

Equality Commission

FOR NORTHERN IRELAND

FORMAL INVESTIGATION

# *Expecting Equality*

A SUMMARY

A formal  
investigation  
into the treatment  
of pregnant workers  
and mothers in  
Northern Ireland  
workplaces



### **Acknowledgements**

We would like to thank the many women who gave their time and shared their employment experiences. Thanks also go to the Parent and Toddler groups which allowed us to attend and speak to their members.

We would also like to thank the employers who responded to our invitation to complete the survey as well as the stakeholders who provided evidence through their submissions.

Finally, we acknowledge the time and effort given by the Steering Group members whose experience and expertise has helped inform and steer the investigation.

**Full investigation report is available on the Commission's website  
[www.equalityni.org](http://www.equalityni.org)**

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# Introduction

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In January 2015 the Equality Commission for Northern Ireland [hereafter, the Commission] began a formal investigation under the Sex Discrimination (Northern Ireland) Order 1976 (as amended) to examine the employment experiences of pregnant workers and mothers in Northern Ireland.

This investigation was deemed appropriate and necessary in light of the volume of enquiries received by the Commission regarding potential pregnancy and maternity discrimination and the growing body of research highlighting the persistence of potentially discriminatory treatment experienced by pregnant employees and mothers in workplaces across the United Kingdom.

The aims of the Investigation were:

- to assist the Commission to evaluate the extent to which women in the Northern Ireland workforce experience unfair treatment during pregnancy, maternity leave and/or on their return to work, and
- to identify the barriers to equality of opportunity as perceived by female employees, and
- to identify good practice by employers.

The investigation invited women and employers to share their employment experiences through online surveys and provided the opportunity for women to relate their individual experiences through focus group participation.

The focus of the investigation was the workplace experiences of women and the current policies and practices of employers. It was also the aim of the investigation to make recommendations which will contribute to workplace equality of opportunity for women.

## The Investigation

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The investigation aimed to be as participative as possible, to gain evidence from a wide a range of individuals and stakeholders as well as to document the personal stories of pregnant employees and working mothers.

A steering group advised the Commission and Investigating Commissioners were appointed to oversee the investigation.

A great deal of interest was shown in participating in this formal investigation by women across Northern Ireland who wished to share their employment experiences, both good and bad. Participation was limited to women who had been in employment during their most recent pregnancy and whose youngest child was 5 five years old or under so that recent employment experiences were reported.

A total of 906 women responded to an online survey designed to gain their views and perceptions of experiences of employment during their pregnancy, maternity leave and their return to work.

A further 57 women participated through a series of focus groups held across Northern Ireland in which they provided the investigation with their personal stories of their employment. A small number of individuals also contacted the investigation team directly to share their employment experiences.

Employers were invited to share their policies and their experiences of managing pregnancy, maternity leave and return to work from their perspective, including any challenges they faced. The Commission advertised widely for employer participation and, in addition, directly contacted a large number of employers. In the end 58 employers responded to our survey.

Other stakeholders, such as business associations, voluntary and community organisations, trade unions and health organisations, were invited to provide submissions to the investigation. Submissions were received from Trade Unions and one business association on behalf of their members.

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## Main Findings

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Quantitative and qualitative analyses of the information provided were conducted. The main findings of the investigation are set out below.

- The majority of women responding to the online survey were employed in the Public Sector while the majority of focus group participants were Private Sector employees. Despite these differences the women reported similar employment experiences and agreed on employer practices which are either supportive or unsupportive.
- Many women participating in this investigation believe that their career opportunities have been negatively affected by their pregnancy or having taken maternity leave. Although approximately two in five of the women responding to our survey [43% of 893 respondents] believe motherhood has had no impact on their career opportunities, half of the women [50%] thought their career opportunities were worse than before their pregnancy. They believed that as a female employee they were expected to accept that there was a choice to be made between parenthood and a rewarding career path.
- A significant percentage (36%) of women participating in this investigation believe that they have been treated unfairly or disadvantaged at work as a result of their pregnancy or having taken maternity leave.
- Women commonly report negative employment experiences such as:
  - failure to consider the risks to health and safety of pregnant employees,
  - being overlooked for promotion or otherwise sidelined,
  - dilution of work responsibilities,
  - being denied training,
  - actions which impact negatively on earnings such as, changes to working hours, non-payment or reduction of pay rise or bonus payments,
  - being subjected to negative or inappropriate comments.

- 
- Negative employment experiences have a wide impact on women's personal and working lives, including on mental health, self-confidence and ability to find further employment.
  - Around half of the women who responded to our online survey, and half of those who participated through focus groups, believed they were supported by their employer during their pregnancy.
  - Women, on occasion, did not feel supported during maternity leave, mainly due to the level of contact they had with their employer. Focus group participants were more likely to feel supported by their employer while on maternity leave [50%] than online respondents [42% of 615 respondents].
  - There was greater disparity between the focus group participants and online respondents with regard to assessment of support from employers on return to work. Although a similar proportion of women felt supported by their employers on return to work, more than one third of those who participated in focus groups felt unsupported [36.4% of 33 participants], compared to just around one in six online survey respondents [17.5% of 475 respondents].
  - Women identified supportive employers as those who:
    - implemented policies and practices to effectively manage pregnancy, maternity leave and return to work,
    - were prepared to consider adjustment to work load and work environment during pregnancy,
    - maintained reasonable contact during maternity leave,
    - provided a family friendly work environment for mothers on return to work,
    - communicated with employees in order to promote understanding of the needs and expectations of both parties.
  - There was a good level of awareness of employment rights amongst women who participated in the investigation. However, there was a reluctance to take formal action either within the organisation or to an Employment Tribunal. Doing so was seen as too stressful, too costly, possibly career damaging and ultimately futile.



- It is clear that there is some disparity between the perceptions of the women participants in this investigation and those of the employers who contributed.
- The majority of employers who participated in our investigation reported that they were well prepared for managing pregnancy, maternity leave and return to work, having sufficient knowledge of their legal obligations and having appropriate policies in place. They generally believed that they provided support to pregnant employees and working mothers and encouraged their participation and progress in their organisation.
- Employers who identified challenges in managing pregnancy, maternity leave, and return to work, specified a number of issues including:
  - managing time and resources to cover employee absences;
  - keeping up to date with legislative changes;
  - accommodating flexible working requests.
- Employers would like more support with keeping up to date with legislative changes and information about their legal responsibilities tailored to their needs. In general, employers who found it challenging to accommodate flexible working requests recognised that they needed to address this challenge, however, some believed that factors outside their control, such as the lack of availability of childcare places for women who work outside normal hours, created difficulties.
- It is also clear that, despite the good practices which undoubtedly exist and which are identified in this investigation report, a significant number of pregnant employees and working mothers in Northern Ireland continue to face barriers to equality of opportunity in employment. The experiences of related by women highlighted a number of barriers to equality of opportunity in employment.
- These barriers can impact on women’s capacity to do their jobs to the best of their ability, hinder career opportunities and damage working relationships and may lead to unemployment. The barriers to equality of opportunity may be seen to arise from personal attitudes, organisational policies and structures and also from wider societal and cultural norms.



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- **Personal attitudes and behaviours:** attitudes held about pregnant employees and working mothers which are largely based on negative stereotypes;
  - **Organisational policies and structures:** organisational policies and structures may disadvantage pregnant employees and working mothers, or create an organisation which is unwilling or unable to be flexible and adapt to change;
  - **Societal or cultural barriers:** societal or cultural barriers refer to the norms which determine women's roles in society and the devaluation of those roles; economic factors determining women's participation in the labour market, and the lack of sufficient affordable, quality, childcare in Northern Ireland.

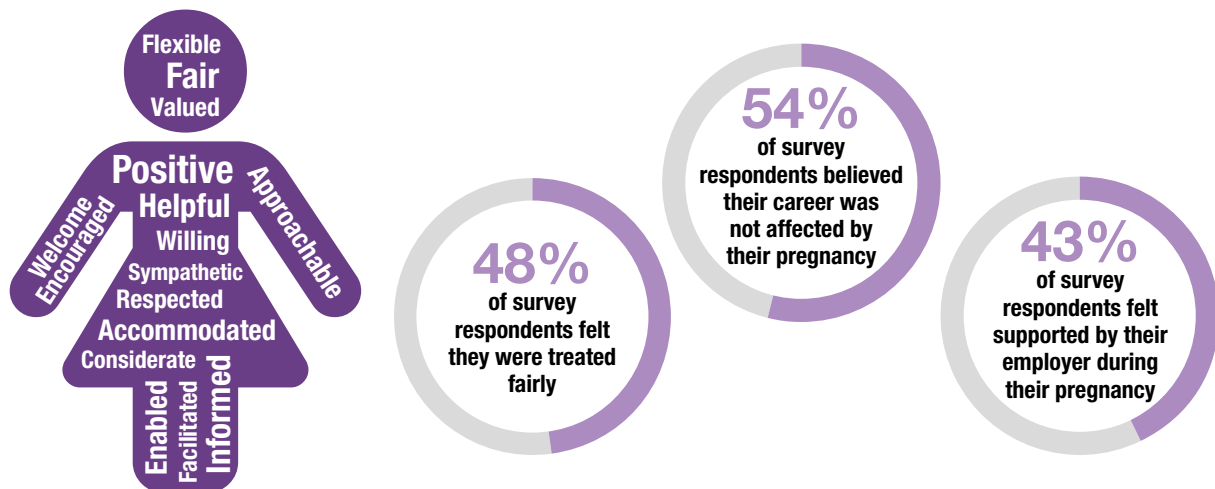
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## Women's Perspectives

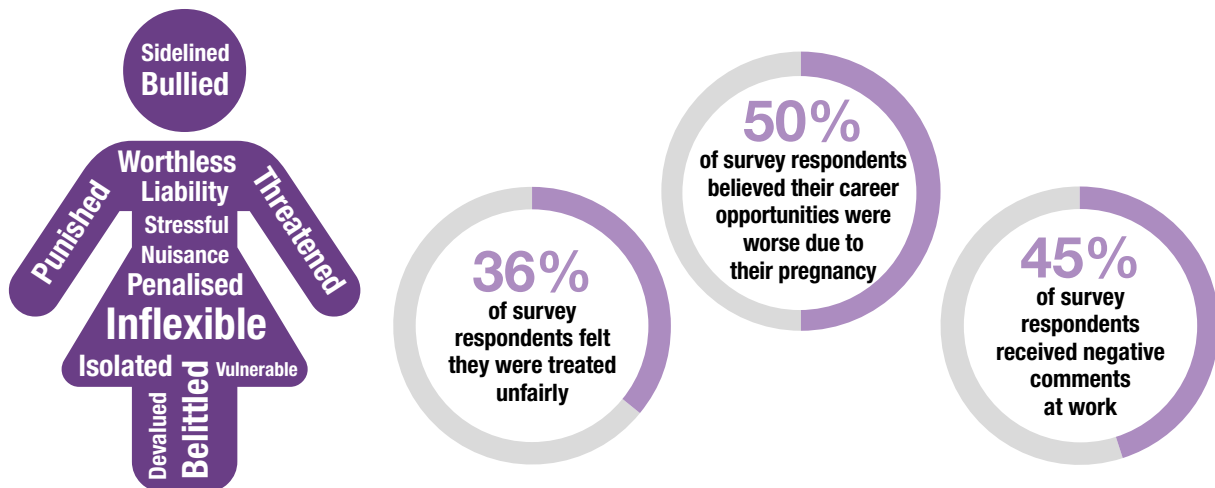
Our findings are based on the women's perceptions of their employment experiences. Below are some of the results from our online survey (Section A) and the engagement with women in focus groups (Section B).

It should be noted that for those women who reported that they believed they were treated unfairly as a result of their pregnancy or having taken maternity leave, the treatment they described may not necessarily constitute unlawful discrimination.

### Words commonly used by survey respondents who were treated fairly



### Words commonly used by survey respondents who were treated unfairly

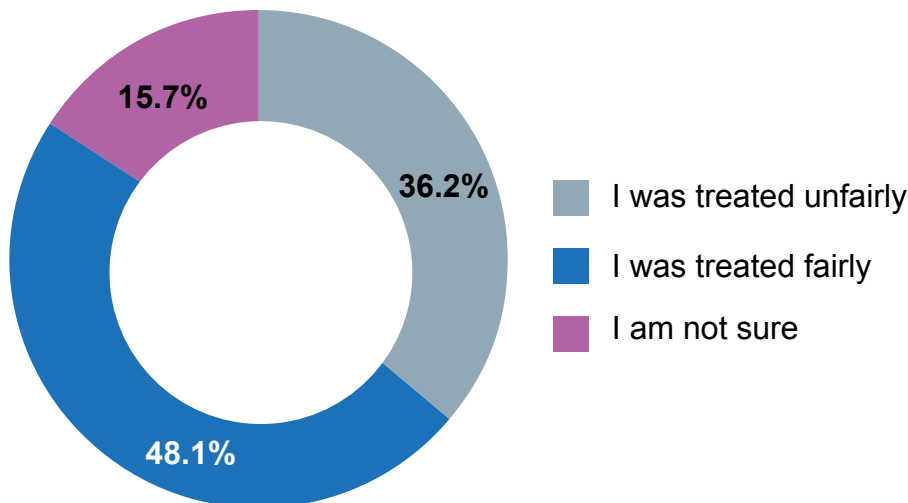


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## A. Online survey participants

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### Perception of treatment in employment [N=906]



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### Good Employment Experiences

Almost half of the 906 women responding to our survey believe that they had been treated fairly by their employer during their pregnancy, maternity leave or on their return to work.

Women who believed that they had been treated fairly reported that they felt valued as employees and felt that their employer provided a safe, flexible and fair work environment.

Comments from the women who had been treated fairly describe employers who:

- offered flexibility;
- provided a family friendly work environment;
- ensured good communication with the employee;
- complied with legal obligations, and
- implemented good organisational policies.

.....

Below is a sample of the comments:

*“My experience of being pregnant whilst working was pretty positive. I was supported by my bosses and also by my colleagues. I received 18 weeks’ full pay, and then I took the extra 21 weeks of SMP. I also took a further 13 weeks’ unpaid leave at the end. I was again fully supported on my return to work, and my line manager brought me up to speed on any training issues. I was eased back in to full duties and have been facilitated in dropping my hours to achieve a better work life balance.”*

.....  
Public Sector

*“Clear policies and protocols in place for pregnant workers and for maternity leave.”*

.....  
Public Sector

*“I have been given all the time off I require for maternity appointments and my line-manager is very understanding of issues around fatigue, etc. that have led to lateness. I’ve had the opportunity to adjust my work load and environment to suit my pregnancy.”*

.....  
Voluntary and Community Sector

*“He regularly checked how I was keeping and asked if there was anything he could do to help - in terms of workload and physical improvements to my working environment.”*

.....  
Private Sector



*“They hired me knowing I was pregnant. They carried out a risk assessment of my pregnancy. They informed colleagues where appropriate and worked with me to ensure duties such as lifting and driving were appropriate. They were never patronising. They were flexible with my maternity leave. They worked with me to put systems in place to ensure the work would be completed in a timely fashion even when I was off on maternity leave, by me prioritising work before I left and by team members covering after I had left. We also put a system in place should anything awful happen meaning I could not return to complete my contract.”*

.....  
Voluntary and Community Sector



*“While on maternity leave I have been kept up to date with important changes in work and any further job opportunities have been emailed to me for my interest.”*

.....  
Public Sector



*“I am kept informed of all major developments within the workplace. I was able to work a few Keeping in Touch days and I am able to return to work on phased return.”*

.....  
Public Sector



*“I was reassured that my hours would fit around my family life.”*

.....  
Private Sector



## Unsure about Employment Experiences

About 16% of women responding to our survey were not sure if they had been treated unfairly in work as a result of their pregnancy or having taken maternity leave. There was some evidence that more women working in the Public Sector, compared to the Private Sector and Voluntary and Community Sector, were unsure whether they had been treated unfairly or fairly.

It is noted that 578 of the women responding to the online survey indicated that they had **not** been treated unfairly at work. Nevertheless, the comments made by some of these women suggest that they had experienced similar treatment to those who reported unfair treatment.<sup>1</sup>

Such comments indicated that, they too, experienced the types of treatments reported by women who believed that they had been treated unfairly. For example, they stated that they were overlooked for promotion, that their employer failed to conduct health and safety risk assessments, that they received inappropriate comments from managers and/or lost their job. It is unclear why they did not indicate that they been treated unfairly; although some of the women indicated that they lacked awareness of employment rights, the majority had some knowledge of what constitutes unfair treatment.<sup>2</sup> Below is a sample of the comments:

*“I interviewed for a leadership role while pregnant and knowing I did a great interview with very positive informal feedback, I was unsuccessful, the job was given to a male candidate. I believe this was due to my pregnancy.”*

Public Sector

*“I felt a bit like ‘oh she’s pregnant again’ and was not given certain tasks to do that would have helped me develop as there was ‘no point’ because I was going off to have the baby....”*

Public Sector

1 Treated fairly N=436 and Unsure about treatment N=142 and 96 of these women provided comments.

2 65.5%/N=93 out of 142 respondents.



*“Contract came to an end just after I found out I was pregnant. Applied for numerous jobs I was adequately and/or over qualified for but I feel due to having a bump I was not employed.”*

Public Sector



*“...had to ask for a risk assessment. My line manager said I didn't need one and only agreed to it after I had a fall in the office when 23 weeks pregnant.”*

Public Sector



*“On the lead up to my maternity leave and upon my return my period of leave was constantly referred to in a negative way by my line manager. For example, ‘you have no idea the bother this is causing’, ‘the problem is you are going off on maternity’, ‘thankfully we have your maternity leave to use as an excuse in the report’, ‘had I have known things would get this busy in your absence, I would have recruited cover’.”*

Public Sector



*“...as a temporary worker [I] had been warned not to get pregnant when offered a temporary position. I was also not allowed to take any sick days and the one day I had to leave early due to sickness in pregnancy I was told my employment would not continue if I took another day off.”*

Public Sector

.....

## Unfair Treatment and Disadvantage

One in three women [36%] believed they had been treated unfairly or disadvantaged in their employment as a result of their pregnancy or having taken maternity leave.

They reported a variety of experiences which may constitute unfair treatment resulting from their pregnancy or having taken maternity leave. They believed that the unfair treatment disadvantaged them financially, in furthering their careers and in respect of job status and general professional standing.

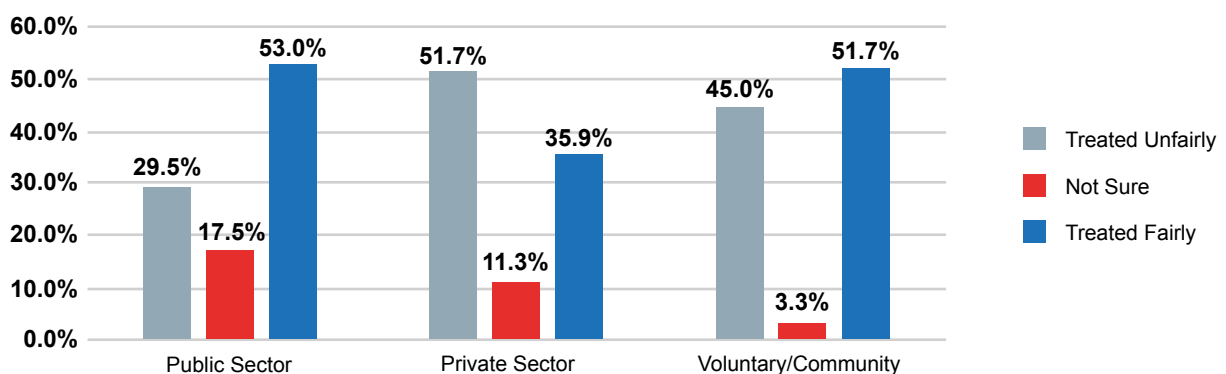
Comments made by respondents indicated that they felt their treatment resulted from:

- an attitude which viewed them as an inconvenience,
- assumptions made that, having started a family, they were no longer interested in their careers,
- poor organisational policies or a lack of implementation of policies,
- a lack of compliance with legal obligations, and
- a position of vulnerability for those employed on non-permanent contracts.

As the chart below shows, a greater proportion of respondents employed in the Private Sector believed they had been treated unfairly; approximately one in two respondents employed in the Private Sector compared to almost one in three Public Sector employees.

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Perception of employment experience by employment sector [N=757]<sup>3</sup>



.....

3 Not all respondents identified their employment sector.



Experiencing unfair treatment or disadvantage influenced women's decisions about their future employment. Besides leading to job loss in some cases, poor employment experiences were said to damage working relationships; highlight employers' unfavourable attitudes towards working mothers and organisational barriers to equality of opportunity. As such, a number of women reported that they left their employer or left employment.<sup>4</sup>

There were additional societal factors which influenced decisions about continuing participation in the labour market, such as the costs of childcare. Women on lower incomes were particularly impacted. For these women, a lack of opportunity to work flexibly in their employment meant they were unable to meet the high costs of full time childcare arrangements. Almost half of the women earning less than £20,000 per annum did not return to work following maternity leave [46.5% of 86 respondents]. Below is a sample of comments made:

*"I could not go back to that workplace considering how they treated me when I was at my most vulnerable."*

Private Sector

*"He wanted rid of me as soon as I said I was pregnant and then made my life a misery. I had to leave."*

Private Sector

*"I requested a part-time role on my return to work and this was denied and I was unable to return as childcare costs were higher than my full time salary."*

Private Sector

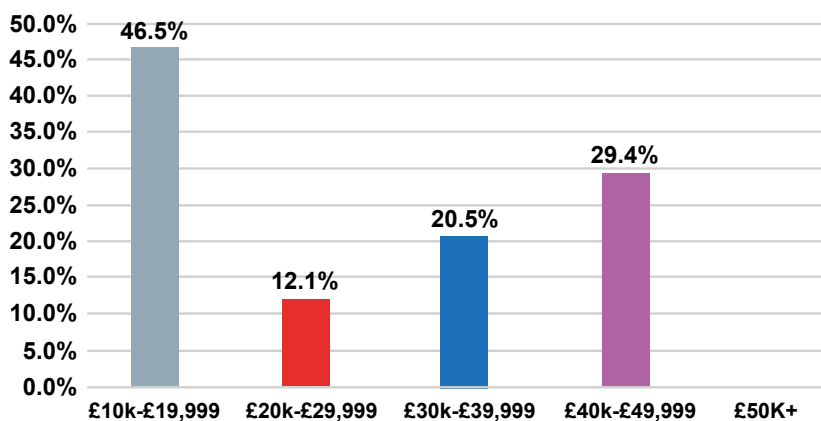
4 Around one in fourteen respondents indicated they were no longer employed at the time of completing the survey [6.7% / N=60 out 886 respondents]; and around one in nine respondents stated that they would not return to their employer following maternity leave [11% /N=73 out of 667 respondents].



*“I had to resign as financially I could not justify travel, parking and childcare on a £7.05 rate per hour as a single mum with no partner.”*

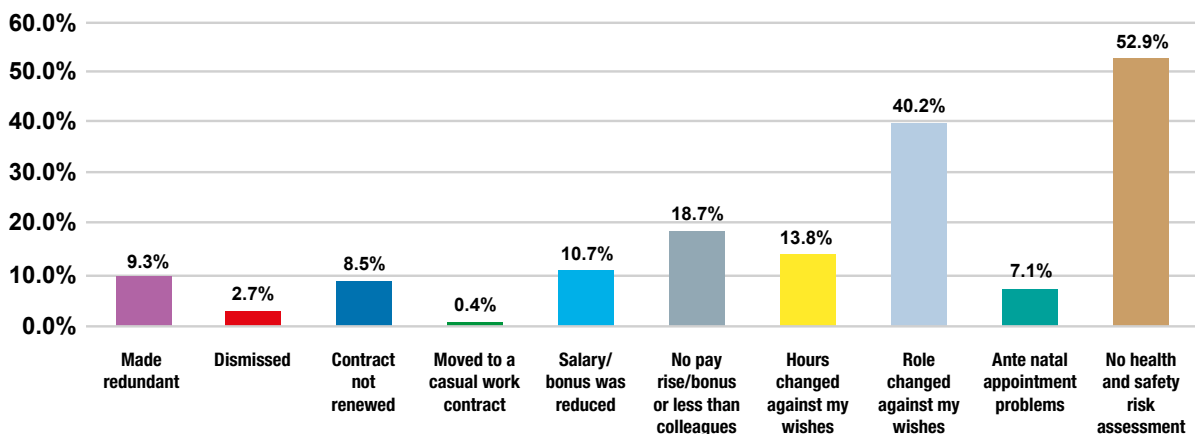
Private Sector

### Percentage of respondents deciding to leave work by salary band [N=208]



In total 328 women responding to our survey reported unfair treatment at work. These women were asked to identify the type of treatment they had experienced.<sup>5</sup> The following are the most commonly reported experiences.

### Types of unfair treatment reported by respondents [N=225]



<sup>5</sup> Not all of the respondents who stated that they had been treated unfairly identified the treatment they received. The number of respondents will be identified throughout.

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## Failure to assess risk to health and safety

The most reported experience, by more than half of these women, [53% of 225 respondents] was a failure to assess risk to health and safety following notification of pregnancy. Women reported that this impacted on their ability to carry out their duties and/or to remain in work throughout their pregnancy. Below is a sample of comments made:

**“...I was told the company would do nothing nor were they obliged to help with hours or allow me to take proper breaks. Told me a risk assessment was minimal, people use pregnancy as a disability and his wife was pregnant and could work 13 hour shifts.”**  
.....  
Private Sector

**“No risk assessment carried out for my pregnancy by the employer. I was a high risk pregnancy due to previous illness. I had to go on sick as I was not allowed to be stressed during this pregnancy.”**  
.....  
Public Sector

## Changes to work role

Two in five women [40% of 225 respondents] stated that their work role changed against their wishes; many reported that they were tasked with less interesting or challenging duties. This was invariably viewed as a detriment to future career opportunities and earning potential, and made women feel more vulnerable to potential job loss. Below is a sample of comments made:

**“My work which I had previously been tasked with whilst I was pregnant was denigrated to the point my confidence was destroyed”.**  
.....  
Public Sector

**“Manager used my pregnancy to change my hours and job role. Was advised my job could not be guaranteed when I returned from maternity leave as it would depend on business demand.”**  
.....  
Private Sector



## Impact on Finances

More than one in four women [29% of 225 respondents], mainly Private Sector employees, reported unfair treatment which had direct and negative impact on their finances. They reported detriment to their salary or bonus payment where they did not receive payment or received less than colleagues. Comments made show that they felt this was, in part, due to organisational policies which penalised absence from the workplace and/or unfair criticism of work performance, or was due to non-implementation of good organisational policies. Below is a sample of comments made:



*“Not given performance related bonus that I was told I would be getting before they found out I was pregnant.”*

Private Sector



*“My manager has made life difficult, held me back from training and progression, allowed my role to diminish to a very basic role, refused my annual pay increase, performed a very unfair PDP [appraisal] not adhering to company policy, caused issue over maternity appointments, refused me time to get involved in projects that could gain me experience.”*

Private Sector



*“In general, the [name of organisation] has positive measures in place to support women who are pregnant and on maternity leave. However, my line manager seemed hesitant to use them all which caused unnecessary stress. For example, at the time I went on maternity leave I was due for a performance assessment to determine whether I could be changed from ‘probation’ status to ‘permanent’ employment. My line manager tried to use the fact that I was on leave to refuse to review my status, and in my last week of pregnancy I had to consult the union on my rights and insist that the review be completed. I was then changed to permanent employment. A 9-month delay in this transition would have affected my promotion prospects later on.”*

Public Sector

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## Changes to Working Hours

A further one in seven women [14% of 225 respondents] reported enforced changes to working hours. These changes reduced hours which impacted on salary and, in some cases, on entitlement to Statutory Maternity Pay; or resulted in changes to the normal shift patterns. Below is a sample of comments made:

**“Because I had a difficult pregnancy and was off work for quite a while I was ... put on casual rota which reduced my salary by over half and I was not earning enough to get my maternity pay.”**  
.....  
Sector not known

**“When I told my manager I was pregnant she replied ‘well that’s just... great, have you no control’. Her attitude continued right the way through pregnancy, changing my work hours and giving me the unpopular shifts constantly. When I complained, she said I was ‘hormonal’.”**  
.....  
Public Sector

## Loss of Job

One in five women [20% of 225 respondents] believed that they had lost their job as a result of their pregnancy or having taken maternity leave, through redundancy, dismissal or through non-renewal of contract. Around one in three [30% of 46 respondents] had not found further work at the time of the survey. Below is a sample of comments made:

**“My maternity cover was given [a] permanent position and I was made redundant.”**  
.....  
Public Sector



*“Made redundant to coincide with what would have been my return to work date. I had mentally prepared myself for the return to work. The knock to my confidence was a massive blow to my ability to get employment and provide for my family. I found it difficult to find legal assistance and support at a time when everything seemed to have collapsed around me.”*

Private Sector



*“I was the only temporary worker who did not receive an extension to their contract. I had been asked to undertake a course and had signed up to do so but everything changed when they knew I was pregnant.”*

Sector not known



*“Contract was not renewed. My contract had been renewed on 4 separate occasions but was not renewed when they found out I was pregnant.”*

Public Sector

In general, respondents who were working on non-permanent contracts in Private Sector employment were proportionately more likely to be negatively impacted financially, due to either salary or bonus detriment, lack of stability in their working hours or through job loss. There was also some evidence that proportionately more respondents were “let go” from smaller organisations<sup>6</sup>.

6 Of the respondents who had their working hours changed those with less than 1 years’ service and those who were employed on zero hours or other casual contracts were more likely to report this treatment. 7.3% of respondents with less than one year of service compared to 2.9% of those with more than 3 years’ service, and 26.7% of respondents working zero hours or other casual contracts compared to 0.3% of those working permanent contracts.

Around one in four respondents working in the Private Sector received no pay rise/bonus or a lesser amount than colleagues [24.8%/N= 36 out of 145 employees].

Respondents working in organisations with less than 10 employees were proportionately more likely to lose their jobs [12.1%/N=9 out 58 employees] as were respondents working on non-permanent contracts [20.9%/N=19 out of 91 respondents].



### Other Negative Employment Experiences

In addition, women who believed that they had been treated unfairly also reported the following:

- failure to consider alternative ways of working to accommodate pregnancy or failure to make adjustment to workload to reflect reduced hours. [62% of 306 respondents]

They believed that lack of adjustment impacted on their ability to work throughout their pregnancy and, in some cases, reflected a lack of concern regarding Health and Safety. Comments made indicate that this caused stress and anxiety and a belief that it was a result of their organisation being unwilling to accommodate different ways of working. Below is a sample of comments made:

**“I was informed by my employer that heavy lifting is a low risk for a pregnancy and would have to continue my duties as normal or face a disciplinary which could lead to dismissal.”**  
 .....  
 Private Sector

**“On return to work I have been expected to be able to get on with the exact same high level of work and extremely tight deadlines as before. Workload still remains exceptionally large and unattainable. No consideration has been taken of how I have adapted back into work or of me and my family health issues etc.”**  
 .....  
 Public Sector

**“No adaptation of workload, no effort to reduce stress, expectation to still work lots of overtime, no care that I felt physically and emotionally awful in first trimester.”**  
 .....  
 Private Sector



*“.. no flexibility on working hours or workload provided in terms of line working and additional hours expected, due to later complications in pregnancy consultant advised I could not work as I needed to be accompanied by someone at all times, when advising my manager I had to sign off with pregnancy related illness, was asked to undertake basic work at home but I had to refuse on medical grounds.”*

Private Sector

- negative or inappropriate comments from their manager or colleagues. [56% of 306 respondents]

Women believed that such comments reflected views that pregnant employees and working mothers were problematic for the organisation. Most women received negative or inappropriate comments during their pregnancy, although some respondents identified inappropriate comments, particularly about breastfeeding or commitment to their job, on return to work. Below is a sample of comments made:



*“One of my bosses now says ‘you’re not going to get pregnant again anytime soon’ quite frequently as he felt my absence affected his job.”*

Public Sector



*After I got married last year ...my boss ...sat down with me and told me that I had to make a decision about whether ‘I go for my career and be a successful respected woman or whether I waste my education and skills by falling into the trap of someone with a mediocre career with limited prospects or job satisfaction because of being held back by having a family.’...When I go on my maternity leave I will have the stress hanging over me that I may not have a job to go to....”*

Public Sector





*“...on return to work there was no facility for me to express milk and staff comments about breastfeeding were negative and derogatory; surprisingly these comments were from female colleagues.”*

Voluntary and Community Sector



*“I was told my senior manager (male) made a comment to my manager (female) that women only work at 50% when they come back after having a baby. This made me feel that expectations for me when I return from maternity leave are low and that I will not be focused on my job!!!”*

Private Sector

- failure to gain a promotion they felt they deserved or were otherwise sidelined. [44% of 306 respondents]

Comments made by the respondents indicate that in many cases the failure to gain promotion was based on a suspicion that it was due to their pregnancy or having taken maternity leave rather than something they could prove. However, in other cases respondents were discouraged from making applications, encouraged to withdraw from the promotion process or criteria specifically excluded them from making application.



Women also stated that they were removed from specific projects or found themselves sidelined from responsibilities, key clients and important areas of work they had previously been tasked with. Below is a sample of comments made:

**“Male boss viewed pregnancy as an inconvenience. It was suggested you were less interested in your career and more interested in having a family. He told me he would not promote me because I was due to go off on maternity leave.”**  
.....  
Public Sector

**“My expertise was not used when developing an organisational policy regarding my work area. I had the most expertise in the organisation regarding that particular area. It made no sense to exclude me from developing the policy.”**  
.....  
Public Sector

**“The roles above mine were filled during both my maternity leaves and I was not made aware nor given the opportunity to apply. I have now no progression route and have been sidelined to a role I’m not comfortable with.”**  
.....  
Voluntary and Community Sector

**“I worked for one of the biggest professional services firms in NI and my manager told me ‘I did not think you would be worried about promotion - you are on maternity leave’.”**  
.....  
Private Sector

**“My boss sidelined me, taking clients off me and not communicating with me. ... This never happened before I went off on maternity.”**  
.....  
Private Sector

.....

## The Impact of Unfair Treatment

Women who had been treated unfairly were asked to identify how this treatment had impacted on their personal life and career.<sup>7</sup>

The impact which affected most women was damage to self-esteem or self-confidence. Almost nine out of ten respondents [88% of 293 respondents] agreed that their self-esteem/self-confidence had been negatively affected by employment experiences such as receiving negative or inappropriate comments, being sidelined, the dilution of work duties or simply absence from the workplace on maternity leave. Below is a sample of comments made:

**“The sense of being devalued and continually undermined in my work has had the cumulative effect of undermining my confidence, which impacts on my ability to apply for other work. Prior to and since my return from maternity leave I have worked extremely hard for my employer, and it’s particularly frustrating that this, I feel, is no longer acknowledged or recognised.”**  
.....  
Public Sector

**“During my pregnancy, I had absolutely no confidence in my ability to do my job. My sickness record was exemplary, never having had a spell of work off owing to my pregnancy (or any of the previous 3). However, I was constantly dropped off relevant e-mail correspondence, not included in relevant meetings, and was made to feel that I was in some way deficient in my accuracy, understanding and productivity.”**  
.....  
Public Sector

Approximately four out of five women agreed that their career had been negatively impacted by their employment experiences [77% of 293 respondents], which included failing to gain a promotion, being denied access to training or job loss. They believed that their career had been put “on hold” due to family commitments and that their flexible working arrangements would impact on their career as they were no longer viewed as a committed employee.

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7 A total of 293 women responded to this question.



*“There is an assumption by senior management that, because you are a working mum and therefore work part-time, you are not interested in furthering your career. The apathy on behalf of senior management towards you as a part-time member of staff in fact is like a self-fulfilling prophecy: because you feel undervalued, you eventually become disinterested in your job.”*

Public Sector

Some women believed that their organisation’s policies had negative effects on their career progression opportunities; they believed absence from the workplace disadvantaged them with regard to performance appraisal and subsequent access to promotion opportunities.



*“People on maternity leave (or other forms of leave) were disadvantaged in a recent work assessment process – they were required to meet a higher average standard of work than those who did not have any periods of leave. For those who do not meet this higher standard – which they may have met without the leave – there are knock-on effects for promotion and career advancement. I raised this as a problem during my maternity leave but the policy remains in place.”*

Public Sector

Unfair treatment also impacted negatively on personal and family life; mainly due to health issues and negative impact on finances.

Approximately three out of four respondents agreed that their mental health had been negatively affected by their employment experiences [73% of 293 respondents] and a further two out of five respondents felt that their experiences had impacted on their physical health [40% of 293 respondents].

Comments made show that women believed that a lack of adjustment to their workload and/or their work environment caused anxiety and stress and in some cases, poor physical health.



*“After a number of weeks under extreme stress, dangerously high blood pressure I was signed off for 7 weeks as medically unfit by my GP - if I had been treated differently by my boss I feel I could have remained in employment for the whole time, with a little understanding, perhaps a change in start time, finishing to accommodate the worst periods of sickness. ...My baby was born early at 35 weeks ...I almost completely put this down to the treatment I received at the hands of my boss.”*

.....  
Public Sector

Three out of five women [62% of 293 respondents] stated that their finances were negatively impacted due to unfair treatment which saw them overlooked for promotion or which affected salary or bonus payments. In some cases, finances were impacted due to job loss and a reduced capacity to find other work due to difficulties in finding family friendly jobs which suited their skills and qualifications.

Seven out of ten respondents [71% of 293 respondents] believed that the inability to work flexibly, pressure to work during maternity leave, and issues such as loss of job or negative effects of employment experiences on health had a wider impact on family life.

### Impact of Motherhood on Career Opportunities

Our online survey asked women to assess how their pregnancy or having taken maternity has affected their careers.

Approximately two out of five women believed that their pregnancy or having taken maternity has not affected their career [43% of 893 respondents].

A small number of women believed that their careers had improved; some of these women had achieved promotion or were optimistic about their career with a new employer [3% of 893 respondents].

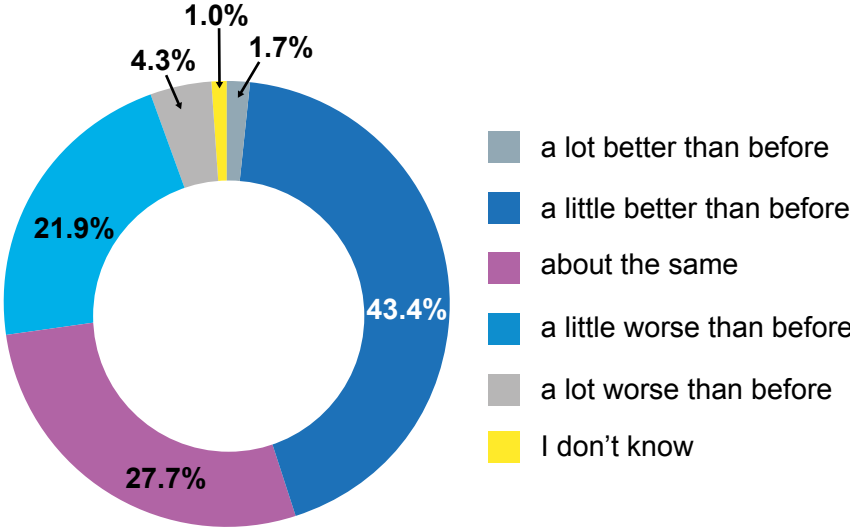
Half of the women responding to our survey believed that their career opportunities were negatively affected [50% of 893 respondents]. Unfair treatment may be the reason some women believe their career opportunities are worse than before their pregnancy. Over half of these women [59% of 443 respondents] believe that they had been treated unfairly by their employer, reporting career limiting experiences including job loss, being overlooked for promotion and being denied training.

Women also believed their career opportunities were worse than before their pregnancy because of other factors such as:

- lack of availability of flexible working arrangements for higher level jobs,
- perceived detrimental impact of working reduced hours,
- organisational policies which create barriers to equality of opportunity for women who have taken maternity leave, and
- a perceived of change in employer attitude towards them following their pregnancy.

The chart below shows that the majority of women responding to the survey believe that their career opportunities are the same or worse than before their pregnancy.

Perceived effect of pregnancy and maternity leave on career opportunities. N=893



Some comments reveal the reasons why women believe motherhood has negatively impacted on their career opportunities. Below is a sample of comments made:

*“Formally, I was treated very well .... But there are changes that are hard to quantify: people treat you as if you are less interested in work; you are asked to participate in fewer projects and social events; there is no effort to help you regain momentum that is lost by being on leave.”*

Public Sector



**“I have come to realise that taking a longer maternity leave will potentially impact on how my contribution to the department is viewed which will ultimately affect my career progression. For example, promotion is based on having to achieve particular outcomes, but no consideration is given to the reduced time (taking account of maternity leaves) you have to achieve these outcomes.”**

.....

Public Sector

**“My request for flexible working hours resulted in a lower title and pay.”**

.....

Private Sector

**“I am now in a role that is a demotion (though I have retained my salary) and feel constantly excluded from my team.”**

.....

Voluntary and Community Sector

### Employer Support

Our online survey asked women to assess the support shown to them by their employer during their pregnancy, maternity leave and on their return to work.

#### Employer Support During Pregnancy

More than half of the women thought their employer had been supportive during their pregnancy [55% of 742 respondents]. They felt supported by their employer’s policies and procedures and by the provision of information about entitlements. In addition, employers were viewed as supportive when they communicated with the employee, to discuss their plans and needs, and took reasonable steps to address those needs.

One in six women thought their employer did not support them enough during their pregnancy [18% of 742 respondents]. These women believed that their employer viewed pregnant employees as a problem for the organisation and that this negative attitude was reflected in a lack of concern for their health and safety and resulted in detriment to their career progression.



Below is a sample of comments made:

**“He sidelined me and reduced my workload. It got to a point where he never spoke to me nor replied to my emails.”**  
 .....  
 Private Sector

**“Repeatedly told how much maternity leave cost, rude comments about my body. Pressured to take less leave and return early. Pressured to return part time because of cost. Post not covered so returned to a back log of work.”**  
 .....  
 Voluntary and Community Sector

**“I work in a male dominated discipline where pregnancy is viewed as a waste of staff resources, a disruption to the normal schedule and a self-indulgent career break. ...”**  
 .....  
 Public Sector

### Employer Support During Maternity Leave

Approximately two out five women felt supported by their employer during maternity leave [42% of 615 respondents] and almost two in five women believed that their employer was neither supportive nor unsupportive [38% of 615 respondents].

One in five women thought that they had not been supported by their employer during their maternity leave [20% of 615 respondents]. This lack of support made them feel isolated from the workplace and in some cases they reported difficulties in making contact with their employers to arrange return to work.

The majority of women who responded to the online survey took a maternity leave of between 6 months and 1 year. There is a considerable potential for disconnect from the workplace during maternity leave. Respondents’ comments made clear the importance of mutually agreeing a “reasonable” level of contact prior to the onset of maternity leave; providing the opportunity to work Keeping in Touch Days and ensuring that managers were accessible to answer queries.



.....

Reasonable communication with the employer was considered as an important element of the support shown during maternity leave. Communication was generally viewed as essential to ensure equality of opportunity and assist with the transition back to work, particularly where women were uncertain about new working arrangements. However, the level of contact from an employer which was acceptable to individuals was subjective; some women felt isolated due to little contact whilst others felt harassed by the frequency of contact.

The majority of women, however, would have liked to have received more information from their employer during maternity leave. Some women stated that, as a result, they missed out on promotion opportunities and described their return to work as stressful. Just one in five women reported that their employer provided them with all the information they needed while on maternity leave [20% of 606 respondents]. Below is a sample of comments made:

*“I was not contacted during maternity leave. I was not acknowledged on maternity leave. I found maternity leave isolated me from the workplace.”*

.....  
Public Sector

*“I was continually threatened that if I didn’t come back quickly enough from maternity that they would give my job to the person covering my job. I felt very vulnerable whilst on maternity leave.”*

.....  
Public Sector

### Employer Support on Return to work

The majority of women who responded to the online survey had returned to work to the same employer following the birth of their child. Those who had changed their working pattern on their return did so to accommodate childcare arrangements.

Most women had returned to a similar job at a similar level [82% of 476 respondents]. However, two out of five women believed that there were negative differences in the job to which they returned [41% of 452 respondents]. The most commonly reported



negative differences relate to the level of responsibilities in the job returned to and opportunities for career progression. Women indicated that they believed these differences were a consequence of having taken time away from the workplace, and of reducing their working hours.

Half of the women rated their employers as supportive on their return to work. They believed support was shown by implementing family friendly policies, including flexible working and access to breastfeeding facilities [52% of 475 respondents].

In addition, women felt valued by employers who had processes in place to ease new mothers back into work and to ensure they received any necessary training; believing this indicated willingness to continue to invest in their career.

One in six women thought that they had received no support on their return to work [18% of 475 respondents]. They stated that there had been little acknowledgement of them on their return, there had been little or no preparation for their return and that there was no support to assist them to achieve a work life balance. Below is a sample of comments made:

**“Nowhere near enough help to resettle and learn the changes that were in place.”**  
Public Sector

**“Did not follow company policy, did not meet with me or advise of changes in the workplace.”**  
Public Sector

**“I have come back into work and I have had no contact with my manager. No support whatsoever.”**  
Public Sector



*“My work is unduly criticised; concerns raised about workload are put down to me being ineffective; I was not informed about training opportunities; my input/views are dismissed.”*

Public Sector

### Resolving Workplace Issues

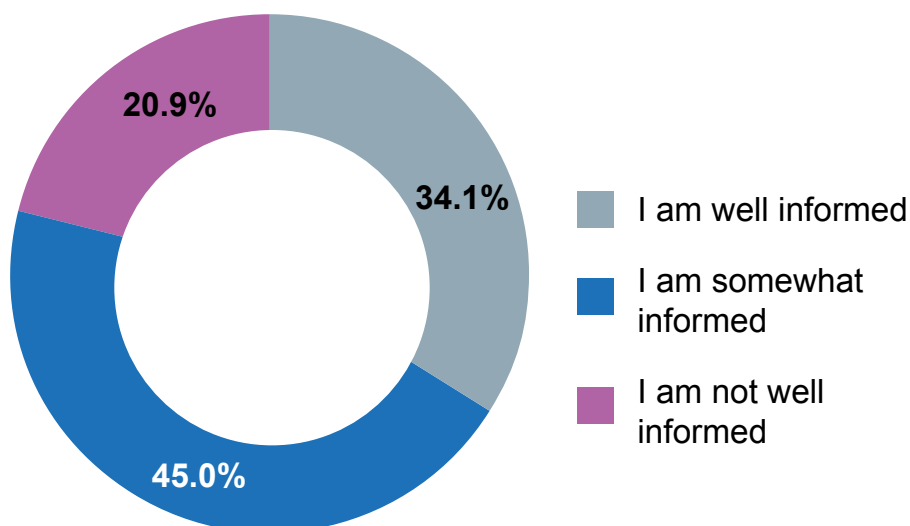
Online survey respondents were asked to indicate their level of knowledge of their pregnancy employment rights; they were also asked about action taken to resolve workplace issues and whether or not their grievance had been resolved.

### Knowledge of Pregnancy Employment Rights

There was a good level of knowledge of employment rights amongst women; just one in five believed they did not know enough about their employment rights [21% of 807 respondents].



### Respondents' rating of their knowledge of employment rights N=807



Women who felt informed about employment rights obtained their information from a variety of sources, but the main sources of information were through the respondents' own research, from employers as well as from colleagues, family or friends.



## Resolution of Issues

The majority of women took more than one action to try to resolve their workplace issues. Most took some sort of informal action, such as, discussing their issues with family, friends and/or colleagues.

The majority of women stated that their workplace issues had not been resolved [61% of 265 respondents]. They believed that their employer had failed to recognise or deal with the issues. For some, resolution meant a change of jobs or a change in manager rather than addressing the underlying issues.

Just one in six women who believed they had been treated unfairly took a formal complaint within their organisation [17% of 293 respondents], while a similar number contacted a legal representative [16%] or the Equality Commission for Northern Ireland [17%].

Most women who indicated that they took no action to resolve their issues were aware that they could take action and how to go about it. However, the majority indicated that they were reluctant to go through what was viewed as a stressful, possibly career damaging and futile experience. Below is a sample of comments made:



*“The organisation is so large, that I knew the burden of stress in a complaint would rest squarely on my shoulders, and that it would affect my family life negatively.”*

Public Sector



*“Moved jobs - Northern Ireland is too small, raising a complaint would result in it being filtered into rumour mill - hence reduce chance of job with new employer.”*

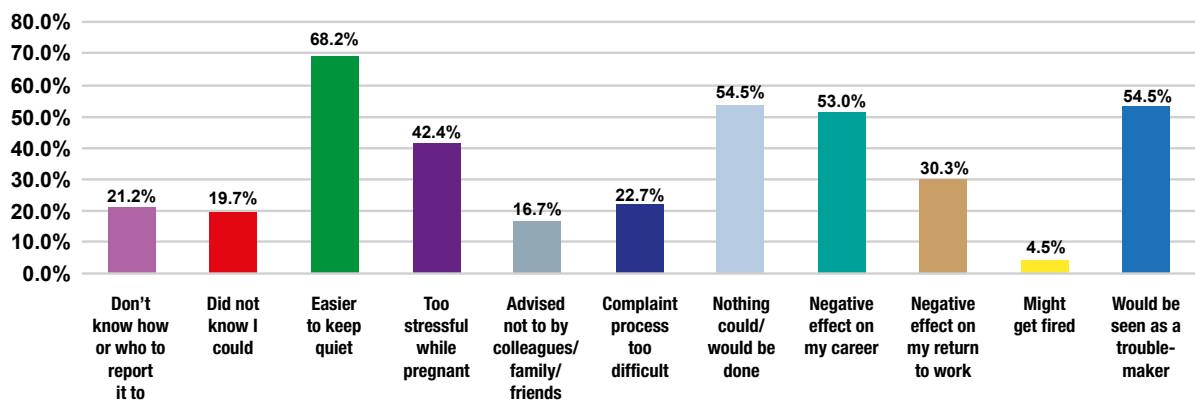
Private Sector



*“I was 20 years old at the time and had worked with the company for around 1 year and did not know I could ask anyone for help, primarily because I was more concerned about what job opportunities I would have after having my baby if I did not have a good reference from the company I had been working for.*

Private Sector

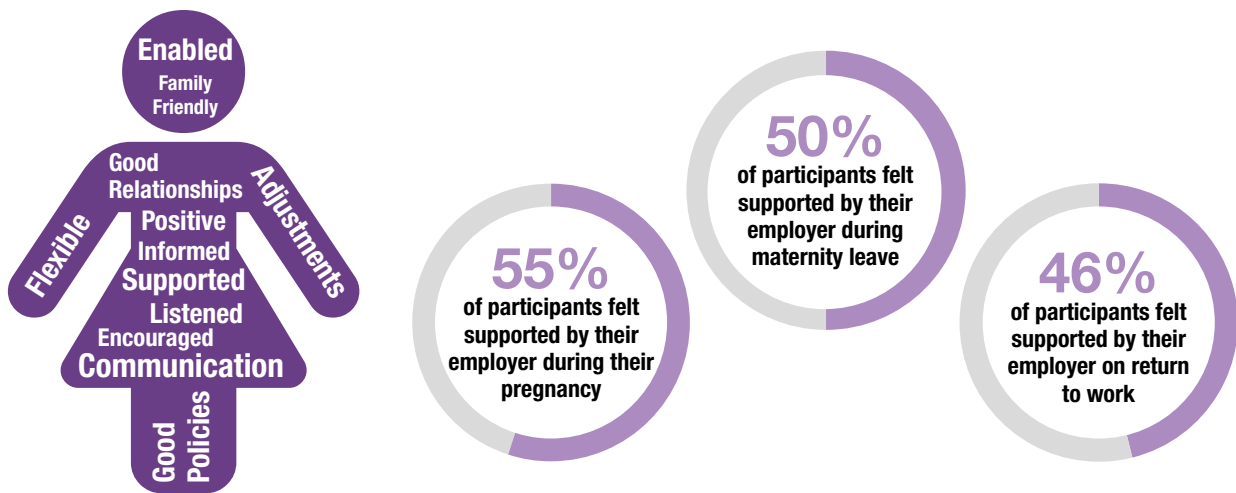
### Percentage of respondents identifying each reason for not taking action to resolve employment issues [N=66]



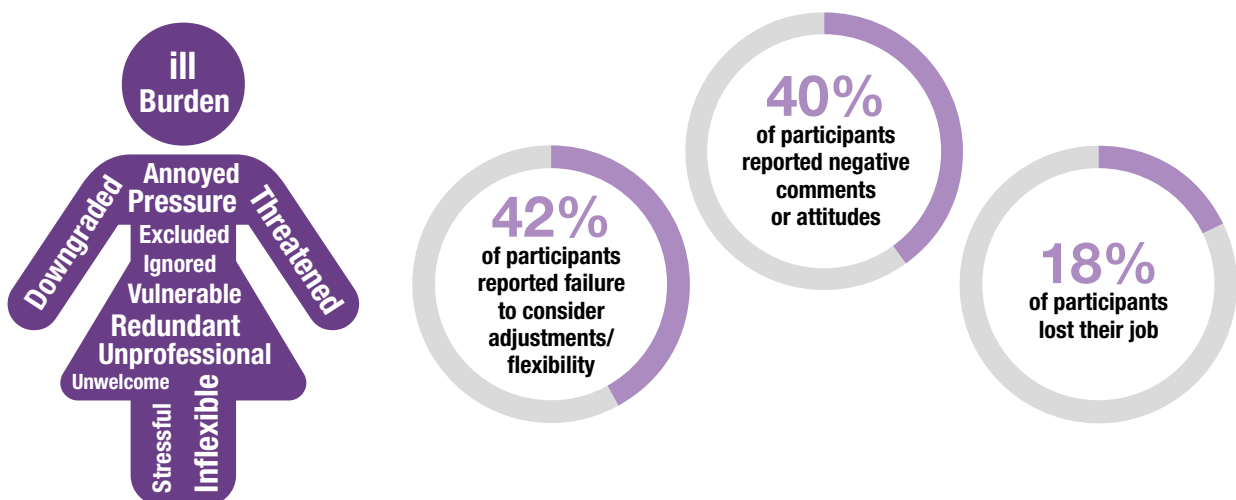
## B. Focus Group Participants

Focus group participants' experiences included both good employment experiences and reports of unfair treatment as a result of their pregnancy or having taken maternity leave. A total of 57 women took part in our focus groups.

### Words commonly used by focus group participants who were treated fairly



### Words commonly used by focus group participants who were treated unfairly



Although most participants indicated that they felt supported by their employers during their pregnancy [55%] and maternity leave [50%], fewer participants felt they had been supported on their return to work [46%]. More than one third believed that their employer had failed to support them on their return to work [36%].

Similar to online survey respondents, focus group participants reported that their negative employment experiences impacted on their self-confidence, their health and on their careers.

Consideration of participants' individual stories identified a number of common themes which differentiate between a supportive work environment and an unsupportive and potentially discriminatory workplace.

### Good Employment Experiences

Women who took part in the focus groups, who had good employment experiences, agreed with the key elements of fair treatment and supportiveness identified by the survey respondents. Focus group participants believed that the following factors assisted their good employment experiences:

- empathetic management,
- implementation of appropriate policies and practices,
- good communication and the provision of information, and
- willingness to accommodate flexible working patterns.

Some focus group participants reported that their employers communicated well, made necessary adjustments to workload and work environment and were prepared to be flexible. They reported:



*I had a good relationship with my female line manager and she was one of the first people I told about my pregnancy. She very discretely took me off some duties so that other colleagues wouldn't find out before I wanted to tell them. It is a small employer but there is real family friendly atmosphere which I like.*

Private Sector



*My employer listened to what I needed. People from the Human Resource department visited me at the shop; they did a risk assessment and told me everything I needed to know about the policies.*

Private Sector



*I don't think my employer could have improved anything about the way in which I was treated. I think having a good relationship with my manager helped whenever I needed adjustments and I fully expect my line manager to support my flexible working request.*

Private Sector



*My line manager had an informal chat with me about what my needs were and what my limitations may be. A formal risk assessment followed.*

Public Sector



*I appreciated that there was clear communication about policies and what I could expect from my employer. I was made aware of the options open to me and there was no pressure to opt for any one in particular.*

Public Sector

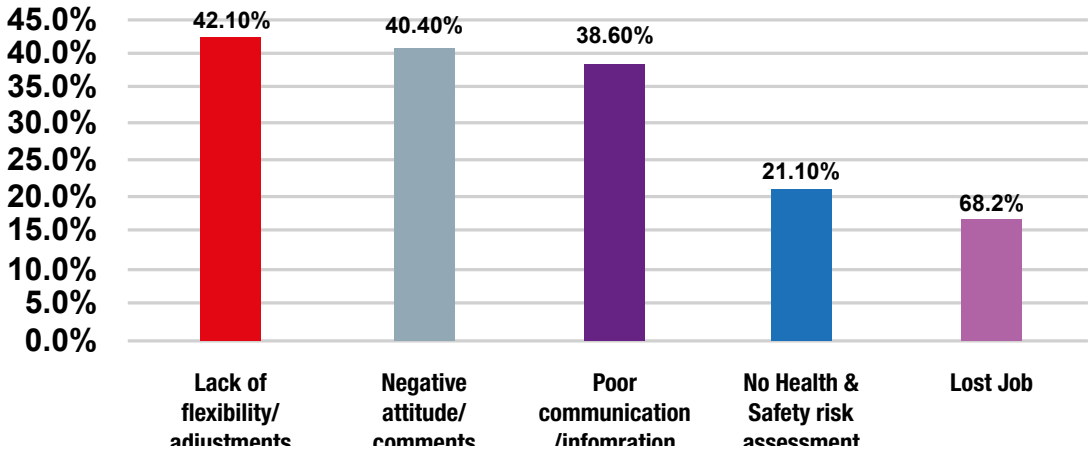
### Unfair Treatment and Disadvantage

Women who related experiences of unfair treatment and disadvantage as a result of their pregnancy or having taken maternity leave also reported encountering negative attitudes from managers/employers, a lack of consideration of risk to health and safety, a lack of flexibility and, in some cases, loss of employment.



The chart below shows that the most commonly reported experiences were receiving negative attitudes or comments and reluctance to make adjustments or consider flexible ways of working.

**Most common negative employment experiences of focus group participants**



Two fifths of participants reported negative comments and attitudes, which they mainly believed reflected attitudes to flexible working arrangements and devalued the commitment of working mothers. Focus group participants working on zero hour contracts or through agencies felt particularly vulnerable.

The following woman reported how the negative attitude of senior management towards flexible working arrangements affected female employees in her area of work.

*I was prepared to take a cut in pay for better job security and deliberately moved to the Public Sector. However, my Head of Department was notoriously negative towards flexible working. The policies are there but just not implemented. Most people just don't ask. I was determined though and negotiated reduced hours before I went on Maternity Leave because then there would be no uncertainty. I did sense an attitude change though; like I was letting him down or wasn't committed to my career. Flexibility was trade-off for promotion- I knew there would be no career progression for a while.*

Public Sector

.....

One woman who worked on a zero hours contract reported:



*I worked full time on a production line, 5 or 6 days a week from 8am or 9am to anywhere between 3pm and 6pm depending on how much work there was that day. From the moment I told my supervisor I was pregnant my hours were reduced to just one day or even half a day each week. I was moved to another production line where they always worked a shorter day.*

*The supervisor didn't ask what I wanted to do. I was just moved. Sometimes I got to speak to the supervisor and asked to be given more hours. I could have worked between the two production lines and kept my hours up. In the end I didn't have enough hours for Statutory Maternity Pay. I think they reduced my hours so that I wouldn't be entitled to Statutory Maternity Pay.*

.....  
Private Sector

Another woman working via an agency reported:



*I worked in a bakery via an agency. Once they found out I was pregnant I was told there was no work for me and I was asked to leave immediately. The agency did not find me alternative work. I had no income and no access to benefits. I took advice and lodged a sex discrimination case against the agency and the manufacturer. I settled out of court.*

.....  
Private Sector

- Two fifths of participants stated that their employer was unwilling to consider any flexibility or adjustments in respect of working hours, work duties and work environment.

Participants reported:



*I did not go back after my second child as I wanted part-time hours and I knew that my employer did not approve part time work. It wasn't worthwhile making the application.*

Private Sector



*I had a risk assessment carried out but it turned out to be just a paper exercise, none of the actions were implemented. I was under so much pressure to be in work that I eventually went into labour in work. Following maternity leave I had to take a further 6 months' unpaid leave because there were no adjustments for facilitating breastfeeding mothers.*

Public Sector



*I had worked as a restaurant manager for 5 years for the same employer.... I asked for a risk assessment but this was never done. Measures could have been put in place to assist me but I ended up going on Maternity Leave a month before I really wanted to. If there had been consideration of my health and safety, I think I could have stayed in work longer.*

Private Sector

- One third of participants stated that they experienced poor communication, particularly during maternity leave and poor information provision at all stages. Women who were unable to contact their employers while on maternity leave thought that their employer was deliberately avoiding communication with them; particularly when they were trying to make arrangements for a return to work.

.....

They reported:



*I would like to go back to work soon but I'm finding it difficult to speak to my employer and I think they are avoiding my calls. I feel like they don't want me to come back. It's very unprofessional and I'm looking for another job.*

.....  
Private Sector



*I'm due to return to work in a few days but I'm finding it difficult to contact my employer about my return to work. Before I left on Maternity Leave I had an informal agreement to reduce my hours and a part time post had been identified, on the basis that my full time post could be advertised. I've completed the paper work but have had heard nothing. It's really stressful because I've seen my full time job has been advertised. I think I'm being pushed out and that they are avoiding my calls.*

.....  
Private Sector

One woman who had returned to work would have like better communication with managers on her return.



*There had been major changes when I was on maternity leave. I returned to a new manager and new colleagues. On my first day back my manager said that I must have plenty to be getting on with when in reality it was all unfamiliar and daunting. The others had had time to adapt to the changes gradually; I was hit by them immediately. I would have liked better communication and more guidance. It took more than a year before I felt settled and it affected me emotionally.*

.....  
Public Sector

- One fifth of participants lost their job through redundancy, dismissal or through their employer's lack of flexibility.

.....

The following women report how their pregnancy negatively impacted on their jobs.



*I worked for a small [...] firm for several years when I became pregnant. ... Some aspects of my work should have been assessed for risk but they weren't and there was no conversation about what I could or could not be reasonably expected to do. There was some flexibility which enabled me to work right up to my maternity leave; I used annual leave to reduce my working week. I had agreed that I could come back to work on part time hours... On my return to work I felt a change in atmosphere. My duties changed. I was given the job of tying up projects which were coming to an end. The maternity cover, who was not fully trained, was carrying on my projects under supervision.*

*After 3 months I was called into the office and was told I was redundant. There was no prior warning and I was told to leave the office that day. I was allowed back a week later to collect my things. I think my maternity leave gave my employer the opportunity to effectively downgrade my job to a technician's post but I was not told of any reorganisation. The whole experience has made me doubt myself and my abilities. I was vulnerable when I returned after maternity leave and they treated me badly.*

.....  
Private Sector

Similar to women who responded to the online survey, focus group participants were discouraged from returning to work due to their negative employment experiences during their pregnancy. Some women also believed that there was a noticeable change in attitude towards them following notification of their pregnancy. One woman reported that:



*I had been working at the same place for 13 years when new owners took over. This was just before I became pregnant and the new owners didn't know me at all. .... I was on maternity leave for 6 months and I felt "frozen out". I called into work to discuss my return and I felt a negative atmosphere. I agreed part time hours but 4 months later they told me I wasn't needed any more. They had employed 3 chefs during my absence and my job had been given to them. During those 4 months I had felt unwelcome and sidelined.*

.....  
Private Sector

# 5

## Employers' Perspectives

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A total of 58 employers completed our online survey. The vast majority of employers reported that they believed that they provide support for pregnant employees and new mothers and continue to invest in their careers.

Most employers had policies and practices in place to manage pregnancy, maternity leave and return to work. Policies such as, flexible working policy [79%], maternity leave policy [77%] and an employee childcare voucher scheme [56%]. In addition, one in three [34%] of the employers responding to our survey offered their employees more than the statutory maternity entitlements, while several employers encouraged new mothers to return to work with incentives, such as, returning to work on a phased basis and bonus payments.

Comments from employers show their commitment to providing a safe work environment for pregnant employees and discussing needs and expectations.



***“We complete regular risks assessments with our employees, and if they need anything- a back support, flexibility to certain hours, to work from home – we accommodate these requests.”***

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Private Sector



***“We have access to HR resources to help us ensure that pregnant employees get all their relevant entitlements and work closely with the employee to ensure we do all we can for them prior to having a baby and again on their potential return to work.”***

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Private Sector

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## Information About Legal Obligations

Most employers were content that they had access to information from various sources about their responsibilities towards employees [73%]. Some employers, however, found it a challenge to keep up to date with changes to the relevant legislation [38%].

Employers obtained their information from a range of sources online, such as Labour Relations Agency guidance, Equality Commission guidance and other Government websites, as well from their own Human Resources departments, legal advisors and business networks. However, they commented that although there is information available they would appreciate training and better guidance which pulled together the complexities of everything they need to know.

## Challenges Identified by Employers

Employers were asked to identify issues associated with managing pregnancy, maternity leave and return to work which presented a challenge for their organisation. Many employers stated that the most of the given issues seldom or never challenged their organisation.

However, employers did identify the issues that they found most challenging. These issues challenged organisations across employment sectors, industry sectors and size of organisation and reflect the difficulties employers reported in resourcing staff absences and ensuring that productivity does not suffer. Small businesses in particular were concerned about the effects of absences on the business and difficulties resourcing cover for maternity leave.

The challenges faced by employers in relation to flexible working related to differences between the expectations of employees and the business needs of employers and the incompatibility of flexible working with the nature of the business.

- **Managing the impact of employee absences during pregnancy.**

Almost half of the employers [45%] identified this as the most challenging issue in managing pregnancy in the workplace.

Resource issues can create management challenges for businesses which may not only have an impact on output, but which can create resentment amongst other staff members who may then be relied upon to meet targets.



Employers commented that some challenges related to absence from the workplace are caused by a lack of timely action by the organisation. They suggested that it is essential for employers to plan ahead once notification of the pregnancy has been given. Failing to do so can not only create difficulties regarding arranging cover for maternity leave but also for any unplanned absences.



*“..most pregnant women inform employers at around 12-14 weeks into their pregnancy which leaves them with about 4-6 months to arrange replacement cover. Therefore, employers should be encouraged to be practical and not leave arrangements until close to maternity leave starting and be prepared for leave starting earlier than planned due to health of mother or baby.”*

Private Sector

- **The time and costs involved in arranging and training cover for maternity leave**

With Statutory Maternity Leave entitlement being up to 52 weeks it is likely that an employer will wish to cover the period of maternity leave in order to meet business targets. However, employers identified issues around arranging and training staff to cover for an employee on maternity leave as the most challenging for their organisation.

Costs faced by employers include the costs of recruitment exercises, costs of additional workload for Human Resource staff, training costs and additional costs associated with short term and/or highly qualified replacements. One in three employers [33%] found this a challenge for their organisation.

The fact that more than one in four employers [28%] identified that they are most challenged to find the time to arrange and train cover for maternity leave reflects the difficulties some employers face when trying to find replacements, particularly for specific skill sets and for short periods of time.





One employer commented on the difficulties of finding a temporary replacement able to do the work to the same standard:

**“We have only had one employee have children. The biggest problem is getting someone to cover the maternity leave to the same standard as the existing employee for the duration of the maternity leave.”**  
.....  
Private Sector

Another employer spoke of the challenge of finding someone who is content with the temporary status of the job:

**“We have found it difficult getting someone to stay in employment and cover the maternity leave for the full nine months. The cover we had was offered another longer term more permanent job, which we sadly could not offer her at this time. We are now finding it difficult as a company to get someone in for the remaining four months of maternity leave. We do not want to pay the agency fees to get such short term cover and have had a very poor response through recruiting through Employers Online.”**  
.....  
Private Sector

- Accommodating flexible working requests on return to work.

More than half of the employers [52%] found that the most challenging issue for their organisation was accommodating flexible work requests.

Comments made by employers indicate that they believe it is difficult in their specific industry to accommodate flexible working due to the nature of their business:

**“Manufacturing environment: it is difficult to accommodate flexible working requests.”**  
.....  
Private Sector



*“Out of the options provided this can be the most challenging area as a number of requests received are to work at times where there is insufficient work available due to non-peak trade...”*

Private Sector

Other employers find that it is difficult to manage the expectations of employees who wish to work flexible working arrangements and who are unwilling to compromise.



*“Our main challenge is parents returning to work who want to alter their previous working hours. Often employees want to dictate their new hours and not negotiate.”*

Public Sector

Some employers were considering ways they could develop their business to accommodate requests and meet the challenges of flexible working at all levels in their organisation.



*“As a company we have introduced Women in Leadership, which also looks at flexible working”*

Private Sector



*“Although some flexible working is available, we need to be more creative in how we provide opportunities for more flexible solutions.”*

Private Sector

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## General Views and Attitudes Towards Pregnant Employees and Working Mothers

Employers were also asked to indicate their agreement with a number of statements regarding pregnant employees and working mothers on a scale of Strongly Agree to Strongly Disagree. In general, employers' views reflected support and encouragement for female employees with the majority of employers agreeing that their investment in an employee's career would not be affected their pregnancy or having taken maternity leave.

Almost nine out of ten employers [87%] agreed that their employees were encouraged to return from maternity leave and seven out of ten [72%] employers agreed that motherhood had no impact on decisions made regarding career progression/promotion.

Perhaps reflecting the challenges experienced by some employers in managing pregnancy, maternity leave and return to work, a number of employers did reflect some negative views of pregnant employees and working mothers.

- almost a third of employers thought that some women abused their employment rights [29%];
- more than one in five of the employers believed that flexible working did not benefit their organisation [22%];
- a small number of organisations agreed that an employer would be reasonable to give careful consideration to hiring younger women [16%];
- some employers thought that pregnant employees [12%] and returning mothers [17%] were less committed than colleagues.

In general, employers responding to our survey demonstrate that they recognise that managing pregnancy, maternity and return to work is a normal and inevitable part of working life which may present challenges for the business. Some employers thought it would be helpful to have further support and guidance regarding their legal obligations. However, comments made suggest that some of the challenges can be minimised, if planned for in advance, if there is good communication between the pregnant employees and line management and if there is an organisational structure which ensures that work can be re-organised to meet business needs during absences.



*“We are a very inclusive organisation, with a young workforce. Maternity / paternity / shared leave is to be expected. Our team structure means that we can re-organise to ensure there is cover during periods of leave. Team members are made aware of why they are moving and the person on leave returns to the same team and role. We have practices in place that encourage conversation between employees and their line manager to ensure they have a good work life balance.”*

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Private Sector

## Conclusions

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This formal investigation provides a snapshot of the experiences of female employees in Northern Ireland and a picture of commonplace occurrences as reported through the online survey, focus groups and individual contributions.

It is encouraging that many women participating in this investigation were content that they received the support they required from their employer. Employer actions and behaviours which have supported and assisted participants in their employment have been identified and reported.

It is also encouraging that the majority of employers who participated reported that they consider that they support and encourage pregnant employees and working mothers.

However, it is clear that there is some disparity between the perceptions of the women participants in this investigation and those of the employers who contributed. It is also clear that, despite the good practices which undoubtedly exist, and which are reported in this investigation report, a significant number of pregnant employees and working mothers in Northern Ireland continue to face barriers to equality of opportunity in employment.

These barriers can impact on women's capacity to do their jobs to the best of their ability, hinder career opportunities and damage working relationships and may lead to unemployment. The barriers to equality of opportunity may be seen to arise from personal attitudes, organisational policies and structures and also from wider societal and cultural norms.

- **Personal attitudes and behaviours:** attitudes held about pregnant employees and working mothers which are largely based on negative stereotypes;



- **Organisational policies and structures:** organisational policies and structures may disadvantage pregnant employees and working mothers or create an organisation which is unwilling or unable to be flexible or adapt to change;
- **Societal or cultural norms:** societal or cultural norms refer to the norms which determine women's roles in society and the devaluation of those roles; economic factors determining women's participation in the labour market, and the lack of sufficient affordable, quality childcare in Northern Ireland.

### Personal Attitudes and Behaviours

The investigation clearly indicates that certain unhelpful attitudes exist towards pregnant employees and working mothers and that these attitudes affect behaviours. These attitudes are evident in the comments made by some managers/and or colleagues and also in the actions of employers where individuals have been treated unfairly. It is apparent that some employers require support to meet their legal obligations to pregnant women and working mothers.

A small number of employers indicated that they subscribe to common negative stereotypes about pregnant employees and working mothers.

Such attitudes indicate a belief that pregnant employees and working mothers:

- are less able or less committed than colleagues;
- are a managerial burden;
- are a cost burden;
- abuse their rights.

As a result of such attitudes women may be overlooked for various career opportunities, denied promotions or pay rises, or lose their jobs. They may work in an unsafe environment, be subjected to inappropriate comments, be discouraged from returning to work and/or prevented from asserting their rights.

### Organisational Policies and Structures

Organisational policies and structures may act as barriers to equality of opportunity for pregnant employees and working mothers and can result in career detriment, financial loss and job loss. The existence of these barriers demonstrate the support employers need to ensure awareness of legal obligations and to ensure that good practice is shared.

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These barriers include:

- workplace policies and their implementation;
- communication and the provision of information;
- lack of awareness of legislation.

Most employers indicated that they have the policies and practices in place to effectively manage pregnancy, maternity leave and return to work. However, failure to develop, implement and continually revise workplace policies can act as a barrier to equality of opportunity for female employees and employers may need guidance in developing and implementing policy. In addition, even where good family friendly policies exist, an organisational culture of disapproval of such policies can discourage their implementation.

Organisational structures which are inflexible and unable to adapt to changing circumstances can be a barrier to female employees. A reluctance to consider non-traditional work patterns as suitable for business needs or for higher level positions creates an obvious barrier to career progression. With the increased feminisation of the workforce it is essential that organisations accept dealing with pregnancy as a normal part of working life and have structures and policies in place which plan for and manage it. This can be challenging particularly for small businesses or organisations which need to cover maternity leave with specific skill sets but difficulties can be minimised with good planning.

Failure to provide timely and accurate information about rights and entitlements potentially creates barriers to rights and entitlements. Employers have indicated that they find keeping up to date with relevant changes to legislation challenging and that they require better comprehensive guidance.

### **Societal and Cultural Norms**

Societal and cultural norms refer to the norms which determine women's roles in society and the devaluation of those roles; economic factors determining employment rates, and the lack of sufficient affordable, quality childcare in Northern Ireland.



Traditional gender roles can create barriers to:

- women participating in the labour market;
- women working in high level well paid jobs;
- women working in jobs which utilise their qualifications and skills.

To some extent equality of opportunity in the labour market relies on disregarding these established gender roles. The introduction of Shared Parental Leave legislation is designed to encourage fathers to share more responsibility for child care, however, it is likely to take some time before significant impact is made.

Economic factors such as cuts in Public Sector employment can reduce women's participation in the labour market and their earning capacity. The Private Sector, for example, typically offers lower levels of pay and lower level part time jobs where women tend to be concentrated are usually poorly paid.<sup>8</sup> The economy also influences the types of employment contracts offered. The recent recession saw an increase in non-permanent contracts, such as zero hours contracts which are typically less well paid.

Evidence from this formal investigation suggests that a greater number of participants working on non-permanent contracts and in the Private Sector and Voluntary and Community Sector reported unfair treatment and disadvantage. It is therefore vital that these employment sectors are supported in developing policies and good practice in order to meet their obligations towards pregnant employees and working mothers.

Access to affordable childcare places is a major barrier for working mothers in Northern Ireland. The high cost of childcare does not encourage mothers, particularly in low paid jobs to return to work. As such, the ability to work flexibly enables women who wish to return to work to do so, but where this is not an option they may not be able to continue in employment. The gap in employment which many women experience due to childcare has a lifetime adverse impact on finances. One third of the respondents to the online survey who became unemployed remained unemployed at the time of completing the survey.



8 The Changing Labour Market: delivering for women, delivering for growth. Fawcett Society April 2013.



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In conclusion, in order for female employees to have equality of opportunity in the labour market there essentially needs to be changes at societal level, organisational level and an individual level.

It is essential that the provision of affordable and quality childcare is addressed and that organisations create a supportive environment to ensure that good policies are in place and are implemented to enable working mothers balance work and family life. Provision of childcare is an issue which the Department of Education is taking forward and aims to address the availability of affordable, quality childcare.

Information about legislation and good practice should be accessible to all employers and employees and relatable to individual circumstances to ensure that organisations are aware of their obligations and employees have sufficient knowledge about their entitlements.

Negative attitudes towards pregnant employees and working mothers may only be addressed when managing pregnancy, maternity leave and return to work are treated as a normal part of working life. It is essential that businesses have the support to ensure that they have strategies and practices in place to manage each stage effectively and that there is greater acceptance of flexibility in working arrangements.

## Recommendations

The recommendations below are evidence based. They are intended to address the barriers to equality of opportunity for pregnant women and new mothers that have been identified in this Investigation - including personal attitudes and behaviours, organisational barriers and wider societal barriers. The recommendations focus on improving access to information, improving employer practice and leading change to ensure that pregnancy and maternity is not a barrier to women's full participation in the workplace.

### Access to Information

**It is recommended that there is improved access to advice and information for women:**

- The Equality Commission will encourage improved access for women to advice and information on employment rights during pregnancy, maternity leave and on return to work. This will include reviewing the availability of information from a range of sources and working with others to develop accessible, comprehensive, web based guidance in relation to pregnancy and maternity rights.

**It is recommended that there is improved access to advice and information for employers.**

- The Equality Commission will work with a range of partners to ensure that employers have access to 'best practice' guidance. This will include help with ensuring up to date knowledge of relevant legislation, managing the impact of employee absence and other issues relating to maternity leave.
- The Equality Commission will develop and publish new wide ranging and accessible guidance on its website for those employing pregnant women and mothers.

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## Improving Employer Practice

**It is recommended that employers:**

- **implement policies** and practices to effectively manage pregnancy, maternity leave and return to work;
- **communicate** with employees in order to promote understanding of the needs and expectations of both parties;
- maintain **reasonable contact** with employees during maternity leave;
- provide a **family friendly** working environment for working mothers on return to work, including the adoption of flexible working policies and practices.

**It is recommended that employers review their existing or developing policies, practices and procedures with a *specific focus* on:**

- Addressing the risks to the **health and safety** of pregnant employees, including giving consideration to adjustment to work load and work environment during pregnancy and arrangements for breastfeeding mothers post maternity leave.
- Minimising impacts on **career progression** on pregnant employees and those on/returning from maternity leave - such impacts may include dilution of work responsibilities or otherwise being marginalised; being excluded from training or other progression opportunities; being overlooked for promotion opportunities; unlawful termination of employment.
- Eliminating potential negative impacts on **earnings** such as non-payment or reduction of pay rise or bonus payments.
- Ensuring a workplace where there is zero tolerance of inappropriate or **negative comments** for example comments, explicit or otherwise, implying that pregnant employees or those returning from maternity leave are less committed or less able.

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## Leading Change

**It is recommended that relevant Executive Departments work in partnership with the Equality Commission and other appropriate organisations to:**

- Develop and communicate the economic benefits of utilising and retaining the skills and experience of pregnant women and new mothers, and develop effective approaches to attracting, developing and retaining women in the workforce before, during and after pregnancy.
- Raise awareness of the rights of pregnant women and new mothers and employers' responsibilities towards them; and to ensure continued access to justice for women who have experienced discrimination.
- Monitor progress by tracking mothers' experience of their treatment in the workplace.

This Investigation also provides powerful evidence which supports previous recommendations made by the Equality Commission in respect of the development of a gender equality strategy for Northern Ireland, namely to:

- Encourage employers across all sectors to show leadership at a senior level to gender equality and to building an organisational culture that promotes gender equality in the workplace.
- Encourage flexible working practices and the equal sharing of family roles/ responsibility between women and men including the monitoring the implementation of the Work and Families Act (NI) 2015.
- Reduce sex discrimination in employment, particularly in the area of pregnancy and maternity discrimination.
- Develop and implement an effective Childcare Strategy that ensures appropriate, accessible and affordable childcare provision.

The investigation is now complete, but the Commission will continue its work to encourage action on these recommendations which aim to promote change and to make Northern Ireland workplaces fairer for, and more supportive of, pregnant employees and new mothers.



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