination made to our discrimination advice line – equating to almost 50% of all calls relating to sex discrimination to date this year.

The Covid-19 pandemic also generated some new enquiries: women who were furloughed discovered their 80% pay was based on the previous year's pay which was significantly reduced due to maternity leave, while some employees were asked to take maternity leave at 28 weeks (much earlier than they planned). We issued specific guidance to help employers navigate these extraordinary times; it is available from our website.

But despite the challenges of the last year, the law has not changed and treating pregnant employees unfairly due to their pregnancy or maternity is unlawful and can be costly. In 2019, the Commission supported Laura Gruzdaite's case to the Industrial Tribunal, alleging unlawful discrimination because she was dismissed for a reason relating to her pregnancy and because she was treated adversely following the announcement of her pregnancy. The Industrial Tribunal found unanimously in Ms Gruzdaite's favour and awarded her almost £28,000.

Overall our experience is that employers want to know what the law requires and they want to ensure they are providing fair treatment and equality of opportunity for all their workers. We in the Commission want to help them by offering advice and guidance to ensure they operate within Northern Ireland's equality laws.

We continue to encourage employers to engage with us. Specific guidance for employers in relation to '[Pregnancy and Maternity at Work](#)' and [model policies](#) are available from our website and [free training sessions](#) on this topic will be available later this year. Colleagues in our Advice and Compliance Team continue to be available to provide advice to employers, please ring us on 028 90 500 600.