

The Women and Equalities Select Committee
House of Commons
London SW1A 0AA

18th April 2016

Dear members of the Women and Equalities Select Committee,

Re: Women and Equality Select Committee Inquiry into pregnancy and maternity discrimination'

The CIPD believes that, taken together, the Government's proposals to improve the treatment of pregnant women and mothers can have a positive effect and improve practice.

However it is crucial, given the scale of the problem highlighted by the EHRC research, that if the review of the employment tribunal fees system finds that new mothers and pregnant women are being denied access to justice, that the fee system is adjusted accordingly as a priority.

The most recently published employment tribunal claim statistics show that the number of sex discrimination claims in the three months to June 2015 was 814, down 87% on the same period in 2013, suggesting that there is a need for particular scrutiny of the impact of fees on complaints on the basis of pregnancy and maternity discrimination.

The CIPD also believes that guidance to employment tribunals should make explicitly clear that in cases involving alleged pregnancy or maternity-related discrimination, the court should consider extensions to the time limit to bring a claim, as allowed under the *Equality Act 2010*.

In the CIPD's view there is also a case for Employment Tribunal judges to have the power make a wider recommendation for an employer found to have committed pregnancy or maternity discrimination to improve workplace practices, for example, through training line managers in people management knowledge and skills. Many employers – particularly small employers – treat people unfairly and commit discrimination because of a lack of investment in people management skills, consequently a focus by the courts on encouraging improvements in working practices rather than simply imposing fines could lead to more positive outcomes.

Ultimately, however, the law can achieve only so much. The EHRC research showed that 390,000 women experienced a negative and potentially discriminatory experience and 54,000 women lost their job, yet only 3% went through their employer's formal grievance procedure and less than 1% took legal action. Subsequently it's clear that much more work needs to be done informing women of their rights, and employers their responsibilities, and just as importantly the value of investing in people management skills and improving workplace practices.

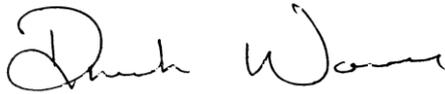
In response, the Government has accepted the need to highlight to more employers the benefits to individual employers and the wider economy of cultivating and retaining the skills of pregnant women and new mothers. The forthcoming gender pay gap reporting regulations can play a part in this. However, just as important as the publication of information on the gender pay gap itself, is the supporting narrative that employers should be encouraged to provide in order to provide context to the information they publish. The narrative should cover the steps being taken, such as changes working practices, to improve gender equality and close pay gaps through improvements to recruitment and people management and development practices. The CIPD believes that forthcoming guidance for employers on narrative reporting should place particular emphasis on the importance of any action taken to equip managers with the knowledge and people management skills to ensure they do not discriminate against pregnant women and new mothers.

There are also a number of more concrete steps that employers could take to not only prevent discrimination and unconscious bias on pregnancy and maternity grounds, but also to positively encourage women to return after having taken maternity leave. Examples of these steps include putting in place 'Keeping in touch' (KIT) days which are, of course, voluntary on the part of both the employer and the female employee, but can greatly help women on maternity leave to maintain a sense of commitment to the organisation and potentially feel more inclined to return after their leave. Also, the importance of good paternity, maternity and parental leave practices that are coherent and inclusive and communicated sufficiently to everyone; and line managers should be confident and competent to implement these. And then the importance of positive flexible working practices that enable women returners, not only to not feel discriminated against, but welcomed back to the organisation and their talents and skills valued by the employer. Finally, there should be more positive messaging about good employer practice in the area on the part of government, as acknowledged in the ECHR's recommendations and the Government's response.

The CIPD agrees that the EHRC, working with Acas and other key stakeholders, including key employer and professional bodies, can together, ensure more employers and employees are made aware of existing guidance on recruiting and managing pregnant women and maternity related issues. However, this in itself will not be sufficient to create the step change required in the level of awareness among women of their rights and employers – particularly small employers – of their responsibilities when managing pregnant women and new mothers. The CIPD believes there is a strong case for a more mainstream campaign to get this message across in the same way 'Workie' has been doing to raise awareness of pension auto-enrolment among small employers for the Department for Work and Pensions.

Please don't hesitate to get in touch if you would like to discuss any issues we have mentioned further. Our Public Affairs Officer, Paddy Smith, on p.smith@cipd.co.uk or 020 8612 639 will be happy to make appropriate arrangements.

Yours faithfully,



Dianah Worman OBE
Public Policy Lead, Diversity