

15 January 2015

PRESS RELEASE

Investigation into pregnancy/maternity in the workplace

The Equality Commission for Northern Ireland is to conduct a formal Investigation under the Sex Discrimination Order (NI) 1976 into the treatment of pregnant workers and mothers in workplaces across Northern Ireland. “The investigation will consider the employment experiences of pregnant women and mothers returning to work and identify any barriers to equal treatment,” Dr. Michael Wardlow, Chief Commissioner of the Equality Commission said. “It will also report on examples of good practice by employers which provide pregnant women and mothers with equality of opportunity in the workplace.”

The most common cause of complaint to the Equality Commission on grounds of gender is from women who feel they have been treated unfairly either when they became pregnant or on their return to work after maternity leave.

“It is important that all employers are aware of the laws governing pregnancy and maternity rights in the workplace, Dr. Wardlow said. “We do extensive work providing advice and guidance on these issues and find that most employers want to know what the law requires and want to make sure they are providing fair treatment and equality of opportunity for all their workers.

“This Investigation will provide us with a wider perspective and a greater depth of knowledge of the issues facing women in the Northern Ireland workplace today. How we accommodate and support the needs of pregnant women and mothers in the workplace is a crucial test of our willingness as a society to enable women - who make up almost 50% of the workforce - to participate in it fully and without disadvantage.”

The Commission has nominated two of its Commissioners - Lyn McBriar and Anna Carragher - as Investigating Commissioners. The Investigation will commence with a number of focus groups so that we can hear the experiences of women who are or were in employment during all or part of their pregnancy, within the last 5 years. Employers will be invited to participate through round-table discussions to help identify any further

advice or support they may need. Women with children under the age of 5 across Northern Ireland will be encouraged to complete an [online survey](#) as part of the investigation. The first focus group will be on 19th January and it is anticipated that the Investigation will proceed throughout this year and that a full report will be published in 2016.

ENDS

For further information see our [Investigations section](#)>

Case Study

Last year the Commission supported the case of Sinead Morgan, a manager who had worked for the clothing retailer River Island for almost 5 years. After maternity leave Ms. Morgan wished to return to work in a part-time capacity. She alleged that she was advised this was not possible because the company did not employ part-time managers. Sinead was told she could return on a part-time basis to a post two grades below her previous managerial position.



The Commission assisted Sinead in lodging a complaint with the Industrial Tribunal alleging unlawful sex discrimination. The case was settled before hearing and River Island, without admission of liability, paid her the sum of £4,500 and undertook to review its practices in relation to the facilitation of managers who wish to work part-time by reason of family commitments or caring responsibilities. The company also undertook to liaise with the Equality Commission in reviewing its policies and procedures concerning flexible working and this has been progressed and liaison is continuing between the company and the Commission.

Sinead Morgan said: “I was really hurt when I was informed that I couldn’t return to my own post. I enjoyed my job and took pride in my work, and was very disappointed when I was not allowed to return to my management role on a part-time basis after my maternity leave. As I had childcare responsibilities and could not work full-time, I felt I had no option but to resign.”

Notes to Editor:

1. The investigation is in connection with the duties of the Equality Commission for

Northern Ireland (ECNI) under Article 54(1) (a) and (b) of the Sex Discrimination (Northern Ireland) Order 1976 as amended (SDO).

2. Lyn McBriar and Anna Carragher are Investigating Commissioners and, for that purpose, are authorised to exercise any of the functions given to the Commission by Article 57 of the SDO.

3. The [Terms of Reference](#) for the Investigation are:

- To consider the workplace experiences of women following pregnancy.
- To consider the experiences of employers in managing pregnancy and maternity leave, and returning mothers.
- To identify types of good treatment and unfair treatment and/or discrimination.
- To identify barriers to equal treatment in employment for women as a result of pregnancy and motherhood.
- To identify good practice which provides women with equality of opportunity in the workplace.
- To make appropriate recommendations pursuant to Article 60(1) of the SDO as appear to the Commission to be necessary or expedient in light of its findings
- To prepare and publish a report of its Investigation in accordance with Article 60(2) of the SDO.

4. For the avoidance of doubt, and subject to any revision of the terms in accordance with the Sex Discrimination (Northern Ireland) Order 1976 as amended, the terms of reference do not confine the investigation to the activities of one or more named persons, and so shall not extend to an investigation of whether any person has committed or is committing an unlawful act for the purposes of Article 58(3).

5. Steering group members are:

- Lynn Carvill - Chief Executive Officer, Women's TEC.
- Carolyn Brown - Policy Manager, Federation of Small Businesses
- Wilfred Mitchell OBE - NI Policy Chairman, Federation of Small Businesses
- Prof Joan Ballentine -Professor of Accounting, University of Ulster
- Louise Coyle - Policy Officer, NI Rural Women's Network
- Tanya Kennedy - Director, Workplace Campaign, People Team, Business in the Community
- Clare Moore - Workplace Education and Learning, NICICTU
- Taryn Trainor - Women's and Equalities Organiser, Unite
- Geraldine Lavery - Deputy Principal Employment Relations Policy and Legislation, Department of Employment & Learning